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

26 July 2019

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 5 AUGUST 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 R H Siddall

COUNCILLORS

E L Bamford
M F L Durham, CC
Mrs J L Fleming
K W Jarvis
J V Keyes
C P Morley
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 5 AUGUST 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 18)

To confirm the Minutes of the meeting of the Committee held on 8 July 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/19/00456 - Eight Acre Farm, Birchwood Road, Cock Clarks** (Pages 19 - 34)

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

6. **FUL/MAL/19/00506 - The Bell Public House, The Street, Purleigh** (Pages 35 - 46)

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

7. **FUL/MAL/19/00538 - Wickham Grove, Langford Road, Wickham Bishops** (Pages 47 - 58)

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

8. **HOUSE/MAL/19/00653 - Heath House, 13 Heathgate, Wickham Bishops** (Pages 59 - 66)

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

9. **FUL/MAL/19/00674 - Birchwood Farm, Birchwood Road, Cock Clarks** (Pages 67 - 78)

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

10. **TPO 5/19 - South Wood including Wick Wood, Fairwinds Farm, Ulting** (Pages 79 - 86)

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

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

Reports for noting:

In accordance with the 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. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

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

Health and Safety

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

Closed-Circuit Television (CCTV)

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

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- 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 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) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

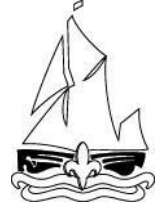
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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
8 JULY 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	E L Bamford, M F L Durham, CC, Mrs J L Fleming, J V Keyes, C P Morley and Miss S White
Ex-Officio Non- Voting Member	Councillor(s) Mrs P A Channer, CC

220. CHAIRMAN'S NOTICES

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

221. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K W Jarvis.

222. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 10 June 2019 be approved and confirmed.

Councillor Mrs P A Channer joined the meeting at this point.

223. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council who were consultees in relation to certain planning items such as highways.

Councillor C P Morley declared a pecuniary interest in Agenda Item 8 – FUL/MAL/19/00470 – Land South-West of Broadfield Farm, Great Braxted due to business dealings.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on various matters such as highways, access and education.

Councillor J V Keyes declared a pecuniary interest in Agenda Item 7 – FUL/MAL/19/00384 – Brick Kiln Lodge, 32 Rookery Lane, Great Totham as he owned land next door to this site and he further advised that he sat on Great Totham Parish Council. Councillor Keyes also declared a non-pecuniary interest in Agenda Item 8 – FUL/MAL/19/00470 – Land South-West of Broadfield Farm, Great Braxted as he had done haulage for, knew the applicant and had purchased items from the applicant.

Councillor Mrs M E Thompson declared a non-pecuniary interest as a member of Tolleshunt Knights Parish Council.

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 prior to the meeting.

224. **FUL/MAL/19/00003 - HALLFIELD GATE, BARNHALL ROAD, TOLLESHUNT KNIGHTS**

Application Number	FUL/MAL/19/00003
Location	Hallfield Gate Barnhall Road Tolleshunt Knights
Proposal	Demolition of the existing house and erection of a new house
Applicant	Mr Daniel Kyan
Agent	N/A
Target Decision Date	30.04.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Tolleshunt Knights
Reason for Referral to the Committee / Council	Major Application

It was noted from the Members' Update that the applicant had confirmed they were agreeable to the pre-commencement condition detailed in paragraph 5.6.2 of the Officers' report. In addition, it was noted that three letters of objection had been received.

The Officer presented the application to the Committee following which a discussion ensued during which concerns were raised by both Ward Members.

Following the concerns raised, Councillor E L Bamford commented on the location of the site and noted that this proposal had reduced the height of the dwelling from that previously refused. However she felt that the Planning Inspectors reasons for refusal had not been met and made specific reference to the dwelling being prominent in the landscape despite its reduction in height. Councillor Bamford proposed that the application be refused, contrary to the Officers' recommendation, for the same reasons as applied to the previous application. This proposal was duly seconded.

A number of Members raised concern regarding the application, commenting on the dwelling being prominent in the surrounding area, out of character with adjacent buildings and that the Planning Inspectors reasons for refusal (relating to the previous application on this site) appeared to not have been addressed.

In response to a question, Members were advised that letters of objection had been received and these were detailed on the Members' Update.

Following further discussion the Chairman put the proposal in the name of Councillor Bamford and upon a vote being taken this was agreed.

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

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

225. RES/MAL/19/00197 - LAND NORTH OF 48 WOODROLFE ROAD, TOLLESBURY

Application Number	RES/MAL/19/00197
Location	Land North Of 48 Woodrolfe Road Tollesbury
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale for 18No. dwellinghouses on approved planning application OUT/MAL/14/01202 allowed on appeal APP/X1545/W/15/3136324 (Outline application for up to 24No. village houses).
Applicant	Arbora Homes Ltd Et Al
Agent	ADP Ltd
Target Decision Date	31.05.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Tollesbury East
Reason for Referral to the Committee / Council	Member call in from Councillor A St. Joseph

It was noted from the Members' Update that a revised recommendation was suggested and that approval should also be subject to successful screening for a Habitats Regulation Assessment. Clarification was also provided in respect of management of amenity land and it was noted that part of the proposed pedestrian access and footpath fell outside of the application site.

Following the Officers' presentation, Councillor Plater, speaking on behalf Tollesbury Parish Council, addressed the Committee.

Councillor E L Bamford, the Ward Member, provided the Committee with detailed background information regarding this site and the outline planning permission granted on appeal. She raised several concerns regarding the current proposal including drainage of the land, the height of the proposed dwellings, the Planning Inspectors reference to screening the dwellings, the housing mix, the inadequate size of the garage

for plot 10 and the lack of pedestrian and bus links from the site to services and facilities. Councillor Bamford then proposed that the application be refused, contrary to Officers' recommendation, due to the design of the buildings and the layout with respect to a lack of links to the village, contrary to Policy D1 of the Local Development Plan and Maldon District Council Design Guide in respect of the pedestrian links. This proposal was duly seconded.

Further debate ensued and in response to questions raised the Principle Planning Officer advised:

- The proposed footpaths were not on the definitive maps and there were no proposals to include them. There was a public footpath to the eastern boundary of the site to which a link was proposed.
- There was a requirement for a management plan as part of the outline planning permission granted but if Members had concerns and the matter was not already covered by the management plan a condition could be imposed to this application requiring information on the future management.
- Amenity land was within the ownership of the applicant but not within the application site. It was noted that the Planning Inspector when granting the outline planning application had required that amenity land be provided for the benefit of the residents. The Officer confirmed that the provision of the amenity land had been included as part of a unilateral undertaking which had been signed and formed part of the appeal decision.

The Chairman referred to the proposal of refusal in the name of Councillor Bamford for reasons relating to layout and design. In response the Officer raised concern regarding pedestrian links with the village being a reason for refusal as the outline permission had been granted and the Planning Inspector had not raised any concern regarding the facilities or links and felt it was a sustainable location for housing. However, concerns regarding the layout proposed being out of keeping with the site's rural setting could reasonably be included and this was noted. Following further debate the Chairman then put the proposal of refusal to the Committee subject to the detailed reasons for refusal being agreed with the Chairman of the Committee and Ward Member. Upon a vote being taken this was agreed.

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

- 1 The development proposed, as a result of the proposed regimented layout of the site, the design, height and size of the dwellings proposed and its suburban character, would be out-of-keeping with and incongruous in this rural location, to the detriment of the character and appearance of the area, contrary to Policies D1, S1, S8 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide SPD.

In light of his earlier declaration Councillor J V Keyes left the meeting at this point.

226. FUL/MAL/19/00384 - BRICK KILN LODGE, 32 ROOKERY LANE, GREAT TOTHAM

Application Number	FUL/MAL/19/00384
Location	Brick Kiln Lodge 32 Rookery Lane Great Totham
Proposal	Removal of condition 4 (occupation condition) on approved planning permission FUL/MAL/72/00235 (erection of detached bungalow and garage for agricultural use).
Applicant	Miss Leanne Jeffreys - Acorus Rural Property Services Ltd
Agent	Executors of Peter Keyes
Target Decision Date	19.06.2019 EOT 10.07.2019
Case Officer	Hannah Bowles
Parish	Great Totham
Reason for Referral to the Committee / Council	Related to Councillor J V Keyes.

The Officer presented the report to the Committee and following this the Chairman put the Officers' recommendation of approval to the Committee which was duly agreed.

RESOLVED that this application be **APPROVED**.

Councillor Keyes returned to the meeting at this point.

In light of his earlier declaration Councillor C P Morley left the meeting at this point.

227. FUL/MAL/19/00470 - LAND SOUTH-WEST OF BROADFIELD FARM, GREAT BRAXTED

Application Number	FUL/MAL/19/00470
Location	Land South West Of Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Agricultural storage barn
Applicant	Mr Purdy
Agent	Peter Le Grys - Stanfords
Target Decision Date	4 July 2019
Case Officer	Kathryn Mathews
Parish	Great Braxted
Reason for Referral to the Committee / Council	Member Call-in – Councillor Keyes in the public interest

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

In response to questions, the Principle Planning Officer provided information relating to applying a condition restricting use to agricultural purposes only and permitted development rights for such buildings. She explained that without additional information regarding the farm holding and other buildings within the farm holding Officers did not feel that the evidence and case supported approval of the application.

Councillor M F L Durham, a Ward Member, felt that the proposal was an improvement to what was currently on the site. He proposed that on the balance of reasonableness the application should be approved, contrary to Officers' recommendation. This proposal was duly seconded.

A debate ensued. The Chairman put the proposal in the name of Councillor Durham for approval and upon a vote being taken this motion was declared lost. The Chairman then put the Officers recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 1 The proposed development would be outside the development boundary and within the countryside. There is no justifiable and functional need for the building/activity, the function of the proposed building/activity is not directly linked, and ancillary to, the existing use and it has not been demonstrated that the building/activity could not reasonably be located elsewhere within the District. Therefore, the development is contrary to Policies S1, S8 and E4 of the Maldon District Approved Local Development Plan, and the NPPF.
- 2 The proposed building, for which a functional need has not been demonstrated, as a result of its size and height, would be visually incongruous and have an adverse impact on the character and appearance of this part of the countryside, contrary to Policies S1, S8, D1 and E4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.

Councillor Morley returned to the meeting at this point.

228. **FUL/MAL/19/00472 - WORKSHOP AT WALDEN HOUSE FARM,**

Application Number	FUL/MAL/19/00472
Location	Walden House Farm Walden House Road Great Totham Essex CM9 8PN
Proposal	Extension to workshop
Applicant	Mr Marven
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	25.06.2019 E.o.T. 10.07.2019
Case Officer	Spyros Mouratidis
Parish	Great Totham
Reason for Referral to the Committee / Council	Member Call In – Councillor John V Keyes by reason of public interest

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

Councillor J V Keyes, a Ward Member, supported the application referring to diversification in the countryside, the requirements for the barn including the height and the building being well screened. He felt that the Council should be supporting local businesses which supported the area and employed people. This was duly seconded.

In response to a question regarding the unauthorised use of the existing workshop, the Principle Planning Officer advised that there was no planning permission for the existing use and explained the requirements should the applicant consider applying for a Certificate of Lawfulness. Members were advised that should planning permission for

this extension be approved it would be difficult to take any action or address issues regarding the current unauthorised use.

The Chairman then put the proposal of approval in the name of Councillor Keyes and sought reasons for approval. It was clarified that these should relate to diversification, supporting local business and the development accorded with the Council's Local Development Plan which encouraged business growth including the creation of new jobs etc. Members discussed conditions and agreed that if approved standard conditions regarding working hours, time, materials, noise, external lighting, use, landscaping etc. would be applied with the final wording agreed by the Chairman and Ward Members.

The Chairman then put the proposal of approval and upon a vote being taken this was agreed, subject to confirmation of the conditions by the Chairman of the Committee and Ward Members.

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.
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: QRU-01rev.A, Block Plan, Location Plan.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 There shall be no means of external lighting installed within the site unless details of the lighting (including its location, design and luminance level) have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the character and appearance of the rural area and the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1, S1, S8, D2 of the Maldon District Approved Local Development Plan, and the NPPF.
- 4 The use hereby permitted shall only be undertaken between the hours of 07:30 – 18:00 Monday to Friday and 08:00 - 17:00 on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 5 No machinery shall be operated, and no process shall be undertaken outside the building.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 6 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1800 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 7 The premises shall only be used as a workshop for quad bikes and for no other purpose including any purpose as defined within any Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in

any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: In the interests of the character and appearance of the rural area and the amenity of the occupiers neighbouring residential properties, in accordance with Policies D1, S1, S8, D2 of the Maldon District Approved Local Development Plan, and the NPPF.

- 8 The external materials to be used in the construction of the extension hereby permitted shall match those of the existing building.

REASON: In the interests of the character and appearance of the rural area, in accordance with Policies D1, S1, S8 of the Maldon District Approved Local Development Plan, and the NPPF.

- 9 The use of the extension hereby permitted shall not commence until space has been provided for the storage of five bicycles in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The storage provision shall be secure, weather proof and accessible and shall be retained as approved in perpetuity.

REASON: To comply with the Maldon District adopted Vehicle Parking Standards and to encourage the use of non-motorised forms of transport, in accordance with Policy T2 of the Maldon District Approved Local Development Plan.

- 10 The extension hereby permitted shall not be beneficially occupied until a surface water drainage system has been provided in accordance with details which shall have been submitted to and gained the prior written consent of the Local Planning Authority. The drainage system shall be retained as approved in perpetuity.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D5 of the Maldon District Approved Local Development Plan.

- 11 Prior to the commencement of the beneficial use of the extension hereby permitted, a soft landscaping scheme and boundary treatments shall be carried-out in accordance with details which shall have been submitted to and gained the prior written consent of 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 approved boundary treatments shall be retained in perpetuity.

REASON: In the interests of the character and appearance of the area, in accordance with Policies S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan, and the NPPF.

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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

2. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
3. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
4. Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.
5. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

MRS M E THOMPSON
CHAIRMAN

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

Application Number	FUL/MAL/19/00456
Location	Eight Acre Farm, Birchwood Road, Cock Clarks
Proposal	Change of use of Kennels to annexe and associated works. Construction of a replacement stable building and the addition of a ménage, hay barn and horse walker pen. New gates and boundary treatments to the site entrance
Applicant	Mr and Mrs Nash
Agent	Mr Andrew Houghton
Target Decision Date	15.08.2019
Case Officer	Devan Lawson
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major Application Member Call In Councillor Miss S White - Public Interest

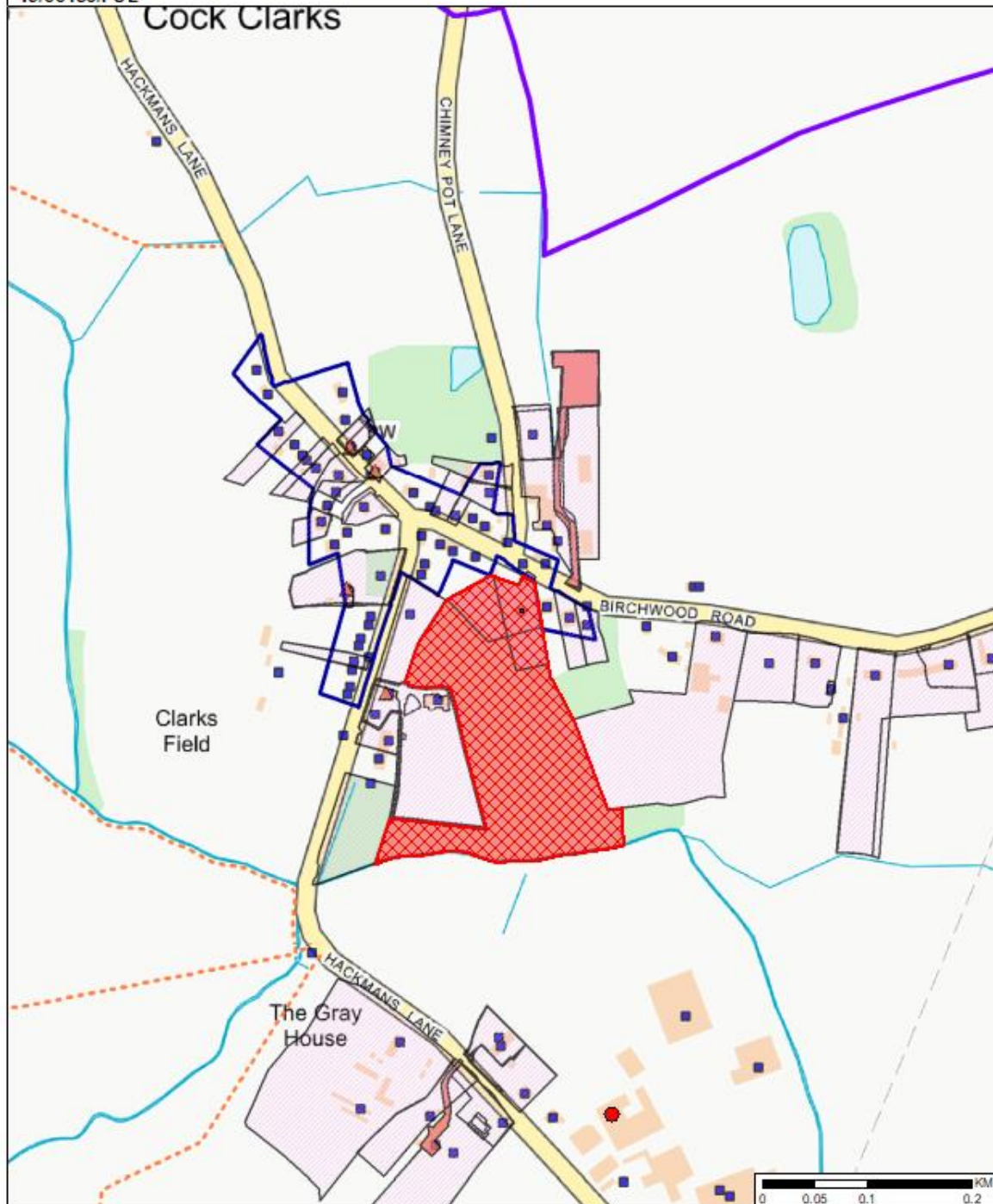
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Eight Acre Farm, Birchwood Road, Cock Clarks
19/00456/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NWAC
	Date:	16/07/2019
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The application site features a large parcel of land measuring 3.6ha in area, located on the southern side of Birchwood Road, outside of the defined settlement boundary. The northeastern corner of the site is occupied by a detached chalet style property. Along the eastern side of the dwelling is an access way, which provides access to the buildings within the central eastern part of the site. The buildings consist of a stable block and a former kennel building. The southern part of the site has been subdivided by post and rail fencing to provide grazing areas for horses.
- 3.1.2 The surrounding area is somewhat rural in nature, although the site is situated amongst linear housing development which fronts Birchwood Road.
- 3.1.3 In October 2006 planning permission (FUL/MAL/06/00884) was granted at the site for the change of use of part of the garden for a boarding cattery business and the erection of a cattery unit. However, the analysis of aerial photography it does not appear that the permission was implemented. From the information available within the Officer's report and the plans submitted as part of that application it would appear that the former kennel building was used for keeping the previous owners, personal dogs and not for commercial use at that time.



- 3.1.4 The submitted Design and Access Statement states that the previous owners of the site were specialist dog and cat breeders and so the central eastern part of the site was used in association with this hobby. There is no planning history to suggest that this was a commercial operation or that a formal change of use was ever permitted.
- 3.1.5 Planning permission is sought for the change of use of the existing kennel building to a residential annexe, a replacement stable building, the construction of a ménage, hay barn and horse walker and also new boundary treatments to the site entrance on Birchwood Road.
- 3.1.6 The proposed annexe would utilise the existing outbuilding, which measures 7.6m in width and 12.7m in depth, with an overall height of 4.1m. The building is located at a

distance of 67m from the host dwelling and has a separate access track along the eastern boundary. The proposed external changes to the building would consist of:

- New window and door openings
- The removal of existing roof lights
- Closure of the existing openings for the animals.
- Cladding to some parts of the exterior walls on each elevation.

- 3.1.7 Internally the proposal would include two bedrooms, a living room/kitchen, bathroom and utility/day room. The annexe would be served by a private parking and garden area and would be sited to the south of the proposed replacement stables.
- 3.1.8 The proposed replacement stable building would be 'u' shaped, measuring a maximum width of 15.7m and a maximum depth of 26.2m. It would have an eaves height of 2.3m and a maximum height of 4m. It would consist of ten stable bays, four dog pens, three storage rooms, a tack room, a wash down room and a wash room.
- 3.1.9 The proposed ménage would be located across the centre of the site, extending to the west of the proposed stables. It would measure 60.6m in width and 20.7m in depth. There will be mirrors erected on the inside of the western elevation.
- 3.1.10 The proposed four horse walker pen will be located to the south of the ménage and to the west of the proposed annexe. The area of the proposed walker which has a circular footprint is 181m³. The diameter of the walker is 15.3m. However, the height detail has not been provided as the applicant does not yet know the manufacturer specifications.
- 3.1.11 It is also proposed to construct a haybarn to the east of the proposed annexe, measuring 3m to the eaves, 4.4m to the top of the pitch roof, 6m in width and 6m in depth. It would be clad in black feather edged boarding.
- 3.1.12 The proposed works will result in the removal of 10 trees within the proposed ménage area, which are proposed to be re-planted elsewhere if feasible and the removal of seven trees within the annexe/stable area, five of which will be re-planted.
- 3.1.13 The proposal also includes alterations to the existing site access, which includes areas of soft landscaping and new electronic sliding entrance gates, which would have a metal frame and red cedar vertical boards. Either side of the gates it is proposed to erect dark grey fencing and stone piers, which will have up and down lighters. Both the gates and fencing will measure 2.2m in height, set at a distance of 7.7m from the highway. The piers would have a height of 2.4m.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, inclusive of the access gates, by reason of its scale, bulk, design and siting would result in an overly large and incongruous form of development which would be detrimental to the character and appearance of the site and the intrinsic character and beauty of the countryside. Furthermore, the level of accommodation and facilities proposed is considered to represent a new dwelling amounting to a separate planning unit lacking in a functional relationship with the host dwelling. Not only this but it has not been satisfactorily

demonstrated that there would be sufficient grazing land at the site for the potential number of horses. Therefore, the proposal could be potentially harmful to the welfare of the horses to be kept at the site and is also considered to be detrimental to the character and appearance of the rural area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan (LDP) and Government 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 2019 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
- 54 – 57 Planning conditions and obligations
- 102 – 111 Promoting Sustainable Transport
- 124 – 132 Achieving Well Designed Places
- 148 – 169 Meeting the challenge of climate change, flooding and coastal change

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
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide (MDDG)
- The Specialist Needs Housing SPD
- Code of practice for the welfare of horses, ponies, donkeys and their hybrids (December 2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application proposed to erect a replacement stable building, ménage, horse walker and hay barn within the central part of the site. The Design and Access statement states that the proposal is required to allow the applicant who is a competitive horse rider to make success in competitions and for her to keep her own horses at the site. The applicant has stated that the proposal is not intended as a commercial use, although this is inconsistent with the information that states that the annexe will provide accommodation for family and friends who will be employed for animal welfare full time from the annexe. However, given that there has been no employment information included with the application, the application has been considered as a lifestyle and personal use.
- 5.1.2 It is not considered that the proposed equestrian facilities would be considered incidental, as the proposed facilities and buildings proposed would be located outside of the residential curtilage. Furthermore, the scale of the proposed buildings would go way beyond what could reasonably be considered incidental. Therefore, it must be considered whether the principle of the proposed development would represent an ancillary use.
- 5.1.3 Whilst the development would be located outside of a defined development boundary, within the rural countryside, it is considered reasonable to support the provision of structures that are ancillary to outdoor recreational facilities such as the keeping of horses, in rural locations within the district. However, given the size, scale, extent and the location of the proposed buildings and structures associated with the proposed use, which is considered to be outside of the residential curtilage of the site, it is not considered that the proposal would be either incidental nor ancillary to the host dwelling.
- 5.1.4 Whilst it is noted that there were historically kennels used at the site and permission was granted for a commercial cattery, as noted above it is not clear that the commercial use was ever implemented, and the kennels as existing appeared to be for a smaller personal use. Furthermore, although there is an existing stable block at the site, it is of a much smaller scale with just five stables and does not include an associated ménage, walker, hay barn and annexe. Therefore, it is considered that the increase in the size of the stable building along with the construction of the other associated elements would be so significant as to sever the ancillary link between the host dwelling and the equestrian activities at the site.
- 5.1.5 In relation to the annexe accommodation, the principle of providing facilities and ancillary accommodation in association with the existing use of the site can be normally considered acceptable, in compliance with policies D1 and H4 of the LDP.
- 5.1.6 It is a conventional expectation that annex accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.

5.1.7 In addition to the above the Specialist Needs Housing SPD which was adopted September 2018 states that proposals for annexe accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:

1. Be subservient / subordinate to the main dwelling;
2. Have a functional link with the main dwelling (i.e. the occupants dependant relative(s) or be employed at the main dwelling);
3. Be in the same ownership as the main dwelling;
4. Be within the curtilage of the main dwelling and share its vehicular access;
5. Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
6. Have no separate boundary or sub division of garden areas between the annex and main dwelling; and
7. Have adequate parking and amenity facilities to meet the needs of those living in the annex and main dwelling.

5.1.8 Supporting information has been submitted with the application stating that the proposed annexe will be for ancillary use in association with the enjoyment of the dwellinghouse but particularly in connection with and use for the welfare of horses to the stables. It says that the annexe will allow friends and family to be employed for animal welfare full time, but not as part of a commercial business.

5.1.9 The proposed annexe would be situated towards the centre of the site, to the south of the host dwelling. The host dwelling would be situated 67m away from the annexe and would be separated by the existing or proposed stables if the application were to be approved. The annexe is only connected to the house by the access track that leads to the residential access from Birchwood Road to the main dwelling. However, this access could quite easily be divided to serve the house and the annexe accommodation separately.

5.1.10 Upon conducting a site visit it was noted that the existing dwelling appears to have a distinct curtilage, defined by both hard and soft boundary treatments. The proposed annexe would fall outside this curtilage and could easily be divided to create its own self-contained plot. Therefore, the proposal would not meet criteria 4 outlined within the SPD. Furthermore, concerns are raised in relation to the building being ancillary in nature and would amount to the creation of a separate planning unit; the concerns are primarily raised due to the distance between the dwelling and the proposed annexe, the physical separation caused by the proposed stable and the level of accommodation proposed. The accommodation proposed is considered to go beyond satisfying the functional needs of the occupier and in effect the proposal could represent a self-contained unit of accommodation.

5.1.11 The proposed accommodation would facilitate a full suite of activities for day to day living and the level of facilities would allow for a totally independent form of development from the main dwelling, allowing completely separate living. The proposal would accommodate two bedrooms, a living room/kitchen, bathroom and utility/day room. The annexe would also be completely sub divided from the main dwelling and would be served by a private parking and garden area; this accommodation is considered to go a long way beyond satisfying the functional needs

of the occupier and would easily remove the need for the building to be used ancillary to the main dwelling. This is exacerbated by the private garden and parking area which would prevent the need for the occupiers to enter the residential curtilage of the dwelling. In effect the proposal represents a self-contained unit of accommodation detached from the main dwelling without any degree of dependency or requirement to interact with the principal property.

5.1.12 Having regard to the above, although the annexe would be in the same ownership as the host dwelling at the time this application is submitted, it is not considered that the proposed annexe would have any functional link with the main dwelling. Although the applicant has stated that the occupiers will be friends or family employed in relation to the animal welfare use at the site, as already identified, this use is not considered to be ancillary to the host dwelling. Therefore, the link would be between the lifestyle use of equestrian and animal activities at the site and not the host dwelling. Furthermore, although conditions can be used to tie the occupation of annexes to a host dwelling, given the concerns highlighted above it is not considered that the proposal represents an ancillary use. Therefore, such a condition would not be appropriate in this situation and it is not considered that criterion 1 of the SPD has been met. Furthermore, such a condition would not meet the six tests and therefore would fall away and could not be enforced in the future.

5.1.13 In summary of the above even though the applicant suggests the occupants may be relatives, as they would be employed in association with the equestrian and animal warfare uses, it is not considered that the proposal would have a functional link with the main dwelling. Furthermore, given the separation distance between the proposed annexe and the host dwelling and the fact that it is sited outside of the residential curtilage, with a purpose to serve other lifestyle uses at the site, it is not considered that the proposal has been designed in such a manner to enable it to be used as an integral part of the main dwelling at a later date. Therefore, although criterion 1 and 7 of the SPD will be addressed within later sections of the report, given the fact that the annexe is not considered to have an ancillary or functional relationship with the main dwelling and would be separated from the host dwelling in both siting and distance, it is not considered that the principle of annexe accommodation in this location is acceptable.

5.1.14 Having regard to the above assessment it is not considered that the proposal would meet the requirements of policies S1, S8 or H4 of the LDP or the requirements set out within the Specialist Needs Housing SPD. Therefore, the principle of the development in this locality has not been established.

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”.

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

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

5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

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 by way of its scale and bulk is considered to be a large addition to the site that would overextend the visual impression of the existing development when assessed cumulatively and when examining the design of each individual element as proposed, it is considered that each building/structure would be of a suitable design in relation to the rural area. However, whilst it is noted that the proposed annexe building will not increase the external dimensions of the existing building, the additional built form resulting from the horse walker, hay barn, the increased size of the stables and the provision of the ménage would create a large concentration of development within the centre and east of the site, which visually would have little relationship with the host dwelling and would appear as a completely different unit.

5.2.6 In addition to the above, the plans suggest that the proposed ménage would have a crushed stone aggregate surface which would create a large area of hard surfacing within this countryside location, thereby eroding the rural character. Whilst it is noted

that there is ménage at Florins Birchwood Road, approximately 300m to the east of the application site that ménage is smaller in area and is not accompanied by a large stable block, horse walker and hay barn. Therefore, it is not considered comparable to this proposal.

- 5.2.7 Although, the proposal would be situated to the rear of the dwelling and there is some screening proposed through the use of planting, the proposed planting will do little to reduce the impacts of the concentration of development and will only exacerbate the fact that the proposal appears as an entirely separate entity to the host dwelling. In addition to this, as highlighted in section 3.1, the proposal will result in the loss of some trees. Although when considered alone they are not considered to provide a significant contribution to the amenity of the area, their removal only exacerbates the harm identified.
- 5.2.8 The proposed entrance gates would be set back 7.7m from the highway and would have a height of 2.2m. The significant height of the proposed boundary treatment combined with their solid nature as depicted by the annotations on plan 1902/888-105, is considered to create an imposing and dominant addition to the street scene, which is not in keeping with the rural character of the area. Whilst it is noted that there is existing approximately 2m high, close boarded fencing and gates currently at the access to the site, it does not seem that these benefit from formal planning permission. Therefore, it does not provide a reasoning for approving unacceptable development.
- 5.2.9 Application FUL/MAL/09/00298 shows that 1.2m high brick walls, with 1.9m high timber gates, with open panelling above a height of were approved at the site but it seems they were not implemented. However, these gates were considered to be more acceptable due to the inclusion of open panelling, which allowed for views into the site. In contrast the proposed gates would represent an obtrusive form of development which would result in demonstrable harm to the character and appearance of the rural area.
- 5.2.10 Having regard to the above assessment it is considered that the proposal as a result of the design, layout, scale and bulk of the proposal would result in material harm to the character and appearance of the site and the intrinsic character and beauty of the countryside, contrary to policies S1, S8 and D1 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 proposed stables would be the closest element of development to the boundary of Cedars Birchwood Road, the dwelling to the east of the site. The stables would be located 4.8m from this shared boundary. However, given that there is an existing stable in this location and the neighbouring dwelling would be located at least 37m from the proposed replacement stables, it is not considered that the occupiers of Cedars would be subject to a loss of light or privacy as a result of the development or

that the development would have an overbearing impact on the neighbouring occupiers.

- 5.3.3 The proposed ménage would be located at a distance of approximately 2m from the western boundary shared with Bramble Cottage, Hackmans Lane, and 5.8m from the neighbouring building, which is understood to contain an annexe and home office. The proximity of the ménage may result in noise and light disturbance to the occupiers of the annexe. However, a condition restricting the use of the site for commercial use i.e. livery or riding school could be imposed to ensure that the use of the site does not result in unacceptable noise levels for any of the neighbouring occupiers.
- 5.3.4 Further to the above, conditions should be used to ensure that no external lighting is provided to the stables, without permission being first obtained from the LPA, to prevent unacceptable light spillage and resultant impact on amenity and enjoyment of private gardens. The same controls can also be imposed over the burning of waste to protect residential amenity. This would address the concerns raised by a neighbour in a letter of representation.
- 5.3.5 Despite the above it is noted that the proposal may require a number of deliveries to the site, which would be considered to potentially go above and beyond the usual commuting pattern expected of a residential dwelling. This may result in detrimental harm to highway safety and the highway network, which is discussed further at section 5.6 of this report.

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 adopted Vehicle parking standards state that a four or more-bedroom dwelling should provide space to park three. It is considered that there is ample space within the site, particularly to the front of the host dwelling to provide the required level of parking. Therefore, there is no objection in this regard.
- 5.4.4 Although the Local Highway Authority is yet to comment on the proposal, as the development will utilise an existing access, and the proposed gates will be set a sufficient distance from the highway, with sliding gates it is unlikely that there would be any objection in this regard. However, there may be unacceptable impacts resulting from the level of deliveries to be required at the site. This is discussed further at section 5.6 of the report.

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 25 m² for flats.
- 5.5.2 The proposal will not reduce the level of amenity space provided to less than the required 100sqm. Therefore, there is no objection in this regard.

5.6 Other Matters

- 5.6.1 Consideration has been given to the welfare of the horses and whether the proposed facilities and land area would be compliant with the Department for Environment Food and Rural Affairs (DEFRA) Code of practice. The code of practice states that as a general rule, each horse would require approximately 0.5-1.0 hectares of grazing of a suitable quality if no supplementary feeding is provided.
- 5.6.2 There is potential for 1.7ha of grazing paddock to be provided within the south of the site, which does not include the residential curtilage or the wider manicured grounds. Given that there are ten stable blocks at the site, the requirements would require a minimum 5ha of grazing land. However, the code of practice states that a smaller area may be adequate where a horse is principally housed, and grazing areas are used only for occasional turnout.
- 5.6.3 The supporting statement says that there will be stores within the perimeter of the stable building to house horse equipment, feeds, washing down/cleaning and welfare. Therefore, suggesting that supplementary feeding will take place. However, there has been no information provided to demonstrate that the store areas will be adequately sized to store the required amount of feed. The British Horse Society says as a general rule most horses will consume 2.5% of their bodyweight in feed per day. Although it is noted some of this will be provided through grazing, when considering the amount of feed that would potentially be required for ten horses it is not considered that there would necessarily be enough space within the stores to accommodate this need. In addition to this no management plan has been submitted as part of the application to demonstrate that the pasture area will be sufficient or how feed will be delivered to and stored at the site.

- 5.6.4 Given, the number of horses that could be kept at the site, it is considered that deliveries will either need to be large or often, which could have detrimental impacts on neighbouring amenity by way of noise, or on highway safety and the highway network due to the frequency and size of potential deliveries. In addition to this if there is not enough feed at the site and there is a heavy reliance on the grazing area for feed, overgrazing could lead to degradation of the site which would result in further demonstrable harm to the character and appearance of the site and area. Consequently, as a result of the limited information available at this time it is not possible to ascertain whether the grazing area provided would be adequate.
- 5.6.5 The code of practice also advises that a minimum of 3.65m x 3.65m stable size is required per horse. The proposed stables would provide accommodation for the horses would meet the minimum requirements and thus, no objection is raised in respect of the size of stables.
- 5.6.6 It is also noted that the proposed ménage would be covered with a crushed stone aggregate dressing over a lean mix concrete base, although the plans state that this is to be confirmed. In relation to this the British Horse Society in a document called Advice on Surfaces for Horses raise concerns over the use of aggregate due to the potential for angular stones to cause harm to the horses' feet. Therefore, it is not considered that the proposed surface would necessarily be appropriate. Nevertheless, this could be resolved through a condition if the application were to be approved.
- 5.6.7 Having regard to the above assessment it is considered that it has not been suitably demonstrated to the Local Planning Authority that the grazing area would be sufficiently sized or that there is enough space within the site to store the required level of feed. It has also not been demonstrated how deliveries of feed would be managed at the site. Therefore, the development may result in material harm to the character and appearance of the area due to overgrazing or to neighbouring amenity and highway safety as a result of the potentially frequent deliveries to the site.

6. ANY RELEVANT SITE HISTORY

- **FULF/MAL/91/00426** - Front, rear and side extensions to form bedroom, study, dining area and sun lounge. Approved
- **FULA/MAL/91/00426** - Front, rear and side extensions to form bedroom, study, dining area and sun lounge. Revised fenestration. Approved.
- **FUL/MAL/01/00049** - Proposed first floor extension and alterations. Approved
- **FUL/MAL/04/00095** - Erection of rear conservatory. Approved.
- **FUL/MAL/05/00211** - Single storey side extensions with extension at first floor. Refused.
- **FUL/MAL/05/00621** - Single Storey Side Extension with Room in Roof Space. Approved.
- **FUL/MAL/06/00884** - Change of use of part of the garden for boarding cattery business and erection of cattery unit. Approved.
- **FUL/MAL/09/00298** - Replacement entrance gate and wall. Approved.

- **HOUSE/MAL/10/01023** - Triple bay cartlodge garage with attached games/leisure/garden room. 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	Support – sustainable development which does not conflict with policy H4	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No response received at the time of writing this report	Any response will be updated through the Member's Update
Natural England	No objection	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to surface water and foul drainage conditions and also conditions preventing the use of the site for commercial purposes and to prevent the burning of waste or external lighting	Noted. Surface and foul water drainage conditions could be imposed if the application were to be approved. The other conditions are discussed at section 5.3.

7.4 Representations received from Interested Parties

- 7.4.1 **1** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
No objection but a condition should be implemented to restrict nighttime lighting.	Addressed at section 5.3.

8. REASONS FOR REFUSAL

- 1 Given the physical separation between the annexe, the proposed equestrian facilities and the host dwelling, the size of the resultant buildings and the quantum of residential accommodation and equestrian facilities proposed, the development is considered to represent a separate planning unit lacking in a functional relationship with the host dwelling. The proposal would therefore, result in a separate planning unit within a countryside location contrary to policies S1 and D8 of the approved Local Development Plan, The Specialist Needs Housing SPD and the National Planning Policy Framework.
- 2 The cumulative impact of the proposed annexe, equestrian facilities and the proposed access gates, by reason of their design, scale, layout and appearance is considered to result in overly large additions to the site, causing material harm to the character and appearance of the site and the intrinsic character and a beauty of the surrounding countryside. The proposal is therefore, contrary to the requirements of policies S1, S8, D1 and H4 of the approved Local Development Plan and the National Planning Policy Framework.
- 3 The application site will not provide an adequate provision of grazing land and there has not sufficient detail provided to allow the Local Planning Authority to fully consider the impact of this reduced level of grazing land. It is therefore, not possible for the Local Planning Authority to be satisfied that the proposal would not result in impacts on the character and appearance of the area, highway safety, the highway network or neighbouring amenity. The development is, therefore, unsustainable and contrary to policies S1, D1, T1 and T2 within the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019

Application Number	FUL/MAL/19/00506
Location	The Bell Public House The Street Purleigh
Proposal	Replacement sewerage treatment plant within boundary of extended public house.
Applicant	Mr & Mrs Julian Webb - The Bell PH
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	29.07.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Call in: Councillor Miss S White Reason: Public Interest

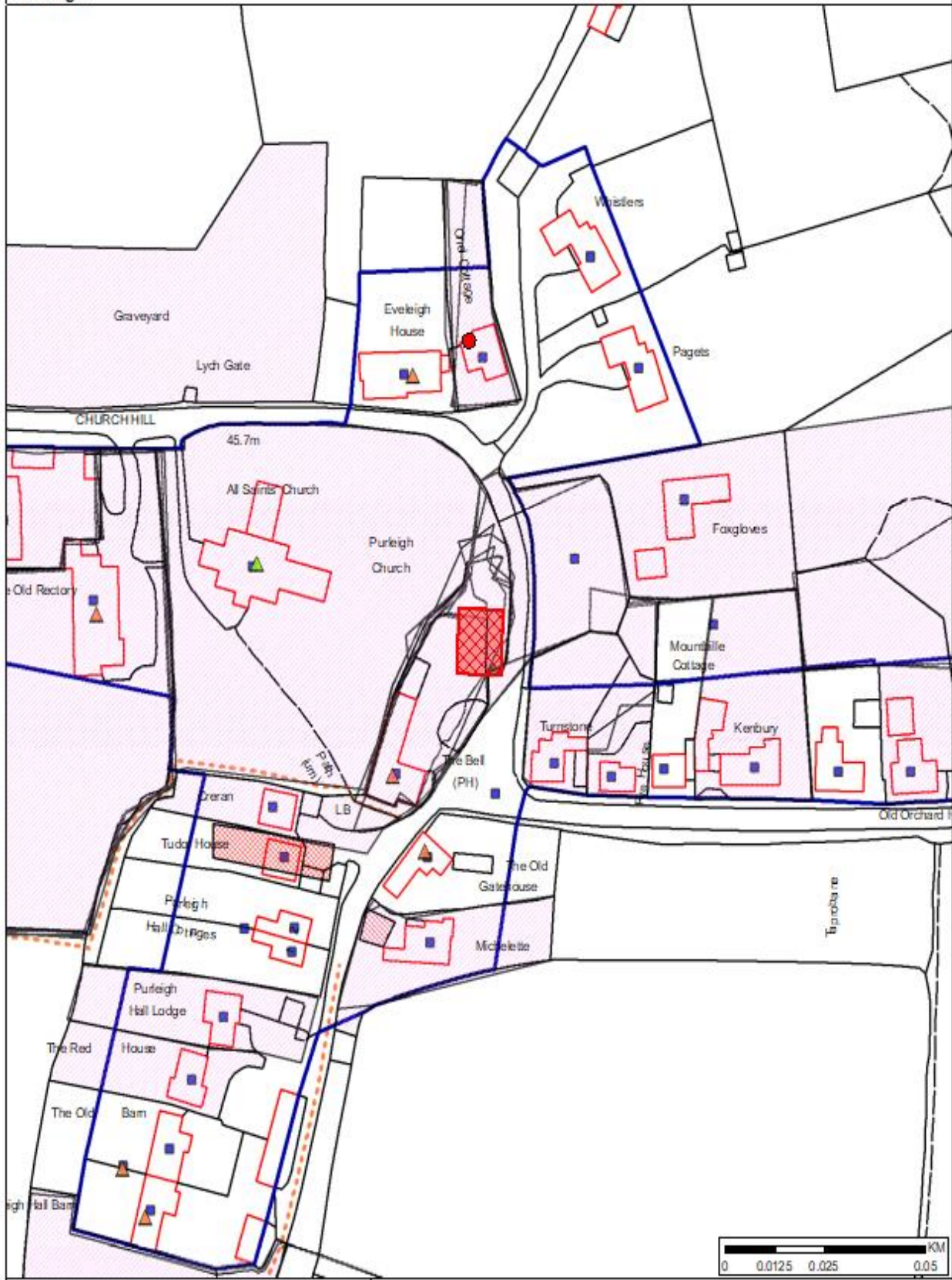
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Bell Public House The Street **Purleigh**



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the heart of the Purleigh Conservation Area and within the Purleigh settlement boundary. It is situated on top of the hill and to the east of the Parish Church of All Saints and to the north of The Bell. The larger site, as outlined in blue, includes the Grade II listed public house and a piece of land opposite the site, which has recently gained permission to be converted into a temporary car park.
- 3.1.2 Planning permission is sought for the replacement of an existing sewage treatment plant and its relocation from the piece of land opposite the site, to within the curtilage of The Bell Public House.
- 3.1.3 The proposed sewage treatment plant would be sited to the north of The Bell Public House. The majority of the development would be located below ground level and would not be visible except for a removable deck which would be placed over the sewage treatment plant and screened by proposed hedging.

3.2 Conclusion

- 3.2.1 The replacement and relocation of the sewerage treatment plant is not considered to have a detrimental impact on the character and appearance of the conservation area or listed building nor would it unduly impact the occupiers of the neighbouring dwellings. Therefore, it is considered that the proposed development is in compliance with the policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 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
- 59-66 Delivering a sufficient supply of homes
- 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
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E3 Community Services and Facilities
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for a replacement sewerage treatment plant to serve The Bell Public House. The existing sewerage treatment plant is currently located on the opposite side of the road to the Public House, and it is proposed to site the replacement sewerage treatment plant to the north east of The Bell. Given the nature of the development, it is considered that the proposal is acceptable in principle, other material considerations are discussed below.

5.2 Design and Impact on the Character of the Area and 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 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:
- 5.2.3 *“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”.*
- 5.2.4 *“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”.*

- 5.2.5 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.
- 5.2.6 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).
- 5.2.7 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 asset 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.
- 5.2.8 The proposed development, due to its location below ground level would not be visible with the exception of a removable deck, which would be screened by proposed hedging. Therefore, it is considered that the impact on the character and appearance of the area would be extremely limited.
- 5.2.9 The site is located within the conservation area of Purleigh and within the setting of the Grade II listed building The Bell Public House. The Council's Conservation Officer has been consulted and confirmed, due to the visually discreet development, that the proposal would cause no harm to the surrounding heritage assets. Therefore, no concerns in respect to the visual impact of the development are raised.

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 proposed development is mainly located below ground level, it is therefore considered that issues relating to overlooking, a loss of light or domination would not occur. The Environmental Health department have been consulted and raised no

objection to the proposal in terms of odour and noise. Further, it is noted that the current sewerage treatment plant is located within closer proximity to residential dwellings, than the proposed location and is sited above ground level. Therefore, the proposal improves the current situation in terms of impact on the neighbouring occupiers and no concerns in this respect are raised.

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 is not considered to impact the car parking provision at the site or highway safety. Therefore, no concerns are raised in this respect.

5.5 Other Material Considerations

- 5.5.1 Concerns in relation to the suitability of this type of sewerage treatment plant have been raised by the Parish Council, specifically the permeability of the soil has been questioned. The Council's Building Control department were consulted for their specialist advice and confirmed that when applying and conforming to building regulations the applicant will be required to do a permeability test showing that the soil is suitable for a soakaway, as well as a design showing the soakaway is suitable for the imposed loads and that the soakaway is suitably sited. In addition, the Environmental Health department have confirmed that a permit from the Environment Agency would need to be obtained separately to any grant of planning permission and there is no guarantee that this would be granted.
- 5.5.2 At paragraph 55 of the NPPF, it states '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other*

respects. It is not considered necessary to implement a condition with regards to the above concerns, to make the development acceptable in planning terms, the issues raised are controlled under separate legislation. Therefore, whilst it is noted that the Environmental Health department have stated that they would want to ensure the permit is in place before the development becomes operational, it is not considered to meet the six tests required to implement a planning condition.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/12/00445** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Withdrawn 23rd August 2012.
- **LBC/MAL/12/00446** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Withdrawn 23rd August 2012.
- **LBC/MAL/12/00821** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Permission refused 11th January 2013.
- **FUL/MAL/12/00835** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Permission refused 11th January 2013.
- **TCA/MAL/13/00375** – Remove trees T1-T4 Monetary Cypress T5-T6 Lawson Cypress – Permission granted 10th July 2013
- **LBC/MAL/13/00390** – Proposed internal door of 1.2 metres from existing commercial kitchen, 1 metre wide hatch in kitchen area and removal of partially derelict wall – Permission granted 13th July 2013.
- **LBC/MAL/13/00814** – Remove an internal wall and create a new entrance into an en-suite bathroom. A further partition wall will be removed between existing bathroom and office and new partition wall erected – Permission refused 24th October 2013.
- **APP/X1545/A/13/2193735** – Planning appeal reference A (FUL/MAL/12/00835) – Appeal granted 11th November 2013.
- **APP/X1545/E/13/2196902** – Planning appeal reference B (LBC/MAL/12/00821) – Appeal granted 11th November 2013.
- **LBC/MAL/14/00257** – Remove an internal wall and create a new entrance into an en-suite bathroom. A further partition wall will be removed between existing bathroom and office and new partition wall erected – Permission granted 30th April 2014.
- **DET/MAL/15/05084** – Compliance with conditions notification of FUL/MAL/12/00835 - Allowed on Appeal APP/X1545/A/13/2193735 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 3 - Construction details and materials, Condition 4 - Hard and soft landscaping, Condition 7 - External lighting, Condition 8 - Foul and surface water drainage, Condition 9 - Air extraction and ventilation, Condition 10 - Foundation design

and construction method statement. Condition 11 - Archaeological work– Conditions discharged 23rd May 2016.

- **DET/MAL/15/05093** – Compliance with conditions notification of LBC/MAL/12/00821 - Allowed on appeal APP/X1545/E/13/2196902 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 3 - Construction details and materials. – Conditions discharged 23rd May 2016.
- **NMA/MAL/16/00484** – Application for non-material amendment following grant of Planning Permission of FUL/MAL/12/00835 allowed on appeal (APP/X1545/A/13/2193735) amendment to install the Calor Gas tank underground. – Permission granted 18th May 2016.
- **DET/MAL/16/05156** – Compliance with conditions notification of FUL/MAL/12/00835 - Allowed on Appeal APP/ X1545/A/13/2193735 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 4 - Hard and soft landscaping, Condition 8 - Foul and surface water drainage, Condition 9 - Air extraction and ventilation. – Conditions discharged 23rd September 2016.
- **NMA/MAL/16/00484** – Application for non-material amendment following grant of Planning Permission of FUL/MAL/12/00835 allowed on appeal (APP/X1545/A/13/2193735) amendment to install the Calor Gas tank underground. Approved 18th May 2016.
- **FUL/MAL/18/00145/FUL** – Proposed extension to existing public house with internal alterations and replacement doors and windows. – Approved 3rd April 2018
- **FUL/MAL/18/00146/LBC** – Proposed extension to existing public house with internal alterations and replacement doors and windows. – Approved 3rd April 2018
- **DET/MAL/18/05203** – Compliance with conditions notification of approved application FUL/MAL/18/00145 (Proposed extension to existing public house with internal alterations and replacement doors and windows). Condition 3 - Materials. Condition 4 - Archaeological Assessment. Condition 5 - Programme of Archaeological work. Condition 6 - Landscaping Scheme. Condition 8 - Surface Water Drainage Scheme. Condition 9 - Foul Water Drainage Scheme. Condition 11 - Arboricultural Method Statement. Condition 12 - Trial Trench. – Conditions discharged 8th March 2019.
- **DET/MAL/18/05204** – Compliance with conditions notification of approved application LBC/MAL/18/00146 (Proposed extension to existing public house with internal alterations and replacement doors and windows). Condition 3 - Materials. Condition 4 - Joinery details. – Part cleared part refused 11th February 2019.
- **FUL/MAL/19/00117** – Application for permission for a 14 space temporary car park to allow building work at the bell public house. – Approved 28th March 2019.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Based on the application before it, and with extensive local knowledge and expertise, the Parish Council has no confidence in the suitability or efficiency of the proposed treatment plant in this location. Members do not believe that a crated soak away on clay soil underneath the permeable surface of the existing car park can adequately cope with the volume of waste that will be required of it. In addition, the lack of detail, design, calculations and test result data contained within the application does little to dispel these concerns. Members understand that it is well known that this type of system doesn't work very well on clay and performs poorly in winter. Members consequently have serious concerns about where the inevitable	Please see section 5.5 of this report.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Obtaining planning permission for the sewage treatment plant does not negate the need to apply for a permit. Whilst the permitting requirements are separate to the planning permission this Service would want to ensure	Please see section 5.5 of this report.

Name of Internal Consultee	Comment	Officer Response
	that the permit was in place prior to the plant being operational.	
Conservation Officer	No objection	Noted
Building Control	<p>A properly carried out permeability test is the only way to really establish if the soil conditions are suitable for a soakaway or not. Soil conditions vary from site to site and can vary vastly within the same site.</p> <p>It is possible to construct a soakaway under a carpark. These would usually be constructed from perforated concrete rings or honeycombed brickwork on a foundation with a reinforced concrete biscuit over. However the crate manufacture or a structural engineer would be able to confirm if this type of soakaway is suitable for the imposed loads or not.</p> <p>As you know they may or may not come to us for the Building Regulations application. If they did and provided a permeability test showing the soil is suitable for a soakaway, a design showing the soakaway is suitable for the imposed loads and the soakaway was suitably sited, we could not refuse to accept the design.</p>	Please see section 5.5 of this report.

7.3 Representations received from Interested Parties

- 7.3.1 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
Concerns about the suitability of the	Please see section 5.5 of this report.

Objection Comment	Officer Response
<p>current proposal. There is no evidence that the surface water system and the foul water system have been considered as a single issue, whereas the two are of course inextricably linked.</p> <p>Concerns regarding overflow of water onto the street, worsening current situation.</p> <p>Impermeability of the subsoil which consists entirely of clay, will put the foundations of dwellings within vicinity of the site at risk from excess water.</p> <p>The mains sewerage access should be used not a treatment plant.</p>	

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: 885278 Issue 1, 540/01, 540/09 Rev H.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Within the first available planting season (October to March inclusive) the landscaping works as shown on 540/09 Rev H and forming part of this permission shall be fully implemented and retained as such thereafter.
REASON: To protect the visual amenity of the area in compliance policy D1 of the Maldon District Local Development Plan.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019

Application Number	FUL/MAL/19/00538
Location	Wickham Grove Langford Road Wickham Bishops
Proposal	Application for replacement dwelling (renewal of FUL/MAL/16/00595)
Applicant	Mr & Mrs M Wollner
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	12.08.2019
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Wickham Grove Langford Road Wickham Bishops



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the east of Langford Road in an open and rural location. The application site accommodates a two storey dwelling and detached single storey garage. The dwelling is set back from Langford Road by 200 metres. The application site is located on a gradient, rising to the northeast and is set higher than Langford Road.
- 3.1.2 Planning permission is sought for the erection of a replacement dwelling, garage and pool house within the site which will be located in the same area as the existing dwelling in the site. The dwelling will have five bedrooms.
- 3.1.3 The proposed dwelling will be 9.1 metres high to the ridge, 37 metres wide and 17 metres deep. It is of a contemporary design, but the proportions and massing are based on classical symmetry. Finish materials are timber and stone cladding with glazing and slate tiles to the roof.
- 3.1.4 The proposed garage will be 7.5 metres high to the ridge, 13.3 metres wide and 8.6 metres deep. Finish materials are timber cladding and slate tiles.
- 3.1.5 The pool house will be 3.5 metres to the flat roof, 18.1 metres wide and 10.5 metres deep. Finish materials are timber cladding.
- 3.1.6 Access to the site is taken from the existing access to the north of the site and will not change as part of the proposal.
- 3.1.7 The existing site currently has trees at the boundary but is relatively open. It is proposed to landscape the meadow to the front of the dwelling and landscape the formal grounds around the proposed dwelling.
- 3.1.8 The proposed development represents a re-submission of a previously approved application, reference FUL/MAL/16/00595. The existing permission expires on 11th August 2019, although it is not considered that this permission could be lawfully implemented as several pre-commencement conditions attached to the permission have not been cleared. Therefore, the appropriate weight will be attributed to planning history of the site. No amendments to the previous permission have been sought.

3.2 Conclusion

- 3.2.1 The proposed re-placement dwelling has previously been approved under reference FUL/MAL/16/00595. The principle for a one to one replacement is supported and the proposal is not considered to harm the character and appearance of the area. Further, the proposed development provides adequate private amenity space and car parking provision. Therefore, it is considered that the proposal complies with policies S8, D1 and H4 of the MDLDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 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
- 102-111 Promoting sustainable transport
- 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:

- 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:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site lies outside of the defined settlement boundary. However, as the proposal is for a replacement dwelling the principal of a dwelling is already established on the site. Policy H4 of the approved Maldon District Local Development Plan states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting and;

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

- 5.1.2 It is noted that the residential use of the original dwelling has not been abandoned and that it is not a temporary or mobile structure, in accordance with criterion 1 and 2. The remainder of the matters will be discussed within the subsequent sections. However, subject to the assessment of all other relevant considerations, there is no overall objection to the principle of erecting a replacement dwelling at this site.
- 5.1.3 Further, as stated above, there is an extant permission for the same proposal, reference FUL/MAL/16/00595. Whilst it is considered that it could not be lawfully implemented, there are no significant changes to the site or surrounding area that would change the stance previously taken.

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:
- 5.2.3 *“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”.*
- 5.2.4 *“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”.*
- 5.2.5 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.

- 5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.7 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.
- 5.2.8 Planning permission is sought for the erection of a replacement dwelling, garage and pool house within the site which will be located within the residential curtilage of the existing dwelling on the site.
- 5.2.9 The proposed dwelling will be 9.1 metres high to the ridge, 37 metres wide and 17 metres deep. It is of a contemporary design but the proportions and massing are based on classical symmetry. The proposed finish materials are timber and stone cladding with glazing and slate tiles to the roof. The design of the dwelling is considered to be of architectural merit. The scheme appears cohesive and symmetrical. The dwelling is set back from the highway by 200 metres and is not considered to have an impact on the appearance of the streetscene. The area surrounding the site is characterised by large detached properties set in substantial grounds, the proposed dwelling is not considered to appear out of keeping in this context.
- 5.2.10 The proposed garage will be 7.5 metres high to the ridge, 13.3 metres wide and 8.6 metres deep. Finish materials are timber cladding and slate tiles. The proposed garage is considered to be of a typical design for outbuildings but it is noted that it is of a substantial scale. However, when viewed within the context of the site, and against the proposed dwelling, it would appear subservient to the main dwelling.
- 5.2.11 The pool house will be 3.5 metres to the flat roof, 18.1 metres wide and 10.5 metres deep. Finish materials are timber cladding. The proposed pool house is of a contemporary design and is also considered to be of a substantial scale. However, when viewed within the context of the site, and against the proposed dwelling, it would appear subservient to the main dwelling.
- 5.2.12 The proposed outbuildings are located to the rear of the site and will be screened from view by the proposed dwelling. The overall level of development can be accommodated comfortably within the application site and it will not appear cramped.
- 5.2.13 The application site is located within the Blackwater River Valley Landscape Character Area, as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is a shallow with a flat valley floor with gently sloping valley sides. There are few plantations and areas of woodland and the landscape becomes more open, dominated by large open arable fields which benefit from the well-drained fine loamy and sandy soils overlying chalk. The views are open and occasionally panoramic in the lower reaches of the river valley where they are unconstrained by hedgerow trees. Views are afforded to the application site from the

within the valley, given its elevated position and likewise views are afforded from the application site across the valley.

- 5.2.14 The application site is extensive and set back from the highway. It is proposed to erect a new dwelling within the site and undertake associated landscape works. The proposed landscape works would formalise the appearance of the existing site to some extent, but this would not necessarily have a negative impact on the broader landscape. The proposed dwelling is greater in size and scale than the existing dwelling; however, the proposed finish materials, being more natural in appearance and darker in hue, are considered to reduce the visual impact of the dwelling on the landscape.
- 5.2.15 Furthermore, the proposed development is identical to that approved under reference FUL/MAL/16/00595. Therefore, the principle of a dwelling on the site, of the proposed scale, associated outbuildings and level of landscaping has previously been found acceptable. Whilst the MDLDP has been formally approved since the determination of that application, there have been no significant changes to the site or surrounding area that would alter the stance previously taken.
- 5.2.16 The proposal is not considered to have a harmful effect on the character and appearance of the area. The proposal is therefore in compliance with Policies S1, S8 and D1 of the LDP as well as guidance contained within the NPPF.

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 dwellinghouse is sited within an extensive plot and there are large fields separating the application site from the neighbouring properties. The proposed development is therefore not considered to give rise to any demonstrable harm or loss of amenity by way of overlooking or loss of privacy, complying with policy D1 of the Maldon District 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 are 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 Access is to be retained in the current arrangements, there is no objection to this and the Highways Authority has been consulted and raised no objection to the proposal.
- 5.4.4 Parking is provided to the east of the dwelling. The existing dwelling has five bedrooms and the proposed dwelling has five bedrooms. The Council's adopted parking standards require a dwelling of this size to provide a minimum of three car parking spaces within the site. The proposed development provides space to park at least three vehicles and therefore there is no objection in relation to parking provision.

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 MDDG 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 25 m² for flats.
- 5.5.2 The existing garden on the site is in excess of the standard contained within the Maldon Design Guide, and although the proposed development will result in a loss of some of the garden the garden will still be larger than the standard and therefore, there is no objection to the proposal in relation to amenity space.
- 5.5.3 The proposed development also includes significant landscaping. These plans will formalise the appearance of the site but this is not considered to be detrimental to its overall character and appearance and it is considered reasonable to impose conditions regarding the soft and hard landscaping proposals, boundary treatment and tree protection to ensure that the development assimilates with the broader landscape.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/15/00313** – Alteration and extension of existing detached house and garage, new access. Approved
- **FUL/MAL/14/00040** - Replacement dwelling and new access. Approved
- **FUL/MAL/11/00414** - Extend time limit for implementation of approval for FUL/MAL/08/00713 (Replacement dwelling and new vehicular access). Approved
- **FUL/MAL/08/00713** - Replacement dwelling and new vehicular access. Approved
- **FUL/MAL/16/00595** - Replacement dwelling. Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops	No letters of representation had been received. It was reported that the application was a re-submission of an expired, approved application which the Parish Council had supported, and the resulting footprint would be smaller than an earlier, also approved, design. The Parish Council recommended APPROVAL.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 16.3347/L401, 0423/000 Rev A, 0423/024 Rev A, 0423/007 Rev A, 0423/006 Rev A, 0423/005 Rev A, 0423/004 Rev A, 0423/046, 0423/042 Rev A, 0423/043 Rev B, 0423/045, 0423/038 Rev A, 0423/039 Rev A, 0423/040 Rev A, 0423/041 Rev A, 0423/034 Rev B, 0423/022 Rev B, 0423/021 Rev B, 0423/020 Rev B, 0423/021 Rev B, 0423/0012 Rev C, 16.3347/M006, 16.3347/M007, 16.3347/M008, 0423/030

Rev A, 0423/029 Rev A, 0423/028 Rev B, 0423/027 Rev A, 0423/025 Rev A, 0423/026 Rev A, 0423/044, 16.3347/L401.

REASON: In order to ensure that the development is carried out in accordance with the approved details.

- 3 No development above ground level shall take place until details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 4 No works above ground level shall occur until detailed plans of any alterations to the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the scheme as approved.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 5 No works above ground level shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

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

REASON: In order to protect the character and appearance of the area and the amenities of adjoining residents in accordance with policy D1 of the Local Development Plan and the National Planning Policy Framework.

- 6 No development above ground level shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: In order to protect the character and appearance of the area and the amenities of adjoining residents in accordance with policy D1 of the Local Development Plan and the National Planning Policy Framework

- 7 No development above ground level shall commence 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.
REASON: To ensure appropriate surface water drainage at the site and the prevention of surface water run off onto the highway in the interest of highway safety, in accordance with policies of the Local Development Plan, and Government Guidance contained in the National Planning Policy Framework and Planning Practice Guide.
- 8 No development above ground level shall commence 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 an appropriate drainage scheme is submitted in accordance with of the Local Development Plan and the National Planning Policy Framework.
- 9 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter. The development shall be carried out in accordance with the details/samples as agreed.
REASON: To ensure appropriate parking is provided in accordance with policy T2 of the Local Development Plan.
- 10 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with policy T2 of the Local Development Plan and guidance contained within the NPPF.
- 11 The outbuildings hereby permitted shall only be used for those purposes incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexe accommodation.
REASON: To ensure the acceptable use of the building hereby approved, in accordance with policy D1 of the Local Development Plan.
- 12 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 interest of visual amenity of the locality in accordance with policy D1 of the Local Development Plan.

INFORMATIVES

- 1 The public's rights and ease of passage over footpath number 22 in Wickham Bishops shall be maintained free and unobstructed at all times.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - No dust emissions should leave the boundary of the site;
 - Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- 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.
 - If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.
 - Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
 - Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
 - Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency
 - Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.
- 3 In accordance with Annexe 2 of Planning Policy Statement 23 where contamination is known or likely the applicant should submit a phase 1 risk assessment including a desk top study, site walkover and preliminary risk assessment. This will allow the applicant and local planning authority to assess whether the site can be made suitable for use and if further intrusive investigation is necessary. Further investigation and remediation works can be conditions as part of a permission.
- 4 The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.
It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 5 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

Application Number	HOUSE/MAL/19/00653
Location	Heath House, 13 Heathgate, Wickham Bishops
Proposal	Section 73A application for the removal of existing conservatory and erection of single storey rear extension
Applicant	Mr Gary Howard
Agent	Mr Martin Gray
Target Decision Date	13.08.2019
Case Officer	Hayleigh Parker-Haines
Parish	WICKHAM BISHOPS PARISH COUNCIL
Reason for Referral to the Committee / Council	Member Call In – Councillor M F L Durham – Local Concerns

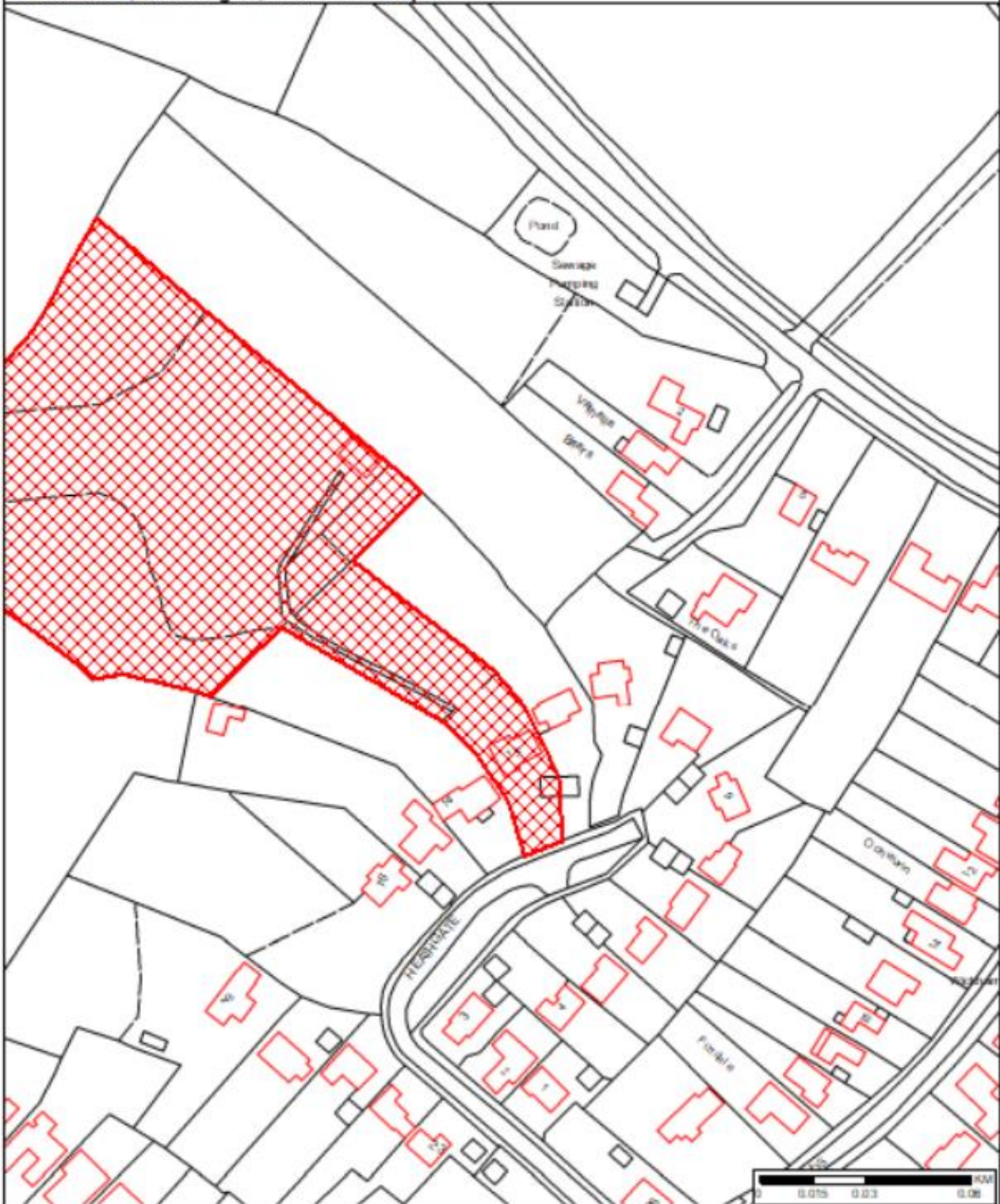
1. **RECOMMENDATION**


APPROVE with no conditions.

2. **SITE MAP**

Please see overleaf.

19/00653/HOUSE
Heath House, 13 Heathgate, Wickham Bishops



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	19/07/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application seeks retrospective planning permission (under the terms of Section 73A of the Town and Country Planning Act 1990) for the removal of the conservatory which was to the eastern end of the rear elevation of the dwellinghouse and the erection of a single storey rear extension in the same location.
- 3.1.2 The rear extension has a maximum height of 3 metres with an eaves height of 2.3 metres, a depth of 3.3 metres and a width of 6.9 metres, the extension is attached to the plant room giving a total width of 8.2 metres. This is constructed of plain roof tiles and render to match the host dwelling with an element of black cladding to the eastern side elevation of the plant room. The proposed extension includes the change in roof form to the existing plant room, previously the plant room had a mono pitched roof, the plant room now has a pitched roof to incorporate the plant room into the extension.
- 3.1.3 It is noted that there are trees at the application site subject of tree preservation orders. However, it is not considered that the extension has had an effect on any of these trees as the extension occupies a similar footprint as the previous conservatory.

3.2 Conclusion

- 3.2.1 It is considered that the development, by reason of its scale, location and design does not harm the appearance or character of the locality and, due to its relationship with the adjoining properties, the development does not result in any undue harm by way of overlooking, loss of light or loss of amenity in any other respect. 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 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 2019 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 (EDG)
- 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 The extension is to the rear of the property and is not highly visible from within the public realm. Furthermore, due to the single storey nature of the extension and that it occupies a footprint of 22.7m², it is considered to be a subservient addition to the host dwelling. Therefore, it is not considered to have a significant detrimental impact on the character and appearance of the site or the surrounding area.
- 5.2.6 The materials used are predominately to match the host dwelling and therefore there are no concerns in relation to this. The addition of black cladding is considered to be a slightly incongruous feature to the site. However, as this is to the rear of the property it is not highly visible within the public realm and therefore, this alone would not warrant the refusal of this application.
- 5.2.7 Therefore, it is considered that the development, by reasons of its scale, design and appearance does 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 four neighbouring properties. To the south are No. 5 and No.6 Heathgate, to the east is No.12 Heathgate and to the west is No.14 Heathgate.
- 5.3.3 Due to the location of the extension to the rear of the dwelling it is not considered that the single storey extension has resulted in an unneighbourly form of development in relation to the neighbouring properties to the south.
- 5.3.4 The proposed development sits a minimum of 1.5 metres from No.12 Heathgate. However, due to the single storey nature of the development, the hipped roof which slopes away from the neighbouring property and this degree of separation, it is not considered that the development has an overbearing impact on these neighbouring occupiers or results in an unacceptable loss of light to this neighbouring property. Furthermore, there are no windows to the eastern side elevation of the building and therefore it is not considered to result in a loss of privacy to these neighbouring occupiers.
- 5.3.5 The extension sits 12 metres from the shared boundary with No.14 and 15 metres from the neighbouring property to the west. Due to the single storey nature of the extension and this substantial degree of separation, it is not considered that the extension has resulted in an unneighbourly form of development in relation to this neighbouring property.

- 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 has not altered the current parking provision on site or the number of bedrooms at the application site. Therefore, there are no concerns in relation to 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The development leaves over 100m² private amenity space. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **WTPO/MAL/94/00304** – Removal of branch overhanging path and removal of dead wood and reshaping of crown (TPO/5/76) – Approved
- **FUL/MAL/97/00468** – Proposed single storey front bay extension and infilling of entrance porchway. – Approved

- **WTPO/MAL/98/00026** – Works to Oak trees T14 and T17 including removal of damaged branches and dead wood and selectively thin re-growth by 30%. Prune Apple tree T16 - TPO/5/76 – Approved
- **WTPO/MAL/03/00301** – Crown lift and 30% crown reduction of two Oak trees – Approved
- **WTPO/MAL/09/01067** - TPO 5/76 - T13 & T14 - Oak Tree - Thin out new growth and thin outer crown by 15%, T16 - Apple Tree - Removal of tree and replaced by a small medium size tree, such as a Horn beam, Silver Birch, Etc, T17 - Oak Tree - Crown lift & minor growth reduction (6 metre height overhanging highway) up to level of lowest main limbs – Approved
- **WTPO/MAL/16/01354** - TPO 5/76 - T17 Oak - Thin out new growth, remove dead, damaged branches and reduce the overall size (crown) by 30%, T13 & T14 Oak (back garden) Thin out new growth, remove dead/damaged branches and reduce the overall size (crown) by 30%.- Part Approved, Part Refused, Appeal Dismissed
- **WTPO/MAL/16/01393** - TPO 5/76 - T17 Oak – Remove – Application Refused

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. Cllr MacGregor reported that retrospective permission was being sought to replace a conservatory with a single storey rear extension on a similar footprint. The Parish Council recommends approval	Comments noted

7.2 **Representations received from Interested Parties**

7.2.1 Representations **objecting** to the application:

One neighbouring letter of objection has been received.

Objecting Comment	Officer Response
No consideration has been taken by the applicants as to the effect this construction has had on the neighbouring property to the east.	The impact of the proposed development on the neighbouring property to the east has been assessed in section 5.3.4 of this report
The proposed development was built deliberately whilst the neighbouring occupants to the east were away.	This is not a planning consideration

Objecting Comment	Officer Response
The drawings do not reflect the real dimensions of the plant room	The assessment is made on the basis of the information submitted.
Neighbours have not been consulted in regard to a party wall agreement with all that entails. There is no room for maintenance as the extension has been built right up to the boundary fence	This is not a planning consideration.
The plumbing arrangements have resulted in water being blown onto the neighbouring properties to the easts windows due to the water flow from the main house guttering being fed down onto the flat roof of the extension.	This is not a planning consideration
The proposed extension is over-bearing and intrusive when viewed from the neighbouring property to the east	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The proposed extension has resulted in a loss of daylight and sunlight and the neighbouring occupiers to the east can no longer see sky from the side of the house – just a dark mass.	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The proposed extension is of a substantial size that is more than half the width of the property and should not be so large as to create a claustrophobic effect or cause a significant amount of visual intrusion and loss of light to neighbouring properties.	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The neighbouring properties value has undoubtedly reduced	This is not a material planning consideration

8. **PROPOSED CONDITIONS**

- 8.1 As the application has been submitted retrospectively and is acceptable in its current form, it is considered that it is not necessary to impose any conditions



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

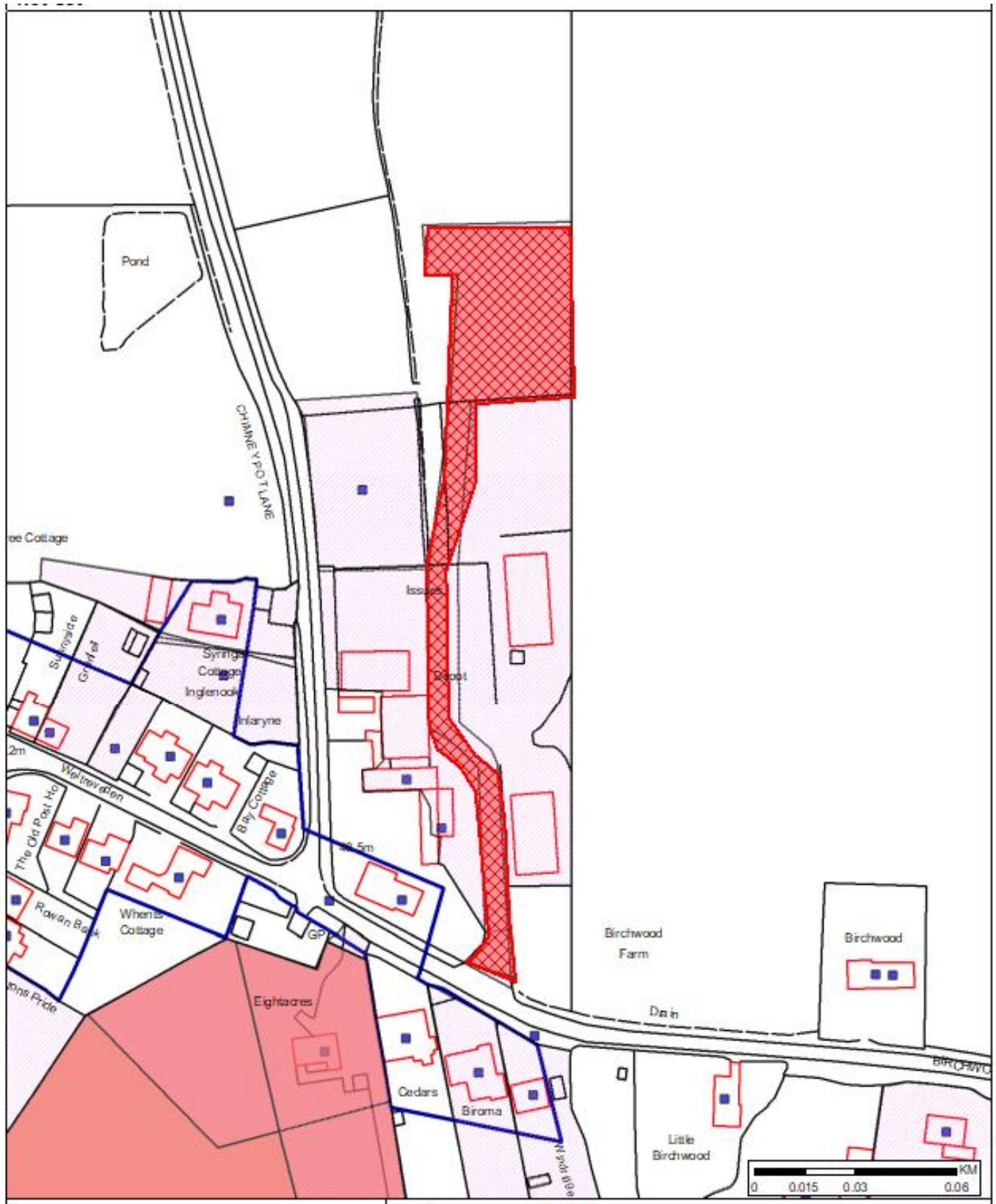
Application Number	FUL/MAL/19/00674
Location	Birchwood Farm, Birchwood Road, Cock Clarks
Proposal	Erection of building for oyster purification and ancillary aquiculture storage by the Maldon Oyster Company
Applicant	Mr Emans - Maldon Oyster Company
Agent	Kate Jennings - Whirledge & Nott
Target Decision Date	07.08.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In The planning application is called in by Councillor Miss S White due to public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site relates to a piece of land located to the east side of Chimney Pot Lane, approximately 20 metres away to the north and outside the defined settlement of Cock Clarks village. The land is currently laid to grass and can be accessed through Birchwood Farm. The northern boundary of the site adjoins an agricultural field. The site is enclosed by young hedging and trees on the eastern and western boundaries. The site abuts Birchwood Farm to the south. The site gradient is flat.
- 3.1.2 To the south of the site is Birchwood Farm. A Lawful Development Certificate was granted in 2003 (reference: LDP/MAL/03/00035 dated 15.04.2003) for the site to be used within Use Class B2 (general industrial). The agricultural building and outbuildings within Birchwood Farm is currently home to a variety of small businesses and local services, including Maldon Oyster Company and a Classic Car Restoration business. A further Lawful Development Certificate was granted in 2017 (reference: LED/MAL/17/01056 dated 14.11.2017) on land to the north east of Birchwood Farm which is immediately to the east of this application site. Furthermore, to the south west of the site planning permission was granted in 2018 (reference: FUL/MAL/18/00966) for a building with associated parking and access to be used as a brewery for Maldon Brewing Company.
- 3.1.3 To the south of Birchwood Farm, houses front onto Birchwood Road, and Hackman's Lane. Houses that are located within the village settlement boundary are clustered together and on smaller plots whereas houses that are located outside the settlement boundary are on spacious plots. There is a dwelling 'Syringa' located approximately 20 metres away to the south western corner of the application site.
- 3.1.4 Planning permission is sought for the construction of a new building (Class B2 (General Industrial)) and would be occupied by the Maldon Oyster Company, the building will house up to 20 purification tanks, a cold store, mess room, packing area and associated plant. There is provision to wash the oysters under cover provided by a proposed canopy. The proposed building will be used in association with the existing business on the larger site. The proposal also includes associated parking facilities, turning area and landscaping. Access to the site would be taken from the existing access point to Birchwood Farm from Birchwood Road.
- 3.1.5 The proposed building would be a steel portal frame, with green metal profile cladding. It would measure 34m by 16m and would extend 7m to the top of the ridge. A canopy to the east of the building is proposed, it would extend 6m from the side elevation of the building. The building contains 20 rooflights, several low level windows, five doors and three roller shutter doors.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development would support the rural economy in terms of creating some employment opportunities whilst also providing an attraction that would promote rural tourism and leisure development that benefit businesses in rural areas, local communities and visitors.

- 3.2.2 However, the proposed development would have a negative visual impact as a result of the proposal representing the sprawl of built form into the undeveloped countryside and the erection of a large building. Furthermore, it is considered that insufficient evidence has been provided to demonstrate that this site is the most suitable location for the proposed development having regard to the designated employment land of the district and the accessibility of the site.
- 3.2.3 The proposal would be served by adequate parking and access and would not have an unduly harmful impact on ecology interests near the site or the amenities of neighbouring residents.
- 3.2.4 In this context it is considered necessary to make a balanced judgement and, in this instance, it is considered that the benefits of supporting the local economy and an existing business of the Maldon District do not outweigh the harm that has been identified and it is therefore recommended that the application 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 2019 including paragraphs:

- 7-14 Achieving sustainable development
- 20 -23 Strategic Policies
- 38 Decision-making
- 39-45 Pre-application engagement and frontloading
- 80-84 Building a strong, competitive economy
- 102-104 Promoting sustainable transport
- 108-111 Considering development proposals
- 117-118 Making effective use of land
- 124-131 Achieving well-designed places
- 170-182 Conserving and enhancing the natural environment

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

- Policy S1 Sustainable Development
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy E1 Employment
- Policy E5 Tourism
- Policy N2 Natural Environment and Biodiversity
- Policy T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)

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 (Policy S8: a-m). This list of acceptable development includes criterion (b) ‘Employment generating proposals (in accordance with Policy E1)’.
- 5.1.3 Policy E1 of the LDP states that *‘New proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District’*. As the application is located outside the designated employment areas as listed under this policy, the policy goes on to state that *‘new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment, and infrastructure consideration’*. As part of the application submission, the Applicant has provided justification in support of the proposal, which will be disused below.
- 5.1.4 Other issues to consider when determining this application are the design of development, its impact on the character and appearance of the area, highway safety, and effect on residential amenity.
- 5.1.5 **Justification of proposed development**
- 5.1.5.1 As set out above, there are policies within the Local Development Plan and the NPPF which provide support for developments that promote local economic growth, in the appropriate locations.
- 5.1.5.2 The applicant’s submissions highlight the following key points to support their case:
- This proposal supports the established business Maldon Oysters and enables them to continue to improve their product and consequently their profile in the industry.

- The processing centre for Maldon Oysters has already been established at Birchwood Farm and this proposal seeks to extend that development to accommodate the growth of this successful business.
- The main reason the additional space is needed is the growth of the business and the increased throughput of oysters. The current grading, depuration and packing facility is at capacity.
- The use is established on site and this development offers the opportunity to improve and streamline the purification process which already occurs on site. It is not proposed that there will be any material increase in movements to and from the site given the level of employment already located on the site.

5.1.5.3 As set out above, policy E1 directs employment development towards allocated sites within the Maldon District. This proposal would have the potential to undermine the delivery of the designated employment sites as it would create additional employment space which would preferably be located within the designated locations. Further, no information with regards to identifying alternative sites that are designated for employment use has been forthcoming. However, it is noted that the applicant is an existing business which operates out of Birchwood Farm. The local and national planning policies emphasise the importance of supporting local business and these factors should be given weight in the assessment of the proposal.

5.1.5.4 Overall, it is considered that a balanced judgement is required to be made in respect of the principle of development. The proposed development would represent development in the countryside and therefore would erode the character and openness of the countryside, as will be discussed below, and therefore is contrary to policy S8 of the LDP. Further, it is noted that the applicants own the larger site at Birchwood Farm and it is considered that there is space within the existing and established employment area at Birchwood Farm to accommodate the proposal, no justification for the sprawl into the undeveloped countryside has been forthcoming. Furthermore, the proposal is contrary to policy E1 in the terms that the proposal conflicts with the aspect of the policy that allows for high quality new employment space to be erected outside of employment areas. In support of the proposal, it is noted that the proposal would support an existing local business currently operating out of the Birchwood Farm. Having weighed the benefits of the proposal against the negative aspects of the proposal and the conflict with policies that has been identified, it is considered that the proposal should not be supported in principle.

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:

5.2.3 *“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”.

5.2.4 *“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”.*

5.2.5 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.

5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.2.7 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.

5.2.8 The application site is currently undeveloped, grassed land that is enclosed by hedges. The site is within a rural location, outside of the settlement boundaries of the District and as such the proposal is considered to constitute development on the fringe of the settlement. The proposal would therefore have the potential to have a substantial visual impact on the character and openness of the countryside, particularly by representing the sprawl of built form beyond the existing employment uses and into undeveloped land.

5.2.9 The building would be sited in close proximity to the eastern boundary of the site, with parking provision located to the south of the building. Additional landscaping is proposed to the south of the building to mitigate views from Chimney Pot Lane. To a limited extent, the development of this site would appear as an extension of the commercial yard at Birchwood Farm which is immediately to the south of the application site. However, it is noted that there would be a separation distance in excess of 50 metres between the proposed and existing building to the south and as

such the building would appear detached and isolated. Further, the site is located beyond the existing employment uses and into open and undeveloped countryside.

- 5.2.10 It is considered that the development would represent the sprawl of built form into the countryside and in the context of this site it is considered that the level of harm that would be caused would be significant. Further, the building appears removed from the existing buildings located on the site. As set out above, any policy basis for supporting the proposal is subject to environmental considerations, which includes the visual impact of development. As such it is considered that the visual impact of the development and the harm that has been identified should be given substantial weight when assessing the overall planning balance.
- 5.2.11 Screen planting is indicatively shown on the submitted block plan and it is considered that this will help to mitigate the visual impact of the proposed development. However, the amount of planting proposed would not be sufficient to wholly mitigate the impact of the development.
- 5.2.12 As stated above, the proposed building would be a steel portal frame, with green metal profile cladding. It would be a significant scale at 34m by 16m and with a ridge height of 7m. A canopy to the east of the building is proposed, it would extend 6m from the side elevation of the building. The building contains 20 rooflights, several low level windows, five doors and three roller shutter doors.
- 5.2.13 Taken into account the existing agricultural style buildings in close proximity to this site at Birchwood Farm, it is considered that the overall appearance cannot be generally objected to. However, in terms of size and scale, the proposed building would have a larger than the existing buildings in the adjacent yard which is considered to exacerbate the impact and the harm.
- 5.2.14 Therefore, given the above assessment, it is considered that the proposed building would by reason of its siting, scale and the intensification of the existing use would demonstrably alter the character and appearance of the area contrary to policy D1 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 building would be located on the edge of the village settlement boundary of Cock Clarks, to the north of Birchwood Farm where the site is used for purposes falling within Use Class B2 as demonstrated by certificate of lawfulness applications: LDP/MAL/03/00035 and LDE/MAL/17/01056. This provides a level of background noise and disturbance that is considered to be relevant to the assessment of this application.
- 5.3.3 It is noted that the building at the site would be located approximately 85 metres from the closest neighbouring dwelling and therefore, despite its scale and visual impact which is discussed elsewhere in this report, the proposal would not have a harmful

impact on the light that is afforded to neighbouring residents. Moreover, the proposed development would not cause a loss of privacy within neighbouring properties.

- 5.3.4 Letters of representation were received and raised concerns relating to the noise of the operations and the potential smell produced. Further, the Environmental Health department have raised concerns with regards to the intensification of the use of the rural site and the impact this may have on residents within the vicinity of the site. No information with regards to these issues has been submitted as part of this application. However, given the separation distance between the proposed building and residential dwellings, it is considered that these issues could be dealt with via a condition to ensure details of the impact and mitigation measures are assessed and approved prior to the commencement of the use of the building, should the application be approved.
- 5.3.5 For these reasons, whilst regard has been had to the concerns that have been raised by neighbouring residents and Environmental Health, it is considered that the impact of the proposed development would not be such that the application should be refused on the grounds of the impact on 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 access to the site would be taken from the existing access point from Birchwood Road onto Birchwood Farm and an access track leading through Birchwood Farm would be extended to allow access to the building. Although County Highways are yet to respond it is considered unlikely that they would raise an objection.

- 5.4.4 In terms of car parking provision, fifteen car parking spaces to the south of the building are proposed. There is a requirement, as detailed within the Vehicle Parking Standards, of eleven car parking spaces for a development of this nature and scale. Therefore, no concerns are raised in this respect.

5.5 Other Material Considerations

- 5.5.1 The Environmental Health team have raised concerns in relation to the foul and surface water drainage at the site. It is noted that there are no mains drainage within Cock Clarks and therefore the development would be reliant on a private drainage system. Limited information regarding the surface and foul drainage schemes has been submitted with the application, it states within the Design and Access statement that *'The site and the surrounding land in the ownership of the applicant has the ability to incorporate a soft landscaping sustainable drainage scheme to accommodate any surface water drainage from the proposed development. Full details of the drainage scheme can be required as a pre-commencement condition.'* Therefore, it is considered that these issues could be dealt with via a condition for assessment and approval by the LPA and it would be unreasonable refuse the application on this basis.

6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history on the site as outlined in red. The below planning history relates to the whole of Birchwood Farm:
- **LDE/MAL/01/00526** - Lawful Development Certificate in respect of the use of the yard and buildings for the servicing, repair, modification and renovation of agricultural plant and machinery, lorries and other vehicles. - Approved
 - **OUT/MAL/01/00808** - Residential development in lieu of existing industrial land and buildings - Refused
 - **OUT/MAL/01/01175** - Residential development in lieu of existing industrial land and buildings - Refused
 - **FUL/MAL/02/00243** - Retention of planning permission MAL/8/82 without compliance with condition 10 (sole benefit R Emans) - Allowed on Appeal
 - **FUL/MAL/02/00243** - Retention of planning permission MAL/8/82 without compliance with condition 5 (sole benefit R Emans) - Allowed on Appeal
 - **LDP/MAL/03/00035** - Lawful Development Certificate in respect of the use of the site for B2 (General Industrial) use. - Granted
 - **FUL/MAL/03/00579** - Proposed building to accommodate an oyster hatchery, nursery, holding, grading, depuration & packing facility and hardstanding - Approved
 - **FUL/MAL/05/00444** - New workshop and storage shed for repair of oyster plant and harvesting machinery, storage oyster packaging - Approved
 - **LDE/MAL/17/01056** - Claim for lawful development certificate for existing continued B2 general industrial use. - Approved
 - **FUL/MAL/18/00966** - Erection of building with associated parking and access to be used as a brewery for Maldon Brewing Company - Granted

- **FUL/MAL/19/00154** - Erection of building for oyster purification and ancillary aquaculture storage – Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh	My Council believes the above application does not conflict with the Approved Local Development Plan 2014 - 2029 or general guidance contained within the National Planning Policy Framework.	Noted.

7.2 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns raised in relation to foul and surface water drainage and intensification of the use of the site and the impact on the residents within the vicinity of the site.	Noted and discussed within sections 5.3 and of this report.

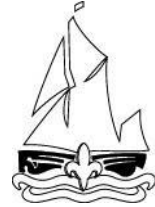
7.3 **Representations received from Interested Parties**

- 7.3.1 1 letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
<p>I have no objection in principle to the application for the erection of a building for oyster purification.</p> <p>I would, however, object most strongly if no assurances can be made that there will be no externally audible noise from plant, equipment, operations or other factors from within the new building or from the existing associated buildings as part of the business expansion.</p> <p>I am unable to ascertain, from the submitted plans, the level of sound insulation proposed in the buildings</p>	<p>Noted and discussed with section 5.3 and 5.5 of this report.</p>

8. REASON FOR REFUSAL

- 1 The proposed development would involve development on land that is outside the settlement boundaries and employment areas of the Maldon District and would represent the sprawl of built form into the countryside with the associated visual impact. It has been assessed that the benefits of the proposal which relate to supporting an existing business which currently operates at Birchwood Farm are not outweighed by the harm caused to the character and appearance of the countryside. The proposal is therefore considered to be unacceptable and contrary to policies S1, S8, E1 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

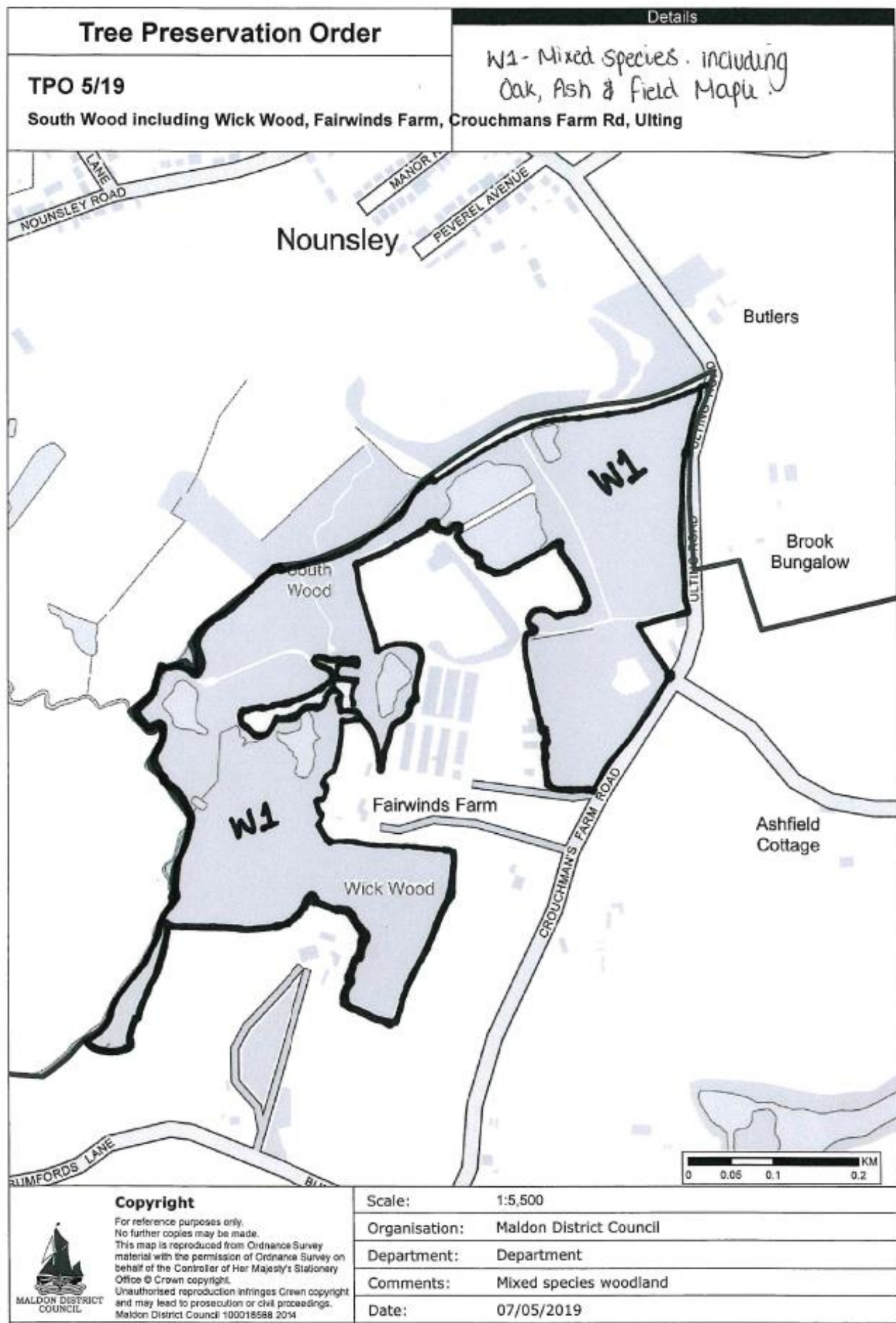
Application Number	TPO 5/19
Location	South Wood including Wick Wood, Fairwinds Farm, Ulting
Proposal	Confirmation of TPO 5/19
Owners	Mark Parish, Spencer & Patricia Firth, John & Judith Tomlins, Peter & Valerie Jones, Goran & Julie Stewart, Gavin & Cassandra Armitage, Northumbrian Water Limited and William & Vicki Barrett.
Confirmation by	07.11.19
Case Officer	Sophie Mardon
Parish	ULTING
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. **RECOMMENDATION**

CONFIRM Tree Preservation Order (TPO) 5/19 without any modifications.

2. **SITE MAP**

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In April 2019, the Council received information that part of the above woodland was up for sale. The sale of this land was considered to put the woodland at risk and therefore, a TEMPO assessment, which is a professionally and nationally accepted system of scoring the amenity value of a tree, was carried out. The TEMPO assessment scored the woodland 19 out of 25 and concluded that the woodland was worthy of a Tree Preservation Order (TPO). Therefore, a TPO was served on 7th May 2019.
- 3.1.2 One letter of objection has been received relating to the serving of TPO 5/19 on South Wood including Wick Wood, Fairwinds Farm, Ulting
- 3.1.3 These objections remain unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.

3.2 The Site

- 3.2.1 The Woodland is located to the Western side of Crouchmans Farm Road and Ulting Road and to the North of Bumford Lane. The Woodland wraps around Fairwinds Farm. The woodland is a prominent feature than can be seen from both of the main roads and the surrounding area; it is therefore considered to be an important landscape feature. This is a mixed species woodland which includes oak, field maple and Ash.
- 3.2.2 Due to the maturity of the trees and the prominent location on a main road, it is considered that this woodland plays a significant role in underscoring the value of the visual amenity of the surrounding area.

3.3 Ownership

- 3.3.1 South wood including Wick Wood is owned and managed by a number of different people. The known owners at the time of writing this report are; Mark Parish, Spencer and Patricia Firth, John and Judith Tomlins, Peter and Valerie Jones, Goran and Julie Stewart, Gavin and Cassandra Armitage, Northumbrian Water Limited and William and Vicki Barrett.

4. MAIN RELEVANT POLICIES

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

4.1 Corporate Plan 2019-2023:

Corporate Goals: The Environment - protected and improved environment for residents and visitors. Partnership working to protect our countryside and coastline.

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

4.3 Government Guidelines:

- 4.3.1 Government guidelines advise that: the LPA is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to Confirm TPO 5/19, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:
 - 1. that the TPO is not within the powers of the Act, or
 - 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The woodland is located to the western side of Crouchmans Farm Road and Ulting Road and to the north of Bumford Lane Road. It is a prominent feature of the landscape of the area and is considered to have high amenity value as it is highly visible from the public realm, from both Crouchmans Farm Road, Bumford Lane and the surrounding area and is made up from large, mature and attractive mixed species trees.
- 5.2 Planning Practice Guidance states (Paragraph 10 reference ID: 36-010-21040306) *'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'* The sale of a parcel of the woodland was brought to the Council attention. The woodland is not located within a Conservation Area and therefore did not have any form of statutory protection prior to the serving of the TPO. Therefore, any of the trees within this woodland could have been removed without the permission of Maldon District Council, which could damage the amenity value the woodland offers to the surrounding area.
- 5.3 In the interest of protecting this prominent landscape feature and the amenity value of the woodland within the locality, the woodland was assessed using the Tree Evaluation Method for Preservation Orders (TEMPO) which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment the woodland scored highly for the suitability of a TPO

for the amenity of the woodland as there are large/ medium trees clearly visible to the public with tree groups or principle members of groups important for their cohesion. The expediency assessment reflected the perceived threat of the tree as mentioned in section 5.2. The woodland scored an overall total 19 out of 25 which means that the woodland would definitely merit a TPO.

- 5.4 It is worth note that the guidance provided to sit alongside the TEMOP assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only). It is considered that the sale of the land is a greater threat than this.
- 5.5 Although only a small area of the woodland is for sale, TPO's will prominently follow the natural boundary line of the whole woodland. The woodlands amenity and expediency value should be assessed on the whole site rather than a small section for the above-mentioned impact of tree groups or principal members of groups important for their cohesion.
- 5.6 Furthermore, it has been acknowledged that an area of the woodland to the north of the outlined site falls under the jurisdiction of Braintree District Council who have issued a TPO for their part of the woodland. In the interest of continuity and consistency a TPO should be issued for the remaining woodland.
- 5.7 It should be noted that the TPO would not prevent works to the trees from being carried out, however it would control any works to ensure that they were suitable, justified and did not harm the health of the trees within or the amenity value the woodland as a whole offers to the surrounding area.

6. ANY RELEVANT SITE HISTORY

- 6.1 No relevant site history.

7. CONSULTATION AND REPRESENTATIONS RECEIVED

- 7.1 Representations received from Interested Parties
- 7.1.1 One letter was received **objecting** to the serving of the TPO 5/19 and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
1. There is no risk to the woodland as it has been managed for over 22 years and has never been managed in an uncaring or irresponsible manner.	1. Enquiries regarding the sale of a parcel of woodland has led us to believe that potential future development could put the woodland at risk

8. CONCLUSION

- 8.1 The woodland subject of the TPO makes a significant contribution to the character and appearance of the surrounding area due to the size and density of the woodland and the prominent location adjacent to Crouchmans Farm Road. Given that the woodland has a TEMPO score of 19, it is considered that the TPO should be confirmed to prevent inappropriate works being carried out which could harm the amenity value and overall health of the woodland.

Site Photos

View from Bumfords Lane looking North



View from Crouchmans Farm Road Looking West towards Wick Wood



View from Crouchmans Farm Road/ Ulting Road looking North and West towards South Wood



View from Crouchmans Farm Road/ Ulting Road looking North towards South Wood

