

# Unrestricted Document Pack

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

22 March 2019

Dear Councillor

You are summoned to attend the meeting of the;

## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 1 APRIL 2019** at **7.30 pm**.

in the Council Chamber - Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



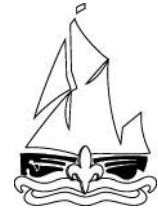
Head of Paid Service

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor Mrs M E Thompson
	VICE-CHAIRMAN	Councillor E L Bamford
	COUNCILLORS	J P F Archer H M Bass M F L Durham, CC J V Keyes D M Sismey A K M St. Joseph Miss S White

*Ex-officio non-voting Members: Councillor Mrs P A Channer, CC*

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 1 APRIL 2019**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 4 March 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/19/00038 - Wickham Place Farm Station Road Wickham Bishops**  
(Pages 17 - 28)

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

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

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## Reports for noting:

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

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

## **NOTICES**

### **Sound Recording of Meeting**

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

### **Fire**

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

### **Health and Safety**

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

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

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **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  
4 MARCH 2019**

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**PRESENT**

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

**914. CHAIRMAN'S NOTICES**

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

**915. APOLOGIES FOR ABSENCE**

There were none.

**916. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 4 February 2019 be approved and confirmed.

**917. DISCLOSURE OF INTEREST**

Councillor M F L Durham, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

Councillor A K M St Joseph declared a pecuniary interest in Agenda Item 10, HOUSE/MAL/19/00084 – 9 Heriot Way, Great Totham as the agent is currently undertaking work for Councillor St Joseph. The Committee was advised that he would leave the Council Chamber for this item of business.

Councillor H M Bass declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/01333 – Land North West of Fernbrook Hall, Mope Lane, Wickham Bishops as he had visited the site in advance of the meeting. A further non-pecuniary interest was declared in Agenda Item 9, HOUSE/MAL/19/00051 – 17 School Road, Wickham Bishops, as he had visited the neighbours to the rear of the site in advance of the meeting.

Councillor J V Keyes declared a non-pecuniary interest as a Member of Great Totham Parish Council. A pecuniary interest was declared for Agenda Item 7, LDE/MAL/18/01443 – Brink Kiln Lodge, 32 Rookery Lane, Great Totham, as the application was that of a close family member. The Committee was advised that he would leave the Council Chamber for this item of business.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

**918. FUL/MAL/18/01333- LAND NORTH WEST OF FERNBROOK HALL, MOPE LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>FUL/MAL/18/01333</b>
<b>Location</b>	Land North West Of Fernbrook Hall Mope Lane Wickham Bishops
<b>Proposal</b>	Demolition of existing stables and construction of new 6 bedroom house with basement parking, cinema room and bar.
<b>Applicant</b>	Mr M Jeffers
<b>Agent</b>	Mr Neil McQuire - Domino Sky Building Design Limited
<b>Target Decision Date</b>	14.03.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by: Councillor H Bass Reason: Public Interest

The Officer presented their report to Members, after which Councillor Ian Wardrop, Parish Councillor for Wickham Bishops, and Mr Matt Jeffers, the Applicant, addressed the Committee.

Councillor H M Bass informed the Committee the Applicant had advised him in advance of the meeting that this was a green building of a bespoke design and would qualify for approval under the special clauses in the National Planning Policy Framework (NPPF). He advised the Committee that based on the information presented by the Applicant this was not an application he could support.

Members expressed sympathy for the Applicant’s circumstances but as these were not planning considerations they had to concur with the Officer’s recommendation.

The Chairman put the Officer’s recommendation of refusal to the Committee, and upon a vote being taken the motion was duly carried.

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

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an



unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan (MDLDP) policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the NPPF.

- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the MDLDP as well as the principles and guidance contained within the NPPF.

**919. HOUSE/MAL/18/01421 - 16 ST STEPHENS ROAD, COLD NORTON**

<b>Application Number</b>	<b>HOUSE/MAL/18/01421</b>
<b>Location</b>	16 St Stephens Road, Cold Norton
<b>Proposal</b>	First floor extension over garage, single storey front extension, a pitched link roof between new and existing gable roofs and enclosing existing front porch.
<b>Applicant</b>	Mr & Mrs J Hasler
<b>Agent</b>	Terence Wynn
<b>Target Decision Date</b>	18/02/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In: by Councillor Miss S White Reason: public interest

The Officer presented their report to the Committee, after which a brief discussion ensued expressing approval of the design and an aesthetic improvement to the building.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the motion was carried.

**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 and documents: 1243/15.A.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.

Councillor J V Keyes left the meeting at 19:45 due to a pecuniary interest in the following item.

**920. LDE/MAL/18/01443 - BRICK KILN LODGE, 32 ROOKERY LANE, GREAT TOTHAM**

<b>Application Number</b>	<b>LDE/MAL/18/01443</b>
<b>Location</b>	Brick Kiln Lodge 32 Rookery Lane Great Totham
<b>Proposal</b>	Claim for a Lawful Development Certificate for the continued occupation of a dwellinghouse in breach of the agricultural occupancy condition.
<b>Applicant</b>	Executors Of Mr P Keyes
<b>Agent</b>	Mrs Leanne Frost - Acorus Rural Property Services Ltd
<b>Target Decision Date</b>	29.01.2019
<b>Case Officer</b>	Hannah Bowles Tel: 01621 875730
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	The applicants are related to an elected member.

The Officer presented their report to the Committee, in which it was advised that the property had been in breach of the agricultural occupancy condition for an excess of ten years.

The Chairman informed the Committee that reports of this nature do not usually come to the Committee and is only being presented due to the Applicants relationship to Councillor J V Keyes.

The Chairman put the Officer's recommendation of approval to the Committee, and upon a vote being taken this was duly carried.

**RESOLVED** that the Lawful Development Certificate be **GRANTED** for the following reason:

- 1 The Local Planning Authority is satisfied that there is sufficient evidence to substantiate the claim that on balance of probability Condition 4 of application MAR/235/72 has been continuously breached for a period in excess of ten years and therefore the continued use of the building contrary to the stated condition would be lawful.

Councillor J V Keyes re-joined the meeting at 19:48.

**921. FUL/MAL/18/01475 - CLARKS FARM, WASH LANE, LITTLE TOTHAM**

<b>Application Number</b>	<b>FUL/MAL/18/01475</b>
<b>Location</b>	Clarks Farm Wash Lane Little Totham
<b>Proposal</b>	Change of use from Sui Generis to a two bedroom residential dwelling (Class C3)
<b>Applicant</b>	Mr S Cobb
<b>Agent</b>	Raymond Stemp Associates
<b>Target Decision Date</b>	27.02.2019 EOT 05.03.2019
<b>Case Officer</b>	Hannah Bowles, Tel: 01621 875730
<b>Parish</b>	<b>LITTLE TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by: Councillor D Sismey Reason: Public interest

Following the Officer's presentation Councillor Robert Long, MBE, a Supporter (not as a representative of the Little Totham Parish Council), and Mr Steve Cobb, the Applicant, addressed the Committee.

Councillor D M Sismey questioned whether S1 and S8 of the Maldon District Local Development Plan (MDLDP) were applicable to the application due to the property not being a new build. The Group Manager for Planning Service advised the Committee that S8 related to all developments and not exclusively new builds.

In response to Members' questions the Planning Officer confirmed that the application was brought to Committee following the provision of further information on veterinarian employment at the site.

A further discussion ensued with Members raising concerns over how the application would impact use at the rest of the site, and whether E1 of the MDLDP would be applicable as there was a need for agricultural businesses within the district.

It was noted that section 5.1.5 of the report should read 1.3 miles from Tolleshunt Major and not Tolleshunt Knights. Members sympathised with the personal circumstances of the Applicant, and advised that they were not able to consider this as part of the planning application.

The Committee further discussed the use of the site, and whether approval of the application would inhibit use of the remainder of the site, including the closure of kennels and access were business use to continue. Following Members enquiring into the history of the site, the Group Manager for Planning Service advised that in 2008 an application FUL/MAL/08/00569 was made for the demolition of the existing building and erection of a medical centre for greyhounds kennelled on the site.

The Chairman queried whether Councillor D M Sismey wished to propose the motion of approving the application for the reason of S1 and S8 of the MDLDP not being applicable. As this was not proposed the Chairman then put the Officer's recommendation of refusal to the Committee and upon a vote being taken this was duly carried.

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

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Little Totham 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development, as a result of the conversion and domestic paraphernalia, would be an unwelcome visual intrusion resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan and Government guidance contained in The National Planning Policy Framework.
  
- 2 Policy E1 of the Maldon District Local Development Plan requires the Applicant to demonstrate that the existing buildings cannot be used for an alternative employment use. The Applicant has provided insufficient information to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the building other than converting it into residential use. Therefore, it is considered that the loss of the veterinary medical facility building, a Sui Generis Use, would not make a positive contribution to the rural economy, contrary to the aforementioned policies and the Government advice contained in the National Planning Policy Framework.

**922. HOUSE/MAL/19/00051 - 17 SCHOOL ROAD, WICKHAM BISHOPS**

<b>Application Number</b>	<b>HOUSE/MAL/19/00051</b>
<b>Location</b>	17 School Road, Wickham Bishops
<b>Proposal</b>	Loft conversion including replacement main roof, new front gable, rear dormer and five rooflights. Changes to the external materials of the dwelling.
<b>Applicant</b>	Mr. and Mrs. J Croker
<b>Agent</b>	Mr. N Ward – NWDP
<b>Target Decision Date</b>	12/03/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In: Councillor H Bass Reason: Public interest

Following the Officer's presentation, Mrs Ruth Johnson, an Objector, and Councillor Ian Wardrop, the Parish Councillor for Wickham Bishops, addressed the Committee.

Councillor H M Bass spoke at length on the application, drawing Members attention to the height of 17 School Road in comparison to neighbouring dwellings, how foliage and trees on the site had been removed and the addition of the dormer would impact on the

privacy of neighbouring dwellings. Councillor H M Bass then suggested a site visit and proposed refusal of the application. This was duly seconded.

The Group Manager for Planning Services advised the Committee that the boundaries had a distance exceeding ten meters from the properties, and loss of privacy through properties being 'back to back' was not applicable as the properties were turned slightly away from each other.

Member's acknowledged the Group Manager for Planning Services comments and stated that concerns on privacy were due to the elevation of the dwelling in comparison to neighbouring properties and agreed that this was contradictory to D1 of the MDLDP.

In response to Member's questions the Group Manager for Planning Services advised that D1 did not have any specific figures and the professional opinion of the Officer was that the level of overbearing was relative and would not exacerbate the current situation.

Councillor M F L Durham proposed the application was refused due to the loss of residential amenity to the adjacent properties under D1 of the MDLDP, and this was duly seconded.

Councillor D M Sismey left the meeting at 20:27 and did not return.

Councillor H M Bass moved to suggest that were the proposal of refusal lost that a site visit should be organised for Members. In response to questions the Chairman advised the Committee that any site visit, if approved, would not be mandatory.

The Chairman put the proposal of refusal, contrary to the Officers recommendation, to the Committee, and upon a vote being taken this was duly carried.

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

- 1 The proposed rear dormer would result in an unacceptable level of overlooking of private amenity space of the neighbouring property to the northwest. Therefore the proposed development would result in demonstrable harm to residential amenity and would be contrary to the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

Councillor A K M St Joseph left the meeting at 20:30 due to a pecuniary interest in the following Item and did not return.

923. HOUSE/MAL/19/00084 - 9 HERIOT WAY, GREAT TOTHAM

<b>Application Number</b>	<b>HOUSE/MAL/19/00084</b>
<b>Location</b>	9 Heriot Way, Great Totham
<b>Proposal</b>	Part conversion and extension of existing garage to provide ancillary accommodation
<b>Applicant</b>	Mr. & Mrs. Darren & Karen Newman
<b>Agent</b>	Mr. Mark Crocker
<b>Target Decision Date</b>	21/03/2019
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	Great Totham
<b>Reason for Referral to the Committee / Council</b>	Member Call In: Councillor D Sismey Reason: Public interest

The Officer presented their report to the Committee, after which Mr Darren Newman, the Applicant, addressed the Committee.

The Chairman confirmed for the Committee that the report had been called in for Public Interest, and advised that the report had previously been refused on the grounds of the design and detrimental visual impact.

A discussion ensued with Members seeking clarity on access to the property from the road. The Chairman sought clarification on this from the Applicant under Section 9 – Terms of Reference – General and Procedural, Appendix 4, g).

In response to questions from the Committee the Group Manager for Planning Services confirmed that the application would result in the rear of the building being 1.57 meters wider than the current garage and advised that it would not be possible to condition use of the building.

Members commented on the proposed application overlooking the applicants own land, minimal impact on private amenity space, and that access to the rear of the property would not be impeded.

Councillor M F L Durham proposed that the application be approved for the aforementioned reasons, and this was duly seconded.

The Chairman put Councillor M F L Durham's recommendation of approval, contrary to the Officer's recommendation, to the Committee, and upon a vote being taken this was duly carried.

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

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

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

2. The development shall be carried out in accordance with the following approved plans and documents: Site location plan, Block plan, NEWMAN/01/1, NEWMAN/01/2, NEWMAN/01/3, NEWMAN/01/4, NEWMAN/01/5.

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

3. The external surfaces of the building(s) shall be constructed of the materials set out on the application form/approved plans submitted with the application.  
**REASON:** To ensure the proposed development has a suitable design quality and visual impact in the interests of protecting the character and appearance of the site and the surrounding area, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
4. The building hereby approved shall not be used at any time for any purpose other than purposes ancillary to the residential use of the dwelling known as 9 Heriot Way, Great Totham.  
**REASON:** To clarify the terms of the permission and protect the amenity of the site in accordance with policies S1, D1 and H4 of the Maldon District Local Development Plan.
5. The garage/store as indicated on the site plan (NEWMAN/01/3) shall be used as a garage/store at all times. It shall be used solely for the benefit of the occupants of the dwelling of which it forms part and for no other purpose.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.

There being no further items of business the Chairman closed the meeting at 8.48 pm.

MRS M E THOMPSON  
CHAIRMAN

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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
1 APRIL 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00038</b>
<b>Location</b>	Wickham Place Farm Station Road Wickham Bishops
<b>Proposal</b>	Change of use of annexe to single family dwellinghouse
<b>Applicant</b>	Mr & Mrs Wilson
<b>Agent</b>	Mr Stewart Rowe
<b>Target Decision Date</b>	21.03.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor H M Bass Reason: Public Interest

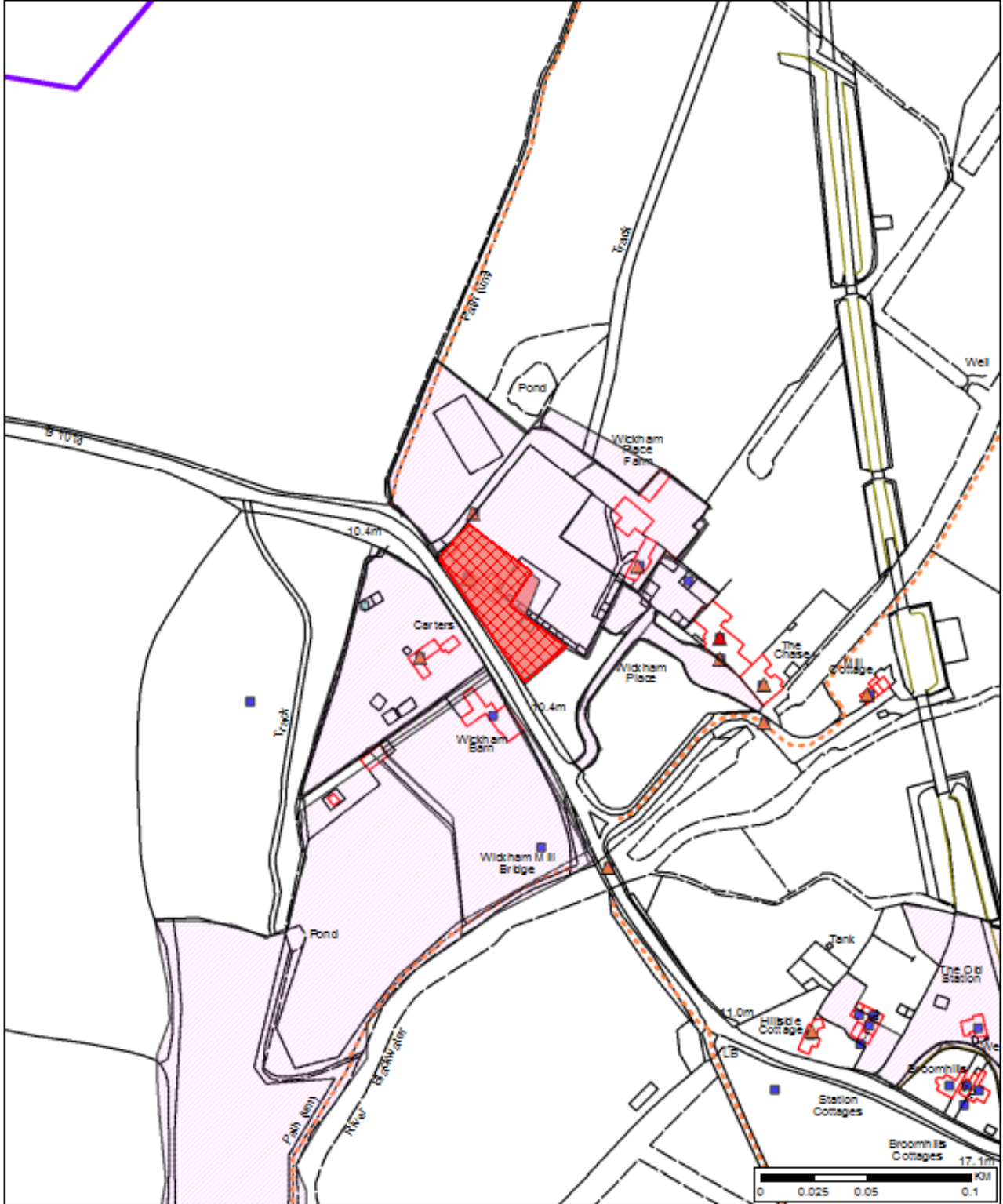
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Wickham Place Farm Station Road Wickham Bishops**  
 19/00038/FUL



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 MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	12,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	
Date:	12/03/2019
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site measures around 0.16Ha, it is located on the north eastern side of Station Road, outside of the defined settlement boundary of Wickham Bishops. The site is occupied by an annexe which is currently tied to the main dwelling at Wickham Place Farm via a planning condition and a unilateral undertaking.
- 3.1.2 Planning permission is sought for the sub-division of the existing planning unit in order to separate the annexe from the main dwelling at Wickham Place Farm. This would allow the annexe to be used as a separate planning unit. The annexe is a narrow, four bedroomed building which is currently served by its own access point, turning and parking area and a double garage. It is located around 50m from the main dwelling on the larger site within the applicant's ownership.
- 3.1.3 The annexe is Grade II listed and the site also comprises a Grade II listed garden wall and Grade II listed Coach House. The proposal would not result in any physical changes to the listed building or application site.

#### **3.2 Conclusion**

- 3.2.1 The proposal to change the use of the annexe to a separate dwellinghouse would fail to accord with the policies of the Development Plan as the development would result in a new dwelling being formed outside of the settlement boundary of Wickham Bishops where open-market development is not supported. The development would therefore represent an unwarranted and unjustified development in the countryside which is unsustainable in terms of accessibility and environmental impact. Further, the Applicant had signed a legal agreement with the Council to ensure that the existing annexe would be used in conjunction with main dwelling on the larger site and to ensure that the annexe would not be occupied as a separate or independent residential unit from Wickham Place Farm.

### **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
- 79 Rural Housing
- 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)
- National Planning Policy Guidance (NPPG)
- Maldon District Specialist Needs Housing SPD

## 5. **MAIN CONSIDERATIONS**

### 5.1 **Principle of Development**

- 5.1.1 The annexe is located outside of any defined settlement boundary. Policy S8 of the Local Development Plan (LDP) is unequivocal in its purpose of directing development within defined development boundaries. This approach is to protect the rural countryside from development that should otherwise be located in existing settlements / urban areas. Policy S8 goes onto state that outside of defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of the 13 specified types of development. The list of 13 acceptable forms of development within the countryside does not include residential development consisting of open-market dwellings. The proposal is therefore not considered to be in accordance with policy S8 of the LDP.
- 5.1.2 As noted above the site is located outside the settlement boundaries and is a significant distance from any settlement. The dwelling would be in a rural location approximately 2 miles away from the centre of Wickham Bishops, where there are local services and facilities. There are no public footways or street lighting. This would not only deter pedestrians from using the local bus services, especially during winter months and inclement weather, but could also deter the future occupiers from cycling to the local villages. In terms of accessibility, it is highly likely the development would result in the future occupiers being highly reliant upon modes of private transport and vehicles to access services and facilities. Thus the development would be in conflict with Policy T2 of the LDP and the NPPF.
- 5.1.3 It is noted that paragraph 79 of the NPPF allows for the subdivision of an existing residential dwelling within the countryside. However, given the content of the development plan and the recently adopted Maldon District Specialist Needs Housing Supplementary Planning Document (Sept 2018), which specifically resists annexes becoming primary residential accommodation (paragraph 6.7) and the other considerations that are set out below, it is considered that in this instance such a proposal should not be supported.

5.1.4 Furthermore, it is noted that similar proposals which result in the sub-division of an existing residential plot have been approved within the locality. However, the circumstances of those sites are not directly comparable to this one and every application should be determined on its own merits. Wickham Barn located opposite the application site, sought permission to remove a condition which resulted in ancillary accommodation becoming a separate dwelling. The North Western Area Committee resolved to approve this application (ref. FUL/MAL/18/01362) in January 2019; although no official reason for approval was given, it appears that the personal circumstances of the applicants led to the application for the removal of the condition and that the usual/exceptional design weighed in favour of the proposal. Further, Carters which is a residential dwelling to the north of Wickham Barn, was subject to a similar application to remove a condition which resulted in ancillary accommodation becoming a separate dwelling (ref. FUL/MAL/15/01218), this application was determined at a time when different policies of restraint applied and the Council was unable to demonstrate a 5 Year Housing Land Supply. Lastly, an application to vary a condition at Parsonage Farm, located in the parish of Tolleshunt Major was approved in January 2019. This approval was an exceptional instance as the condition which was proposed to be varied did not meet the six tests that a condition must meet to be implemented nor did the condition proposed by the applicant; therefore the only way forward was to remove the condition. Therefore, it is clear that there are no directly comparable applications that would weigh in this proposals favour.

## **5.2 Relevant Planning History**

5.2.1 In 2013 two planning applications and concurrent Listed Building Consent applications were approved for the use of the building as an annexe and various other works on the larger site within the applicant's ownership. A further application for planning permission and listed building consent were sought in 2014 for a comparable scheme. All of the planning permissions (detailed in section 6 below) were approved subject to a legal agreement to ensure that the annexe is not sold, transferred or disposed of in anyway except by way of disposal of the whole site and to ensure the annexe is used as ancillary accommodation in connection with the occupation of the main house. As stated within the 2014 report for the reasoning behind the legal agreement *'It would be imperative for a comparable legal agreement to be attached in order to avoid the creation of a new separate dwelling.'*

5.2.2 Should the application be approved the annexe would become a stand-alone dwelling without a legal agreement attached. As a new planning application, the existing legal agreement would not bind the applicants with the previous restrictions approved under planning applications FUL/MAL/14/00156 and LBC/MAL/14/00157.

5.2.3 The applicant has sought to discharge the legal agreement, which will be addressed should the application be approved.

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

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

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”.*

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

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

5.3.2 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

5.3.3 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.

5.3.4 The independent occupation of the annexe would be likely to result in intensification in the use of the site through extra domestication. This would be through additional outdoor paraphernalia required for a dwellinghouse such as a washing line or outdoor seating and the extra pressure for privacy and boundary treatments in the future. This would affect the appearance of site and therefore it is considered that this would result in an impact on the existing site and the character of the area, particularly given the proximity of the annexe to Station Road.

5.3.5 Therefore, it is considered that the change of use would be likely to result in the erosion of the character and appearance of the site and the locality contrary to policies D1 and H4 of the LDP. Furthermore, this approach has been supported at a number of appeals.

## **5.4 Impact on Heritage Assets**

- 5.4.1 The annexe is a listed building and there are several heritage assets within the vicinity of the site. However, given there are no physical alterations proposed there are no concerns in this respect. The Conservation Office has been consulted and raised no objection to the proposal.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.5.2 The annexe is existing habitable accommodation and there are no physical alterations proposed to the building and therefore its relationship with the neighbouring properties would not be materially altered, with the exception of the main dwelling on the larger site.
- 5.5.3 The proposed change of use would result in the sub-division of an existing residential plot and a material change between the relationship of the annexe and main dwelling to which it is tied. However, given the separation distance of around 50m and its siting to the west of the main dwelling; it is not considered that the development would give rise to overlooking to detriment of the neighbouring occupiers.

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

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The recommend car parking provision for a four bedroomed dwelling is 3 car parking spaces.
- 5.6.3 There are no proposed changes to the access point or the car parking provision currently utilised by the annexe. There is an existing two bay garage that serves the annexe as well as a gravelled area which provides further parking provision and a turning area. Therefore, there are no concerns in relation to access or parking.
- 5.6.4 Whilst the occupation of four bedroomed annexe as a stand-alone dwelling may result in an increase in vehicle movements to and from the site, it is not considered that this would be a risk to highway safety. Furthermore, the highway authority has been consulted and raised no objection to the proposal.

## 5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 It is proposed to provide a private amenity area to the rear of the existing annexe, an area in excess of 500m<sup>2</sup> would be taken from the existing grounds of Wickham Place Farm to be used in association with the proposed use. Therefore, no concerns are raised in this respect. Furthermore, given the extensive grounds of the main dwelling there would be ample private amenity space remaining to serve the main dwelling.

## 6. OTHER MATTERS

### European Designated Sites

- 6.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 6.2 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the following development types? Yes – The planning application relates to two dwellings.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

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

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



As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of a dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of a dwelling in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

#### 7. ANY RELEVANT SITE HISTORY

- **FULF/MAL/90/00209** - Rear extension. Approved 10.05.1990.
- **LBC/MAL/90/00210** – Rear Extension. Approved 04.05.1990.
- **AGR/MAL/92/00001** - Erection of grain store/general purpose building. Prior Approval required. 28.04.1992.
- **AGR1/MAL/92/00001** - Proposed new farm building. Approved 28.07.1992.
- **FUL/MAL/07/01056** - New dwelling and garage partially in existing cartlodge. Withdrawn 15.11.2007
- **LBC/MAL/07/01056** - New dwelling within existing cartlodge and adjacent to garden wall. Withdrawn 15.11.2007.
- **FUL/MAL/11/00563** - Demolish 20th Century outbuildings on Listed Wall and 20th Century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge / garage. Refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe. Approved subject to a Section 106 Agreement 18.07.2013.
- **LBC/MAL/11/00564** - Demolish 20th Century outbuildings on Listed Wall and 20th Century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge / garage, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe. Approved 18.07.2013.
- **FUL/MAL/12/00417** - Demolish 20th century outbuildings on listed wall and 20th century detached iron barn. Improve existing drive, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of

cottage as ancillary residential annexe (amended proposal). Approved subject to a Section 106 Agreement 25.01.2013.

- **LBC/MAL/12/00418** - Demolish 20th century outbuildings on listed wall and 20th century detached iron barn. Improve existing drive, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe (amended proposal). Approved subject to a Section 106 Agreement 25.01.2013.
- **FUL/MAL/14/00156** - demolish 20th century outbuildings on listed wall and 20th century detached iron barn and five bay garage. improve existing drive and erect detached cartlodge/garage, refurbish, alter and extend coach house in connection with its use as new dwelling, and use of cottage as ancillary residential annexe (amended proposal) approved subject to a section 106 agreement 18.12.2014.
- **LBC/MAL/14/00157** - demolish 20th century outbuildings on listed wall and 20th century detached iron barn and five bay garage. improve existing drive and erect detached cartlodge/garage, refurbish, alter and extend coach house in connection with its use as new dwelling, and use of cottage as ancillary residential annexe (amended proposal) approved subject to a section 106 agreement 18.12.2014.

## 8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>We recommend the refusal of planning permission, for the reasons listed below:            No letters of representation had been received.</p> <p>It was acknowledged that the barn opposite had received planning permission; however this was against the recommendation of the parish council.</p> <p>Councillors noted that the application site was well outside the development boundary in an unsustainable location and would constitute subdivision of an existing plot. For these reasons the application was</p>	Noted and discussed in sections 5.1 and 5.3.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	considered to be against the planning policies of Maldon District Council and the Wickham Bishops draft Neighbourhood Plan. The Planning Committee recommended REFUSAL.	

## 8.2 Statutory Consultees and Other Organisations

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

## 8.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	Inadequate information in relation to Foul and Surface water drainage. Therefore, no objection subject to suitable conditions.	Noted.
Conservation Officer	The proposed change of use from an Annexe back to an independent residence would involve no physical alteration of the grade II listed building. An application for listed building consent is therefore not required. The proposed change of use would result in no harm to the significance of setting of the listed building, or to the significance of any of the other listed buildings within the vicinity.	Noted.

## 8.4 Representations received from Interested Parties

8.4.1 No letters of representation have been received to date.

**9. REASONS FOR REFUSAL**

- 1 The application site lies outside the defined settlement boundary of Wickham Bishops wherein both policies of the Development Plan and Government Guidance points towards the continued restraint of new development in the countryside. It is considered that the proposal to remove the tie between the annexe and the main dwelling would result in the creation of a separate dwelling unit which is unjustified in its rural location and would intensify the domestication of the site. Further, the development of the site for a new dwelling remote from community services and essential support facilities and inaccessible by sustainable modes of transport in this rural location is contrary to the overarching objectives contained within the NPPF 2018. The poor accessibility to the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against Policies S1, S2, S8, D1, H4 and T2 of the MDLDP and the Maldon District Specialist Needs Housing SPD.