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

20 September 2019

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 30 SEPTEMBER 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 30 SEPTEMBER 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 2 September 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. **HOUSE/MAL/19/00526 - 32 Head Street, Goldhanger** (Pages 13 - 22)

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

6. **HOUSE/MAL/19/00653 - Heath House, 13 Heathgate, Wickham Bishops** (Pages 23 - 32)

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

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

Reports for noting:

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

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

Note:

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

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

NOTICES**Sound Recording of Meeting**

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

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Health and Safety

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

Closed-Circuit Television (CCTV)

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

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- 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.



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	E L Bamford, M F L Durham, CC, K W Jarvis, C P Morley and Miss S White
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC

332. CHAIRMAN'S NOTICES

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

333. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and Mrs J L Fleming.

334. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 August 2019 be approved and confirmed.

335. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to education, highways, matters of access and education primarily.

Councillor M F L Durham, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to education, highways, matters of access and education primarily.

336. FUL/MAL/19/00728 - LAND OPPOSITE BLUEBELL BARN, LOWER BURNHAM ROAD, LATCHINGDON

Application Number	FUL/MAL/19/00728
Location	Land Opposite Bluebell Barn, Lower Burnham Road, Latchingdon
Proposal	Development of a farm shop incorporating a seafood counter and removal of existing building
Applicant	Mr M Lancaster
Agent	Mrs Elizabeth Milne - Whirledge And Nott
Target Decision Date	23.08.2019
Case Officer	Hannah Bowles
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member call in by Councillor Miss S White due to public interest (prominent location).

The Officer presented their report to the Committee, making reference to the Members' Update which provided a response from Environmental Health and the addition of conditions 11 – 15.

Councillor Miss S White opened the discussion by informing the Committee she had received numerous comments from her constituents in favour of the application, which also had her full support.

At this time, the Chairman advised the Committee that Councillor K W Jarvis had completed his training and was now eligible to vote on applications, for which Councillor K W Jarvis expressed his thanks to the Lead Specialist Place.

A brief discussion ensued where, in response to questions from Members, the Development Management Team Leader confirmed that a licence would be required if the farm shop chose to sell alcohol, and that the building currently situated on the proposed site would be demolished.

The Chairman put the Officers recommendation of approval to the Committee, and upon a vote being taken the application was unanimously agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 18/52/01, 18/52/02, 18/52/03.
- 3 The external materials to be used in the construction of the building hereby permitted shall be as specified within the application.
- 4 The use hereby permitted shall only be undertaken between the hours of 08:00 – 19:00 Monday to Sundays and Public Holidays.
- 5 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1700 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 6 The premises shall only be used as a shop, which sells only food and drink, and for no other purpose including any purpose as defined within Class A1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision

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

7 There shall be no discharge of surface water from the development onto the Highway.

8 No unbound material shall be used in the surface treatment of the car parking areas.

9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

10 Prior to the first use of the shop hereby permitted the existing business 'Sea Food King' shall cease operating out of the site and all associated paraphernalia shall be removed from the site.

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

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted. Reason: To ensure that the surface water drainage scheme is adequate to serve the development in accordance with Policy D2 of the Maldon District Local Development Plan.

12 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

The work will be undertaken by a competent person in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11), the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

- 14 No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and retained as such thereafter.
- 15 No works above ground level shall occur until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details and retained as such thereafter.

337. OUT/MAL/19/00740 - ATHERSTONE LODGE, FAMBRIDGE ROAD, MUNDON

Application Number	OUT/MAL/19/00740
Location	Atherstone Lodge, Fambridge Road, Mundon
Proposal	Outline application, with matters of access, layout, appearance and scale for determination, to demolish chalet bungalow and garage. Erect three pairs of semi-detached houses (6no. dwellings) to provide accommodation for seasonal workers ancillary to the business at rear of site.
Applicant	Mr Paul Scott - Ben Rigby Game Ltd
Agent	Mr Stewart Rowe - The Planning and Design Bureau Ltd
Target Decision Date	05.09.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In Councillor Miss Sue White Public interest (neighbours)

The Officer presented the report to the Committee, informing Members that a previous application had been dismissed at appeal.

A brief discussion ensued with Members commenting on the ground plans not being indicative to the scale nor access of the site. Further comments were made acknowledging that the district already had a five-year housing supply and the application was not situated on a strategic site.

Councillor Miss S White proposed the application be refused in accordance with the Officer's recommendation, this was duly seconded, and upon a vote being taken the recommendation was agreed.

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

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a

five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The provision of six dwellings in the form of three pairs of semi-detached dwellings would be in stark contrast with development present within the area and would substantially and demonstrably alter the character of the site and rural area and have an unjustified visual impact on the countryside. Further, insufficient information has been submitted to demonstrate the functional need to house seasonal workers, in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

338. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

At the request of Members, the Chairman confirmed for the Committee that HOUSE/MAL/19/00653 - Heath House, 13 Heathgate, Wickham Bishops, which had been deferred at the 5 August 2019 meeting, was expected to return to the 30 September 2019 meeting of the Committee.

There being no further items of business the Chairman closed the meeting at 7.41 pm.

MRS M E THOMPSON
CHAIRMAN

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
30 SEPTEMBER 2019**

Application Number	HOUSE/MAL/19/00526
Location	32 Head Street, Goldhanger
Proposal	Proposed front/side extension, garage conversion, rooflights and removal of side lean-to.
Applicant	Mrs Linda Davies
Agent	Mr Richard Bailey
Target Decision Date	01.10.2019
Case Officer	Hayleigh Parker-Haines
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs M E Thompson. Impact on neighbouring amenity

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

19/00526/HOUSE
32 Head Street



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	28/08/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the northern side of Head Street and falls within the settlement boundary of Goldhanger. The site is occupied by a chalet style bungalow with an attached garage to the western side elevation.
- 3.1.2 Planning permission is sought for the construction of a side extension. This would be to the western side elevation and to the front of the garage. The proposed side extension would have a maximum height of 3.4 metres with an eaves height of 2.2 metres, a width of 2.7 metres and a depth of 2.5 meters. The proposed side extension would join the existing garage giving a maximum depth of 15 metres. This would also include the conversion of the garage. The resultant extension would accommodate a bathroom and hallway.
- 3.1.3 Other works proposed are the removal of the lean-to side extension to the eastern side elevation of the host dwelling, the addition of a window to the front gable, three additional rooflights to the western roofslope and one additional rooflight to the eastern roofslope.

3.2 Conclusion

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

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

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

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment

- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

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

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

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

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

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

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.5 The proposed side extension would be visible from within the public realm and therefore would have an impact on the character and appearance of the site and surrounding area
- 5.2.6 The proposed side extension would be set back from the principle elevation by 3.5 metres and would have a lean-to style roof which would mirror the roofline of the host dwelling. Therefore, the proposed extension is considered to be a subservient addition to the application site. Furthermore, the proposed extension would occupy a footprint of 6.8m² and is considered to be a minor addition that would not result in the site appearing as cramped or overdeveloped.
- 5.2.7 The removal of the existing single storey side projection to the eastern side elevation is not considered to have a significant impact on the character and appearance of the site or the surrounding area. Furthermore, the removal of this extension would create a gap in built form at the application site and is therefore considered to have a positive impact on the character and appearance of the application site.
- 5.2.8 The addition of three rooflights to the western roofslope and one to the eastern roofslope, due to their locations is considered to result in a slightly jumped roofslope. However, as these are to the side of the dwelling and would not be highly visible within the streetscene, it is not considered that this alone would warrant the refusal of this application.
- 5.2.9 Therefore, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by three neighbouring properties. To the north is No.1 Peartree Close, to the east is No.30 Head Street and to the west is No.34 Head Street.
- 5.3.3 The proposed extension would sit 28.2 metres from the shared boundary with No.1 Peartree Close and over 30 metres from the neighbouring dwelling. Due to this substantial degree of separation and that the existing garage would largely block any views of the proposed extension, it is not considered that the proposed development would result in an unneighbourly form of development in relation to this neighbouring property.
- 5.3.4 The proposed extension would sit 10.7 metres from the shared boundary with No.30 Head Street and 11.9 metres from the neighbouring property. Due to this substantial

degree of separation and that the host dwelling would largely block any views of the extension from this neighbouring property, it is not considered that the proposed side extension would result in an unneighbourly form of development in relation to this neighbouring property. Furthermore, the removal of the existing side extension to the eastern side of the host dwelling is not considered to result in an unneighbourly form of development in relation to this neighbouring property. It is noted that there is an additional rooflight on the eastern roof slope facing this neighbouring property. However, due to the positioning and angle of the light within the roofslope it is not considered that this would result in an unacceptable loss of privacy to the neighbouring occupiers.

- 5.3.5 The proposed extension would sit 1.1 metres from the neighbouring property at No.34 Head Street. It is noted that there is one window on the eastern elevation of this neighbouring property facing the application site serving a kitchen and whilst this is not classed as a habitable room, it is noted that from a site visit there is some habitable space within the kitchen whereby the occupant sits and reads and there is a table for dining. Currently the views from this window are of the boundary fence and the eaves of the host dwelling with some sky visible. Whilst it is acknowledged that the proposed extension would result in a minor loss of outlook from this window as the proposed extension would bring the built form closer to the boundary, as the roof would slope away from the neighbouring property and follows the existing roofline of the host dwelling, views of the sky will still be readily available as existing, it is not considered that the proposed extension would result in a further unacceptable material loss of outlook to this window.
- 5.3.6 The proposed extension is not considered to result in a significant loss of natural light to this window. The window is on the eastern elevation and therefore the host dwelling at the application site already restricts the amount of light afforded to this window, the roof slopes away from the boundary fence and has an eaves height of 2.2 metres and the maximum height matches the eaves of the existing dwelling. The proposed extension would be 0.15 metres higher than the existing boundary treatment which is a close boarded fence at 2.05 metres in height. Therefore, it is not considered that the proposed extension would result in a significant loss of light to this window.
- 5.3.7 Therefore, it is considered that on balance the proposed development would not result in 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 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 The proposed development would result in the loss of a parking space within the garage and the extension would result in an additional bedroom being created, making the property a three bed. The Vehicle Parking Standards SPD states that for a three-bedroom dwelling a minimum of two parking spaces are required. There is ample hardstanding to the front of the site to accommodate parking provision for at least two vehicles. 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 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 proposed development would not result in the loss of private amenity space. Furthermore, the site would have garden space in excess of 100m². Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/62/00374** – Residential development - Approved.
- **FUL/MAL/71/00342** – Extension - Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	The Parish Council objections to this application remain as before despite the revised plans.	1. A sectional drawing was provided showing that there would be a maximum of 2 metres headroom to the centre of the room and

Name of Parish / Town Council	Comment	Officer Response
	<p>1. The rooms in the existing roof are supported but drawings do not indicated the headroom which would appear to be tight</p> <p>2. The extension will adversely affect the kitchen window to No.34</p> <p>3. The block plan has drawn No.34 in an incorrect position – it is 1 metre from the boundary not 3.3 metres.</p> <p>4. It is noted that the application form section 8 parking is incorrect as the garage is being lost</p>	<p>a minimum of 1.1. metres headspace.</p> <p>2. The impact on neighbouring amenity is assessed in section 5.3 of this report</p> <p>3. The revised plans were due to No.34 being in the incorrect position, Plan 2019-09-04-Block Plan_revA and 2019-09-03-Location_revA have been provided showing No.34 1 metre from the boundary.</p> <p>4. It is noted that the application form is incorrect in regards to the loss of a parking space. However, this is clearly shown on the floor plans and the impact on parking is discussed in section 5.4 of this report.</p>

7.2 Representations received from Interested Parties

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

Objecting Comment	Officer Response
The proposed extension would result in a loss of view as it will rise above the neighbouring property to the wests fence and completely obstruct the view out of the kitchen window. No sky will be seen or natural light will be able to enter. This would make the kitchen a far less enjoyable room for the neighbouring occupant to be in.	The impact on neighbouring amenity is discussed in section 5.3 of this report
The proposed extension would result in a loss of light to the neighbouring kitchen.	The impact on neighbouring amenity is discussed in section 5.3 of this report
The proposed rooflight could reflect into the kitchen of the neighbouring property to the west and cause bright unnatural light to glare off the sink.	The impact on neighbouring amenity is discussed in section 5.3 of this report

Objecting Comment	Officer Response
The plans provided do not accurately represent the closeness of No.34 to the applicant's property.	Amended plans were received on 22 nd July 2019, to address the inaccuracy in relation to this issue and these underwent a three week public consultation ending 21 st August 2019.
The window on the eastern elevation of the neighbouring property to the west serves a kitchen and this is used by the occupant to sit and read in the room; the proposed extension would significantly impair the occupier from enjoying this room.	The impact on neighbouring amenity is discussed in section 5.3 of this report.
The proposed works will be extremely detrimental to the wellbeing of the current inhabitant of the neighbouring property to the west, with building work requiring intrusion onto the neighbouring occupant's property.	The impact on neighbouring amenity is discussed in section 5.3 of this report. If access is required onto the neighbouring occupiers land this would be a civil matter that the Local planning Authority have no jurisdiction over.
The proposed extension would overshadow two thirds of the window at the neighbouring property to the west.	The impact on neighbouring amenity is discussed in section 5.3 of this report.
No maintenance could be carried out on the extension without having to enter the neighbouring property to the west.	This is a civil matter and not a planning consideration.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2019-09 03A, 2019-09 04A, 2019-09 01, 2019-09 02 and 2019-09-05
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
30 SEPTEMBER 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 Extension of time until 01.10.2019
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, CC, - Local Concerns

1. RECOMMENDATION

This application was presented to members at the North Western Area Planning Committee held on Monday 5th August 2019, whereby the application was deferred to allow for a members site visit. This took place on the 19th August 2019. The full committee report can be found in **APPENDIX 1**. The recommendation to approve remains unchanged.

2. RECOMMENDATION

APPROVE with no conditions.

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**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

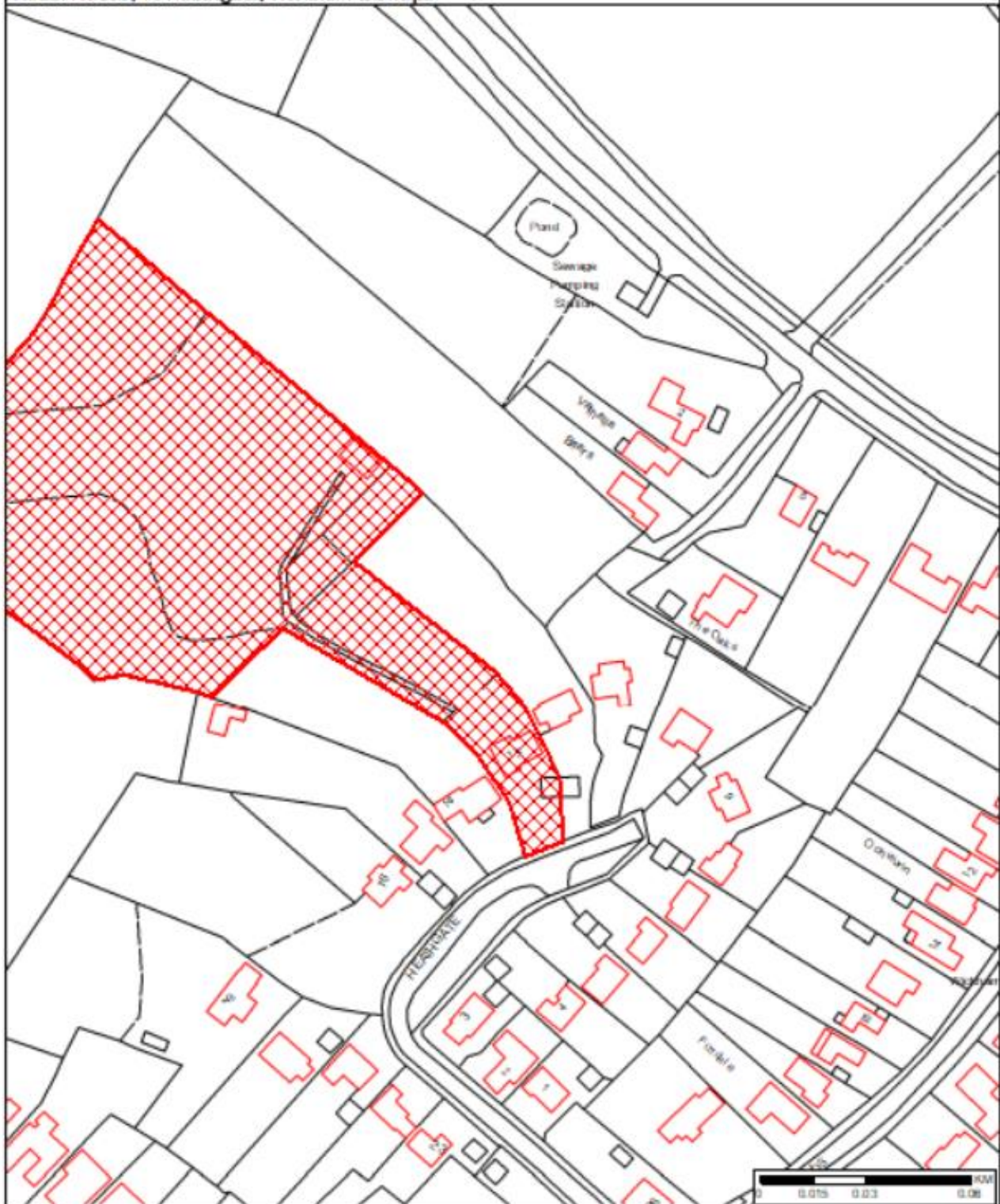
1. **RECOMMENDATION**


APPROVE with no conditions.

2. **SITE MAP**

Please see overleaf.

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



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	19/07/2019
	MSA Number:	100018588

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 eave's 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