

# Public Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

23 March 2016

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 4 APRIL 2016 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', is written over a large, light blue circular scribble.

Chief Executive

**COMMITTEE MEMBERSHIP**

**CHAIRMAN** Councillor H M Bass  
**VICE-CHAIRMAN** Councillor E L Bamford

**COUNCILLORS** J P F Archer  
M F L Durham  
J V Keyes  
D M Sismey  
A K M St. Joseph  
Mrs M E Thompson  
Miss S White

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

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**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 4 APRIL 2016**

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1. **Chairman's notices (see page 3)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 1 - 22)

To confirm the Minutes of the meeting of the Committee held on 29 February 2016 (copy enclosed).

4. **Disclosure of Interests**

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. **Members' Briefing**

To receive an Officer led presentation.

6. **FUL/MAL/15/00853 - Orchard House, Langford Road, Wickham Bishops** (Pages 23 - 32)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/15/00868 - Land Rear of Impscamp, Purleigh Grove, Cold Norton** (Pages 33 - 42)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

8. **FUL/MAL/15/01283 - Willowbrook Farm, The Street, Little Totham** (Pages 43 - 50)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

9. **FUL/MAL/15/01287 - The Old Rectory, Church Street, Goldhanger** (Pages 51 - 58)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

10. **FUL/MAL/15/01340 - Land Rear of Greenvale, Chelmsford Road, Purleigh** (Pages 59 - 70)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

11. **HOUSE/MAL/16/00016 - Avon Cottage, 14 School Road, Wickham Bishops** (Pages 71 - 78)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

12. **HOUSE/MAL/16/00019 - 6 Station Cottages, Station Approach, North Fambridge** (Pages 79 - 88)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

13. **FUL/MAL/16/00026 - Vaulty Manor, Goldhanger Road** (Pages 89 - 96)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

14. **FUL/MAL/16/00088 - Guys Farm Lodge, Manor Road, Woodham Walter** (Pages 97 - 108)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

15. **HOUSE/MAL/16/00156 - Mallion House, Hackmans Lane, Purleigh** (Pages 109 - 114)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

16. **FUL/MAL/16/00191 - 7 Church Corner, Herbage Park Road, Woodham Walter** (Pages 115 - 126)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

17. **FUL/MAL/16/00215 - 12 Goat Lodge Road, Great Totham** (Pages 127 - 134)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

18. **Other Area Planning and Related Matters** (Pages 135 - 138)

To receive the notification from the Planning Inspectorate of the following:

- (i) Appeals Lodged
- (ii) Appeal Decisions

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

**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 Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

### **Legislation**

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

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

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) and Technical Guidance
  - Planning Practice Guidance (PPG)
  - Planning policy for traveler sites
  - Planning practice guidance for renewable and low carbon energy
  - Relevant government circulars
- ii) Essex County Council
  - Essex Design Guide 1997
- iii) Maldon District Council
  - Submission Local Development Plan (April 2014) (as amended)
  - Five Year Housing Land Supply Statement 2014/15
  - Planning Policy Advice Note v.4 (October 2015)
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015)

- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

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



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
29 FEBRUARY 2016**

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**PRESENT**

Chairman	Councillor H M Bass
Vice Chairman	Councillor E L Bamford
Councillors	J P F Archer, M F L Durham, J V Keyes, A K M St. Joseph and Mrs M E Thompson
Ex-Officio non-voting Member	Councillor Mrs P C Channer CC

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Miss S White.

**3. MINUTES**

**RESOLVED** that the Minutes of the meeting of the North Western Area Planning Committee held on 1 February be approved and confirmed.

Councillor H M Bass advised that the Enforcement Update would be presented at the next meeting of the North Western Area Planning Committee.

**4. DECLARATIONS OF INTEREST**

Councillor H M Bass declared a non-pecuniary interest in Agenda Item 14 - FUL/MAL/15/01369 – Ravello, Maypole Road, Great Totham as he lived in the same road.

Councillor J V Keyes declared a non-pecuniary interest in Agenda Item 8 - FUL/MAL/15/01276 – Angham Barn, Beckingham Road, Great Totham and Agenda Item 14 - FUL/MAL/15/01369 – Ravello, Maypole Road, Great Totham as he was a member of Great Totham Parish Council.

Councillor Mrs M E Thompson declared a non-pecuniary interest in Agenda Item 10 - FUL/MAL/15/01300 – Rosemead, D’Arcy Road, Tolleshunt Knights, as she was a member of Tolleshunt Knights Parish Council.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a member of Essex County Council who was consulted on highways, education and other matters. Councillor Channer also declared a non-pecuniary interest in Agenda Item 8 - FUL/MAL/15/01276 – Angham Barn, Beckingham Road, Great Totham, as she knew the Agent.

Councillor A K M St. Joseph declared a non-pecuniary interest in Agenda Item 7 - FUL/MAL/15/01118 – FUL/MAL/15/01251 – Land Adjacent 13 Woodrolfe Farm Lane, Tollesbury and Agenda Item 11 -. HOUSE/MAL/15/01334 – Wycke Hall, 63 Wycke Lane, Tollesbury.

## 5. MEMBERS’ BRIEFING

The Interim Development Management and Enforcement Manager gave a presentation to the Committee, which included training on the issue of Reserved Matters and their impact upon Planning Applications. Members requested that all Members’ Briefings were put on the Information Drive.

The Chairman thanked the Interim Development Management and Enforcement Manager for the briefing.

## 6. FUL/MAL/15/01199 – LAND ADJACENT THE NEW BUNGALOW, MARLPITS ROAD, PURLEIGH

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/15/01199</b>
<b>Location</b>	Land Adjacent The New Bungalow Marlpits Road Purleigh Essex
<b>Proposal</b>	Proposed new 2 bedroom bungalow dwelling house with vehicular access and parking spaces
<b>Applicant</b>	Mr Michael White
<b>Agent</b>	Mr Jonathan Green - Laurie Wood Associates
<b>Target Decision Date</b>	23 February 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

Following the Officer's presentation of the report, the Committee was advised that Condition 10 had been included in error and should be disregarded.

In response to a question, the Interim Development Management and Enforcement Manager advised Members that current Government guidance was that working hours should not be imposed when planning permission is granted. However, an informative could be included regarding working hours.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development shall be constructed of materials and of a finish as detailed within the application.
- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- 5 Prior to the occupation of the development hereby approved, the vehicular parking and turning facility as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site all times and maintained in perpetuity for that sole purpose.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.
- 7 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**7. FUL/MAL/15/01251 – LAND ADJACENT 13 WOODROLFE FARM LANE, TOLLESBURY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01251</b>
<b>Location</b>	Land Adjacent 13 Woodrolfe Farm Lane Tollesbury Essex
<b>Proposal</b>	Erection of a 2 bedroom detached dwelling with associated car parking and garden.
<b>Applicant</b>	Mr Frank Crossley
<b>Agent</b>	Mrs Karen Fardell - Plater Claiborne Architecture + Design
<b>Target Decision Date</b>	28 January 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer’s presentation of the report, Mrs Bartlett of Little Woodrolfe, Woodrolfe Farm Lane, Tollesbury, an Objector, and Simon Plater, the Agent, addressed the Committee.

Members debated this application and whilst the issues in the previous planning application regarding Quinces (11A Woodrolfe Farm Lane) to the west of the application site had been addressed, issues relating to Little Woodrolfe (13 Woodrolfe Farm Lane) had been exacerbated. Furthermore, there were issues regarding access to the sewer serving these and other properties.

Councillor A K M St. Joseph, the Ward Member, proposed that this application be refused contrary to the Planning Officers' recommendation and this proposal was duly seconded.

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

The proposed dwelling house, by virtue of its design, scale, depth, layout and siting, would represent a contrived and discordant development, out of character with the prevailing pattern of development in the locality. Further, the development proposal would have an overshadowing and overbearing impact upon the amenity of the existing occupiers to the east and west of the site. The proposal would therefore be contrary to policies S1 and BE1 of the Maldon District Replacement Local Plan, policies S1, D1 and H4 of the Maldon District Pre-Submission Local Development Plan and Government Guidance as contained within The National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**8. FUL/MAL/15/01276 – ANGHAM BARN, BECKINGHAM ROAD, GREAT TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01276</b>
<b>Location</b>	Angham Barn, Beckingham Road, Great Totham
<b>Proposal</b>	New two storey dwelling to replace extant approval reference FUL/MAL/12/00225
<b>Applicant</b>	Mr & Mrs Lee Higginson
<b>Agent</b>	Cussen Construction Consultants
<b>Target Decision Date</b>	4 March 2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>GREAT TOTHAM</b>

<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan
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Following the Officer’s presentation of the report, Tony Cussen, the Agent, addressed the Committee.

There was some concern raised regarding the policy of preserving and improving existing barns. Members were wary of moving away from conversion of an existing barn to replacement with brand new buildings. The Interim Development Management and Enforcement Manager advised that the Planning Department agree with the policy of preserving existing barns but, on balance, were of the opinion that this scheme was acceptable.

In response to a question regarding the materials to be used if the scheme was approved, the Officer advised that proposed Condition 3 would cover this issue.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

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

- 5 Prior to the commencement of the development details of the surface water and 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.
- 6 No development shall commence on site until a written scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include an investigation and assessment of the extent of contamination and the measures required to remediate that contamination. The development shall not commence unless and until those measures as approved have been implemented.
- 7 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority. The external illumination shall be retained as such thereafter.
- 8 The public's rights and ease of passage over Public Footpath No. 25, Great Totham shall be maintained free and unobstructed at all times.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **9. HOUSE/MAL/15/01297 – 19 RECTORY ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/15/01297</b>
<b>Location</b>	19 Rectory Road, Woodham Walter
<b>Proposal</b>	Two storey & single storey rear extension, addition of window to flank elevation at first floor level.
<b>Applicant</b>	Mr Leigh Johnson
<b>Agent</b>	Mr Alan Clancy - Alan Clancy Ltd
<b>Target Decision Date</b>	26.01.2016
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Mr Johnson, the Applicant, addressed the Committee.

A comment was made that this application was the same in nature as the previous application, for which permission had previously been granted and had now lapsed. This application was brought before this Committee due to the Parish Trigger.

- 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 complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
- 4 Prior to the first use of the extension hereby permitted, the first floor en-suite window in the western elevation shall be glazed with opaque glass and shall be retained as such thereafter.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**10. FUL/MAL/15/01300 – ROSEMEAD, D’ARCY ROAD, TOLLESHUNT KNIGHTS**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01300</b>
<b>Location</b>	Rosemead D'Arcy Road Tolleshunt Knights Essex
<b>Proposal</b>	Erection of detached bungalow with associated parking, landscaping and ancillary works.
<b>Applicant</b>	Mrs B Dwyer
<b>Agent</b>	Mr Peter Le Grys - Robinson & Hall LLP
<b>Target Decision Date</b>	9 February 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger Previous Committee Decision

Following the Officer's presentation of the report, Peter Le Grys, the Agent, addressed the Committee.

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

- 1 The development of this site for housing remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development. As such the proposal is contrary to the National Planning Policy Framework's 'presumption of sustainable development'. The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the adopted Maldon District Replacement Local Plan, the provisions and guidance contained in the National Planning Policy Framework, and policies S1 and T2 of the Maldon District Submission Local Development Plan.
- 2 The proposed development, as a result of its design, siting, and location on an open parcel of land, would result in an incongruous, prominent form of new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The proposal would therefore fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the landscape setting and fail to make a positive contribution to the locality. The proposal is therefore, contrary to policies BE1 and CC6 of adopted Maldon District Replacement Local Plan, policies D1, N2 and S8 of the Maldon District Submission Local Development Plan and the Core Planning Principles and Guidance contained in the National Planning Policy Framework.

#### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

#### **11. HOUSE/MAL/15/01334 – WYCKE HALL, 63 WYCKE LANE, TOLLESBURY**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>HOUSE/MAL/15/01334</b>
<b>Location</b>	Wycke Hall 63 Wycke Lane Tollesbury Essex
<b>Proposal</b>	First floor extension
<b>Applicant</b>	Mr M Spooner
<b>Agent</b>	Marble Design
<b>Target Decision Date</b>	2 February 2016

<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Members debated this application and were of the opinion that the proposed application would not affect neighbouring properties and was in keeping with existing buildings which were of a variety of architectural styles. Furthermore, the site was a large plot which had plenty of room for the proposed development.

Councillor A K M St. Joseph, the Ward Member, proposed that this application be approved contrary to Officers' recommendation and this proposal was duly seconded.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

## **12. FUL/MAL/15/01336 – LAND SOUTH OF BULLER LODGE, BULLER ROAD, NORTH FAMBRIDGE**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01336</b>
<b>Location</b>	Land South Of Buller Lodge Buller Road North Fambridge Essex
<b>Proposal</b>	Proposed 3No. new bungalows.
<b>Applicant</b>	Lord Ronald Rayner
<b>Agent</b>	Mr Ashley Robinson
<b>Target Decision Date</b>	17 February 2016
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

Following the Officer's presentation of the report, Karl Twigg of Miranda, Rectory Road, North Fambridge, an Objector, and Ashley Robinson, the Agent, addressed the Committee.

Members debated this application and had concerns regarding problems of sewerage, water and flooding on the site. However, the Interim Development Management and Enforcement Manager advised that a Planning Inspector had previously deemed residential dwellings acceptable on this site and should be mindful of that when considering refusal of this application. Members also raised concerns regarding the existence of a five year land supply and settlement boundaries.

Councillor J P F Archer, a Ward Member, proposed refusal of this application contrary to the Officer's recommendation and this proposal was duly seconded. Upon a vote the motion was carried.

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

- 1 The application site is in a rural location outside of the defined settlement boundary for North Fambridge 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 application 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 proposed development as a result of its built form, layout, cramped appearance and contrived design would result in a development that would be urban in nature and would have an unacceptable effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme, contrary to Policies S2, H1, CC6, CC7, CC11 and BE1 of the adopted Maldon District Replacement Local Plan, Policies S1, S8, D1, H4 and N2 of the Maldon District Pre-Submission Local Development Plan and Government advice as contained within the National Planning Policy Framework.

## **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to refuse planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to refuse planning permission as the proposal has been considered unacceptable.

**13. FUL/MAL/15/01346 – WHITE GATES COTTAGE, HERBAGE PARK ROAD, WOODHAM WALTER**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

<b>Application Number</b>	<b>FUL/MAL/15/01346</b>
<b>Location</b>	White Gates Cottage Herbage Park Road Woodham Walter Essex
<b>Proposal</b>	Removal of condition 2 of approved application FUL/MAL/13/00083 (Demolition of existing house and garage, erection of replacement dwelling and detached garage accessed from existing site entrance). Date of Decision: 07/06/2013. Reduce the size of the dwelling with some minor internal and elevation changes.
<b>Applicant</b>	Mr David Norris
<b>Agent</b>	Mr Andrew Wells - Andrew Wells Planning & Design
<b>Target Decision Date</b>	7 March 2016
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

The Officer presented the report to the Committee.

Councillor J P F Archer left the Council Chamber at this point in the meeting.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 5 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 7 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved, the existing dwelling on the site shall be demolished and the resulting material removed from the site.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### 14. **FUL/MAL/15/01369 – RAVELLO, MAYPOLE ROAD, GREAT TOTHAM**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/15/01369</b>
<b>Location</b>	Ravello Maypole Road Great Totham Essex
<b>Proposal</b>	Addition of garage and an increase of size to the back and side of the house to application FUL/MAL/14/00441 (Erection of single detached dwelling served by re-positioned access) allowed on appeal on 17 December 2014
<b>Applicant</b>	Mr Robert Hunt - Robert. J. Hunt Ltd
<b>Agent</b>	N/A
<b>Target Decision Date</b>	8 March 2016
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

The Officer presented the report to the Committee.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application on plan reference 579/PA003B dated May 2015. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5 No works or development shall take place until full details of soft landscape works to be carried out have been submitted to and approved in writing by the

- Local Planning Authority. These details shall include soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.
- 6 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required;
  - Trees to be retained;
  - Tree retention protection plan;
  - Tree constraints plan;
  - Arboricultural implication assessment;
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- 7 No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size.
- 8 No development shall commence until details of the materials to be used for the hard surfacing of the access and driveway for the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the development hereby permitted.
- 9 Prior to first occupation of the dwelling hereby permitted the parking area shown on drawing no 579/PA003B dated May 2015 shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved plans and retained as such thereafter.

- 10 Prior to commencement of the development hereby permitted, the visibility splays as shown on drawing no.579/PA004 dated May 2015 shall be provided from the new access and shall be retained free of obstruction at all times.
- 11 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The development shall be retained as such thereafter.
- 12 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety in accordance with the approved details prior to the access becoming operational and shall be retained at all times thereafter.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 14 Prior to the first occupation of the development hereby permitted, the first floor window in the north west elevation serving the bathroom shall be glazed with opaque glass and shall be retained as such thereafter.

#### **POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **7. OTHER AREA PLANNING AND RELATED MATTERS**

### **(i) Appeals Lodged:**

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 04/02/2016

**Application Number: OUT/MAL/15/00057 (APP/X1545/W/15/3138864)**

Site: Land Rear Of 61 Broad Street Green Road - Great Totham

Proposal: Outline application for the erection of one new dwelling

Appeal by: Mrs M Houlding

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 5/02/2016

**Application Number: OUT/MAL/15/00636 (APP/X1545/W/15/3140362)**

Site: Little Hill Farm Mope Lane Wickham Bishops

Proposal: Outline application for one dwelling including determination of access.

Appeal by: Mr K Walter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 05/02/2016

**Application Number: OUT/MAL/15/00636 (APP/X1545/W/15/3140362)**

Site: Little Hill Farm Mope Lane Wickham Bishops

Proposal: Outline application for one dwelling including determination of access.

Appeal by: Mr K Walter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 11/02/2016

**Application Number: OUT/MAL/15/00506 (APP/X1545/W/16/3143923)**

Site: Land Adjacent 40 Top Road - Tolleshunt Knights

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Appeal by: Mr Kevin Dixon

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 15/02/2016

**Application Number: HOUSE/MAL/15/00862 (APP/X1545/D/16/3144029)**

Site: Hillsborough - 42 Latchingdon Road - Cold Norton

Proposal: Respective application for wall and gates to front of property.

Appeal by: Ms Laura Brunning

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 11.02.2016

**Application Number: COUPA/MAL/15/00348**

**(APP/X1545/W/15/3140474)**

Site: Electric-King Limited Old Orchard Barn Lea Lane Great Braxted

Proposal: Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development.

Appeal by: Mr Robert King

Appeal against: Refusal

Appeal procedure requested: Written representation

Appeal Start Date: 11.02.2016

**Application Number: FUL/MAL/15/00785 (APP/X1545/W/15/3141105)**

Site: Osborne Fambridge Road North Fambridge

Proposal: Temporary siting of residential caravan

Appeal by: Mr & Mrs Nick Brown

Appeal against: Refusal

Appeal procedure requested: Written representation

**Appeal Start Date: 11/2/2016**

**Enforcement Notice Reference Number:** ENF/13/00242/CU

**Appeal Reference Number:** APP/X1545/C/16/3142293

**Site:** Bakers Nursery Bakers Lane Tolleshunt Major

**Alleged Breach of Planning Control:** Without planning permission the change of use of the land for the stationing of a mobile home

**Appeal by:** Mr J Patrick

**Grounds of Appeal:**

Ground A

*That planning permission should be granted for what is alleged in the notice*

Ground B

*that the breach of control alleged in the enforcement notice has not occurred as a matter of fact*

Ground D

*that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*

Ground F

*that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections*

Ground G

*that the time given to comply with the notice is too short.*

**Appeal procedure requested:** Public Inquiry

**Appeal Start Date:** 23/02/2016

**Application Number:** FUL/MAL/15/00716 (APPX/1545/W/15/3137350)

**Site:** 12 Colchester Road - Great Totham

**Proposal:** Proposed 3No. Dwellings and associated car parking. Revised window configuration.

**Appeal by:** Mr David Clay

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 25/2/2016

**Application Number:** FUL/MAL/15/00738 (APP/X1545/W/16/3142975)

**Site:** Land Adjacent Orchard Cottage Hatfield Road Langford

**Proposal:** Proposed outbuilding for storage of historic motor vehicles including change of use to class B8

**Appeal by:** Mr L Magness

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

**(ii) Appeal Decisions:**

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

**HOUSE/MAL/15/00251 (Appeal Ref: APP/X1545/W/15/3132358)**

Proposal: Temporary siting of a mobile home to be used as annexe for up to two years.

Address: Glenalmond - 17 Hackmans Lane - Purleigh

**APPEAL ALLOWED – 4 February 2016**

DECISION LEVEL: Delegated



**FUL/MAL/14/01038 (Appeal Ref: APP/X1545/W/15/3132521)**

Proposal: Variation of condition 9 on approved planning application FUL/MAL/11/00757 (Erection of detached two storey 3 bedroom dwelling house. Change of use of land from agricultural to Use Class C3 Dwelling House Use.) Vary condition to retain the existing static caravan for a temporary period of two years or until the completion and occupation of the three bedroom house, whichever is the earlier.

Address: The Caravan - Church Road - North Fambridge

**APPEAL ALLOWED/DISMISSED – 6 February 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**FUL/MAL/14/01038 (Appeal Ref: APP/X1545/W/15/3132521)**

Proposal: Variation of condition 9 on approved planning application FUL/MAL/11/00757 (Erection of detached two storey 3 bedroom dwelling house. Change of use of land from agricultural to Use Class C3 Dwelling House Use.) Vary condition to retain the existing static caravan for a temporary period of two years or until the completion and occupation of the three bedroom house, whichever is the earlier.

Address: The Caravan - Church Road - North Fambridge

**APPEAL ALLOWED– 6 February 2016**

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**OUT/MAL/14/01257 (Appeal Ref: APP/X1545/W/15/3130223)**

Proposal: Erection of one dwelling

Address: Land Adjacent Shamrock Cottage - Tiptree Road - Wickham Bishops

**APPEAL ALLOWED – 7 December 2015**

DECISION LEVEL: Delegated

**HOUSE/MAL/15/00525 (Appeal Ref: APP/X1545/D/15/3138904)**

Proposal: Retrospective application for wall and gates over 1.0m high adjacent to the highway.

Address: Oakwood Manor - Station Road - Cold Norton

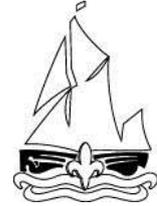
**APPEAL ALLOWED – 20 February 2016**

DECISION LEVEL: Delegated

There being no other items of business the Chairman closed the meeting at 9.10pm.

H M BASS  
CHAIRMAN

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/15/00853</b>
<b>Location</b>	Orchard House, Langford Road, Wickham Bishops
<b>Proposal</b>	Demolition of existing office and storage building and erection of a single dwelling house & double detached garage.
<b>Applicant</b>	Mr. Mark Sherriff
<b>Agent</b>	Mr. Mike Smith - Metcalff Briggs Surveyors
<b>Target Decision Date</b>	GET EOT
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Wickham Bishops
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger Choose an item. Choose an item.

1. **RECOMMENDATION**

**REFUSE** subject to the reason as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 15/0853
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The site lies in a rural area outside of the settlement boundary for Wickham Bishops. The site extends to approximately 0.36Ha and is accessed via a long private unmade road from Langford Road to the north west of the site. It is located between an existing large detached dwelling known as Fontenay to the north and a small reservoir to the south. To the south-west of the site a dwelling known as Wickham Grove which has its own private drive linking to Langford Road.
- 3.1.2 The site itself comprises of three buildings; one is single storey and in previous use as an office; with the two large buildings to the east and south east of the site being used for storage and bottling in connection with the former use of the site. The land around the buildings has a surface covering of part loose shingle and part concrete hardstanding. The remaining land is laid to grass. High fence boundaries and conifer hedgerows form the boundaries with properties to the north and east.
- 3.1.3 The proposal is for the removal of the existing structures on the site, the cessation of the business and employment use and the erection of one detached, two storey dwelling and detached two bay garage.
- 3.1.4 The dwelling would have overall measurements of 21m wide, 13m deep and an overall ridge height of 11m. Built of brick elevations with a slate tile roof the dwelling would incorporate stone corner detailing and traditional timber fenestration.
- 3.1.5 Internally, the dwelling would comprise living, dining, kitchen and utility room at ground floor level with 5 bedrooms and associated bathroom facilities at first floor level.

#### **3.2 Conclusion**

The proposed development would result in the loss of an employment site which in the Maldon District is a finite resource for meeting the future employment opportunities of residents of the District. Policy E6 of the adopted Local Plan seeks to protect such sites unless it can be demonstrated that that every effort has been made to market the building or secure an appropriate employment use. This criterion is also required by emerging policy E1 of the submitted Local Development Plan and therefore supports the direction of travel for protecting such sites. It is therefore considered that the proposed development fails on the criterion of adopted policies E6 and CC21 of the adopted Maldon District Replacement Local Plan and emerging policy E1 of the Local Development Plan and the provisions and guidance as contained within the NPPF.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 17, 55 and 89

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside Development Boundaries
- BE1 Design of New Development and Landscaping
- CC6 Landscape Protection
- CC7 Special Landscape Areas
- CC19 Rural Diversification
- CC21 Re-use of Rural Buildings for Residential Purposes
- E6 Protection of Existing Employment Uses
- CON5 Pollution Protection
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Development
- T8 Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport

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

- Essex Design Guide
- Car Parking Standards
- National Planning Policy Framework (NPPF)
- Choose an item.

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The proposal is for the change of use of an existing commercial site to that of C3 (Dwellinghouses) which comprises the removal of the existing office building and two large storage barns on the site. The site is set within a rural area characterized by large detached dwelling set in spacious grounds and open agricultural land.

- 5.1.2 Adopted local plan policies CC19 and CC21 are therefore relevant and seek to ensure that changes of use of such buildings for residential purposes do not exacerbate an imbalance between employment opportunities and rural population and increase pressure on rural services. It may also deprive potential employment uses of some premises.
- 5.1.3 The preamble to the policy states that such changes of use introduces domestic activity and can erode rural character, that this form of re-use has a low priority and conversions of this nature should therefore only be allowed in the most exceptional circumstances.
- 5.1.4 Whilst it is acknowledged that the site is not a designated employment site, adopted local plan policy E6 is considered relevant in that it aims to protect employment sites from loss unless the present use of the site irreparably harms the character and amenity of the area, that there would be greater benefit to the community by way of an alternate use and that there is confirmation of lack of interest for sale.
- 5.1.5 The NPPF states that where there are up to date policies and proposals which accord with those policies the application should be approved. This provides the most up to date policy position. Therefore if local plan policies can be met then the local planning authority must look at the application in favour of sustainable development and that unless material considerations indicate otherwise, applications which accord with development plan policies should be approved. Furthermore, emerging policy E4 of the Local Development Plan, provides similar criterion for the re-use of rural buildings and provides the direction of travel in terms of this category of development proposals.

## **5.2 Re-use of Rural Buildings and Protection of Existing Employment Sites**

- 5.2.1 Adopted Policy E6 within its preamble, states that the majority of firms in the District employ less than 10 people and many of these are located outside of the defined employment areas. They tend to be small sites which enable them to be occupied by seedbed enterprises and form an important element of the employment building stock. It further states that unless the site is totally unsuitable or causes an uncontrollable nuisance their retention prevents further use of greenfield sites to replace lost employment land.
- 5.2.2 Therefore, development which would cause the loss of an employment site will not be permitted unless:
- 5.2.3 **a) The present use of the site irreparably harms the character and amenities of the adjacent area and there are no other remedies available to rectify the loss of character other than seeking a cessation of the current use;**  
There is considerable planning history pertaining to the site and the local planning authority has consistently refused planning permission for the permanent use of the site for commercial use as a Spring Water Bottling plant. However, the most recent application (referenced in a subsequent section of this report), was granted on appeal as the Inspector considered that it would have limited effect on the character and appearance of the local area. The proposal is therefore considered to fail on this criterion

5.2.4 **b) The site would have a greater benefit to the community if an alternative use were permitted;**

No alternative uses have been proposed.

5.2.5 **c) There is evidence of advertisement “For Sale” by estate agents and in local newspapers and commercial property journals circulated throughout the District and County, for a period of at least three months at a price to reflect its current lawful use and this evidence is submitted showing that the site has been marketed by agents operating in the locality**

The application has not been supported by any marketing or sales evidence. The proposal is therefore considered to fail on this criterion.

5.2.6 **d) There is confirmation of a lack of interest.**

In conjunction with criterion (c) above, no supporting evidence has been submitted with the proposal.

5.2.7 In addition to this, policy CC21 of the adopted Maldon District Local Plan seeks to ensure that such development has a limited impact upon the rural economy and the character and appearance of the area. Therefore proposals such as this will only be supported subject to compliance with the following criterion. Whilst it is noted that this policy does not specifically reference the re-use of rural buildings or sites within employment use it is considered appropriate to assess the proposal against this policy as the preamble does make reference to such changes of use depriving potential employment uses of some premises.

5.2.8 For the reasons outlined above the proposal is considered contrary to adopted policies E6 and CC21 of the Replacement Local Plan.

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

5.3.1 The proposal is for the removal of the three existing structures on the site, the cessation of the authorized business use and the erection of one detached two storey dwelling and detached two bay garage. The dwelling would be accessed by way of the existing vehicle access from Langford Road which currently serves the site. Due to the topography of the land, the site sits lower in the landscape than land to the north, east and west and there are limited views of the site from the wider rural area.

5.3.2 The existing structures, two of which are large storage barns are considered to be of limited architectural merit and due to the location of these existing structures to the perimeter of the site the whole plot has a developed nature. The proposed dwelling would be set towards the front (west) of the site and equidistant from the site boundaries with the detached garage set adjacent to the southern side boundary. Whilst the dwelling would be a taller structure at 11m the removal of the existing structures have a significantly large footprint of built development which is considered to outweigh the harm in this instance. Subject to conditions for materials to be submitted prior to submission and conditions are appropriate boundary treatment and the removal of permitted development rights for further outbuildings and extensions the proposal is considered acceptable in this instance.

5.3.3 The proposal is therefore considered to accord with adopted policies BE1, CC6 and CC7 and emerging policy D1 of the submitted LDP.

## **5.4 Impact on Residential Amenity**

- 5.4.1 Whilst the site has a common boundary with the dwelling to the north known as Fontenay, the dwelling would be set 9.8m from the common boundary with Fontenay set approximately 40m from that boundary. Albeit it is recognized that the adjacent property benefits from an extant permission for a replacement dwelling, there would still be approximately 45m between the two dwellings. Furthermore, due to the similar orientation of both dwellings there is considered to be limited overlooking and loss of privacy between the adjacent residential occupiers.
- 5.4.2 The proposed dwelling would incorporate first floor fenestration on its northern side elevation which would serve bathrooms facilities. Therefore it is recommended that a condition is appended to any grant of permission to require opaque glazing of those openings.

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

- 5.5.1 The site is accessed by way of a private driveway from Langford Road to the west of the site. Essex County Council Highway Authority has been consulted on the scheme and there are no objections on the grounds of highway safety. Furthermore, the highway authority has stated that the dwelling would represent a decrease in the amount of traffic associated with the site.
- 5.5.2 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising four or more bedrooms require a maximum of three parking spaces. The plans show that the dwelling would provide garage parking for two cars and additional off-street parking within a parking forecourt for approximately 3 further vehicles and is therefore considered to accord with adopted parking standards criterion

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 The Essex Design Guide requires that dwellings with four or more bedrooms have a minimum of 100m<sup>2</sup> of private amenity space. Such a provision would be amply met in this instance.
- 5.6.2 The application contains limited information with regards to landscaping and boundary treatments. It is therefore considered that conditions requiring the submission of appropriate details are appended to any grant of permission.

## **5.7 Other Material Considerations**

- 5.7.1 The site has authorized use as an employment site and therefore the Council's Economic Development Team has been consulted. It is noted that their response states that the loss of such a use raises concern. However, as previously reported, the site is not currently in use for commercial or business activity and its remote setting is considered to preclude potential users of the site. Furthermore, the potential impact and traffic movements that an employment site in this location could attract are considered to weigh in favour of a grant of approval for one residential dwelling.

5.7.2 The Council's Environmental Health Team has been consulted in relation to potential land contamination with regard to the former uses of the site. Albeit the proposal has been supported by a Land Contamination Report, the consultation response for this recommends conditions be appended to any grant of permission for further investigative work as the report comprised a desktop study only. Such conditions are considered appropriate and necessary in this instance.

## 6. ANY RELEVANT SITE HISTORY

*(Only relevant history of the site will be referred to here.)*

- **FUL/MAL/96/0106** - Use of existing fruit grading, packing and storage buildings for the bottling and packaging of spring water, approved 30/04/96 for temporary period until 30th April 1999.
- **FUL/MAL/97/0359** - Addition of boiler room and compressor room, siting of portacabin for use as staff toilets and rest room and relocation of car parking area, approved 05/08/97. An appeal against conditions 2, 3 and 4 was allowed on 20th April 1998 subject to two other conditions to substitute the original three.
- **FUL/MAL/98/0500** - Retention of consent (MAL/96/0106) without compliance with condition 1 to allow permanent consent for the bottling and packaging of spring water, refused 08/09/98.
- **FUL/MAL/99/0242** - Renewal of temporary consents for use of buildings for the purpose of bottling and packaging of Spring Water (FUL/MAL/96/0106 and FUL/MAL/97/0359), approved 25/05/99.
- **FUL/MAL/99/0242** - Single storey extension to existing office building for staff canteen; Storage area for pallets; approved 03/01/01.
- **FUL/MAL/00/0918** - Proposed single storey extension bottling and packaging building in order to satisfy a condition on temporary consent.
- **FUL/MAL/02/00458** - Application for non-compliance with temporary use conditions of planning permissions FUL/MAL/00/00918 and FUL/MAL/99/0242 to permit permanent use of premises for the bottling, packaging and administration of sales of bottled spring water, approved 12/02/02 but limited to a period of 3 years expiring on 30 June 2005.
- **FUL/MAL/03/00592** - Continuation of use and retention of extensions, without compliance with condition 1 attached to planning permission, refused 30/01/04 and Appeal Dismissed 13 October 2004 with the Inspector concluding that the site is unsuitable for the continued use of the premises for the bottling and packaging of water.
- **FUL/MAL/05/00758** - Use of premises for the bottling, packaging and administration of bottled spring water (Renewal of planning permission FUL/MAL/02/00458 for a period of 12 months expiring on 30 June 2006) – approved 15/08/05.
- **FUL/MAL/05/00759** - Use of the premises for office purposes with ancillary storage - Approved 15/08/05.
- **FUL/MAL/06/00158** - Use of premises for the bottling, packaging and administration of bottled spring water (Renewal of planning permission FUL/MAL/05/00758). Extension of period in order to dispose of bottling equipment and clearance of site, refused 25/04/06.

- **FUL/MAL/08/01022** - Change of use of redundant farm buildings for the bottling of spring water – Refused 12/02/2009.
- **FUL/MAL/08/01209** - Use of the premises for the bottling, packaging, and administration of sales of spring water - Refused 12/02/2009.
- **FUL/MAL/09/00514** - Use of premises for B1 office purpose with ancillary storage – Approved 17/12/2009.
- **FUL/MAL/10/00671** - Change of use to units 3 and 4 from cold stores to bottling and ancillary use, refused 23/11/10.
- **FUL/MAL/11/00363** – change of use to units 3 & 4 from cold store and ancillary use. Allowed on appeal 03 November 2011

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Wickham Bishops Parish Council	No letters of objection received. The current use as a bottling site has been problematic due to noise and traffic movements. Replacement has merit and would be an improvement	The response from the Parish Council has been noted

### 7.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No formal comment or conditions	The response from the Highway Authority has been noted in Section 5.5

### 7.3 **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No Objection subject to conditions for further site investigation. Potential for risk to end users and water environment	The response has been noted in section 5.6
Economic Development	Concern is raised with the potential loss of employment facilities	The response has been noted in section 5.2

## 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mr. & Mrs. Gable. Beavis Hall, Hatfield Road, Ulting

<b>Objection Comment</b>	<b>Officer Response</b>
Dwelling design needs improving. Reduction in height and bulk Should be no higher than existing	These comments are noted in sections 5.3 & 5.4

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

- Mr. & Mrs. Jarvis. Grove Hall, Langford Road, Wickham Bishops

<b>Supporting Comment</b>	<b>Officer Response</b>
The site has had many industrial uses with associated commercial traffic Less burden on the site Should be supported as create less impact than previous use	These comments are noted

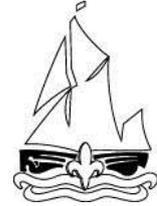
## 8. **REASON FOR REFUSAL**

- 1 The proposed development would result in the loss of an employment site. Within the Maldon District there is a finite amount of such land for meeting the future employment opportunities of the residents of the District. Policy E6 of the adopted Maldon District Replacement Local Plans seeks to protect existing employment sites and the Applicant has not provided any detailed evidence to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to market the building or secure an appropriate employment use. The proposed development would therefore be contrary to policies E6 and CC21 of the adopted Maldon District Replacement Local Plan emerging policy E1 of the submitted Local Development Plan and the principles of the National Planning Policy Framework.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action in respect of any future application for a revised development.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/15/00868</b>
<b>Location</b>	Land Rear Of Impscamp, Purleigh Grove, Cold Norton
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/14/01039 (Amended plans to planning application FUL/MAL/13/01118 - permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and cart lodge garage) Alterations of size of windows & adding windows and removing 1 window. Alteration of position of window, adding small entrance porch & staircase to garage.
<b>Applicant</b>	Mr Ian Kirk
<b>Agent</b>	
<b>Target Decision Date</b>	03 March 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Cold Norton
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Not Delegated to Officers Choose an item.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



 <p><b>Copyright</b>          For reference purposes only.          No further copies may be made.          This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.          Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 15/00868
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

- 3.1.1 The application site comprises land to the south of Impscamp, a single storey detached dwelling located at the southern end of a private track known as Purleigh Grove. Purleigh Grove serves the adjacent dwellings to the north and west of Imps Cottage and leads directly south from the main highway.
- 3.1.2 The site is a rectangular area directly to the south of Impscamp and which extends eastwards with the rear boundary parallel with the rear boundary of Impscamp. The site is bounded to the north by a mix of boundary treatments and sporadic hedging. To the south, the site is separated from the adjacent agricultural land by a post and wire fence.
- 3.1.3 The site is level with the agricultural land to the south and gently rises away from the site. The adjacent dwelling Impscamp, whilst on a level site is lower than its amenity space which surrounds the dwelling.
- 3.1.4 Planning permission is sought for a dwelling on the site with detached carport. The proposal represents a revision to two earlier approvals for a dwelling on the site (referenced in a subsequent section of this report).
- 3.1.5 The shape of the dwelling is rectangular with the overall length of 21.5m, depth 11.5m and central ridge height at 7.9m. The dwelling would incorporate a single storey projection to the northern and southern ends at a ridge height of 6m and gable end front elevation projection at 5.7m for the benefit of the entrance hallway. A further small gable end entrance porch is proposed to the northern side elevation. Fenestration is proposed to all elevations at ground floor level with roof light windows to the two storey front and rear roof slopes with two gable end dormers to the rear (east) elevation.
- 3.1.6 The dwelling would be of a bespoke design, but would have the appearance of a barn style dwelling with a mix of weatherboard and render elevations and steep pitched tiled roof.
- 3.1.7 Vehicle access would be from Purleigh Grove to the north and across the western side of the amenity space of the adjacent dwelling Impscamp. This vehicle access would lead to an open sided cartlodge measuring 10m by 6m and with a ridge height of 5.7m. An external staircase is proposed to the western side elevation of the cartlodge for the benefit of first floor storage facilities with two rear (south) elevation roof lights and a further first floor window within the eastern side elevation.
- 3.1.8 The private amenity space would extend eastwards to the rear of the dwelling with the eastern boundary parallel with the rear boundary Impscamp to the north.

### **3.2 Conclusion**

- 3.2.1 The site benefits from two extant permissions, including an appeal decision for a similar dwelling, vehicle access and detached garage on the site and the proposed development subject to this report is considered to be consistent with that extant permission and would not result in any significant increase of harm to the landscape character of the area or the amenity of adjacent neighbouring occupiers.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 49 and 59

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside Development Boundaries
- H1 - Location of New Housing
- CC6 - Landscape Protection
- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

##### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- D1 – Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

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

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

5.1.1 The site is subject to two extant permissions for a detached dwelling and detached garage. Therefore the principle of a dwelling on this site has already been established and is not considered that an objection to the principle of the provision of a new dwelling could be sustained upon appeal. The main issues to consider with this current scheme are therefore the modifications and changes between the extant and proposed development.

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

5.2.1 As previously advised, the site benefits from extant permissions for a two storey detached dwelling and detached double garage. The proposal subject to this permission is consistent with that permission in that it comprises a detached dwelling

with a detached carport set within the amenity space to the westerns elevation of the property.

- 5.2.2 The main modifications comprise changes to the fenestration layout to the front and rear elevations in terms of minor size modifications (wider by approximately 0.2m and shallower by approximately 0.3m), two additional roof lights within the rear (eastern) elevation roof slope, the substitution of two open balcony areas within the rear roof slope at first floor level with two dormer windows and the addition of a small northern side elevation porch projecting 1.25m, 2.8m wide and with an overall ridge height of 4m.
- 5.2.3 Furthermore, for the previously approved carport, an external staircase is proposed within the western side elevation, with two roof lights within the rear (southern) elevation and a first floor window within the eastern side elevation facing the proposed dwelling.
- 5.2.4 It is noted that there is no change to the footprint or positioning of the dwelling, carport or vehicle access with the exception of the northern side elevation porch and there is no change to the overall previously approved ridge heights.
- 5.2.5 It is considered the proposed dwelling represents a structure of similar scale, bulk, mass and footprint as that subject of the extant permissions. Whilst there are design changes, the overall design ethos of the dwelling subject to this report represents a similar faux barn style dwelling albeit with two rear elevation dormer windows. The proposed alterations are not considered to result in any demonstrable impact on the aesthetics of the proposed dwelling. The location and size of the previously approved carport has not changed but it would benefit from a formalized first floor storage area which would be accessed by way of external stairs and would benefit from first floor fenestration. However, these additions are not considered to result in any demonstrable harmful impact upon the character and appearance of the dwelling, the site or the character and appearance of the area and it is still considered to represent a subservient outbuilding within the private amenity space of the proposed property.
- 5.2.6 The modifications in this instance are considered acceptable and the proposal is considered to accord with the criteria of policies BE1 and CC6 of the LP and emerging policy D1 of the LDP.

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

- 5.3.1 The previous extant permission was not considered to result in significant detrimental impact on the residential amenity of adjacent neighbouring occupiers. Whilst the scheme subject to this proposal would introduce changes to the fenestration of the building these are limited to minor changes in window opening sizes within the front and rear elevations which do not face adjacent neighbouring properties and the introduction of two first floor dormer windows within the rear (eastern) elevation roof slope. The principle of open balcony areas in this location has already been established and their replacement with enclosed dormer windows, albeit projecting from the roof slope is not considered to result in any increase in overlooking or loss of amenity to adjacent neighbouring occupiers to the north of the site. The addition of a porch to the northern side elevation is not considered to result in significant detrimental impact upon adjacent neighbouring occupiers at Impscamp. The porch

would bring the dwelling 1.2m closer to the common boundary but would only comprise a small projection with ground floor door.

- 5.3.2 The addition of an external staircase to the carport is not considered to result in significant detrimental impact upon adjacent neighbouring occupiers to the west of the site. The nearest property in this location is to the north west of the site at Nathilda and the distance between the carport and the private amenity space of that property is approximately 40m. Furthermore, the addition of an eastern elevation first floor window would only afford views of the private amenity space and front elevation of the proposed dwelling and the rear elevation roof lights would only afford views to the open agricultural land to the south of the site. Whilst no detrimental impact is considered to arise from the physical changes to the carport, it is however considered appropriate to append a condition to any grant of planning permission to ensure its use is limited to that of incidental use to the dwelling
- 5.3.3 The revised scheme is therefore considered acceptable for this element and to accord with adopted and emerging policies.

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

- 5.4.1 The proposal would utilize the existing access from the highway which is consistent with the previous extant permissions for highway access, parking and turning within the site. The Highway Authority has been consulted and there is no objection to the scheme and no conditions are recommended as Purleigh Grove is a private roadway.
- 5.4.2 No changes are proposed to the previously approved parking provision which was considered to accord with policy requirements and the adopted Vehicle Parking standards. The scheme is therefore considered to accord with Policies T2 and T8 of the adopted Maldon District Replacement Plan and emerging policy T2 of the LDP.

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

- 5.5.1 The private amenity space for the proposed dwelling would accord with the general standards identified as necessary by the Essex Design Guide, which states that properties with three or more bedrooms should be provided with 100m<sup>2</sup> of private amenity space. The proposed private amenity space would extend to approximately 200m<sup>2</sup>.
- 5.5.2 The previous submission was not considered to adequately address hard and soft landscaping within the site or boundary treatments and it is considered a justifiable planning reason to request such details again on any further grant of permission.

#### **5.6 Other Material Considerations**

- 5.6.1 It is noted that the extant permission was granted subject to conditions removing permitted development rights for alterations and additions to the dwelling in relation to Schedule 2, Part 1, Classes A, B, C, D and E, which comprises the enlargement or changes to the dwelling, its roof, the addition of porches and further outbuildings. Due to the similar nature of the proposal to that previously approved, it is considered that a similar condition is appended to any further grant of permission and is considered appropriate and necessary in this instance.

5.6.2 The proposal would result in a first floor within the detached garage. It is therefore materially different to the previous application and it is considered reasonable to append an additional condition to any grant of permission to restrict the first floor garage accommodation to be incidental to the use of the dwelling.

**6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/13/00284** -. Application for a new dwelling, open carport, garden store and access. Refused 10 July 2013.
- **FUL/MAL/13/01118** - Application for a new dwelling, open carport/garden store and access. Refused 05 February 2014.  
Allowed at Appeal; 11 June 2014. (Ref: APP/X1545/A/14/2214714)
- **FUL/MAL/14/01039** – Permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and car lodge garage. Allowed 06 February 2015.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton	No Objection	There is no Officer comment to make

**7.2 Statutory Consultees and Other Organisations (*summarised*)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No Comment and No Conditions. It is noted that Purleigh Grove is a private road.	This matter is considered to have been addressed within Section 4.4

**7.3 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No Comment	There is no Officer comment to make.

**7.4 Representations received from Interested Parties (*summarised*)**

7.4.1 At the time of writing this report no letters of representation had been received

## 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 complete accordance with the approved drawings specifically referenced on this decision notice  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.  
REASON: In order to protect and enhance the character and appearance of the rural area in accordance with policies BE1 and CC6 of the Adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended ), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.  
REASON: In the interest of amenity and in accordance with BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and the provision and guidance as contained within the NPPF.
- 5 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programmed agreed with the Local Planning Authority; any trees or plants which within a five year period from the completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to

the first occupation of the development to which it relates and be retained as such thereafter.

**REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.

**REASON:** In the interest of amenity and in accordance with BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and the provision and guidance as contained within the NPPF.

### **INFORMATIVES**

- 1 Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - (a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - (b) No dust emissions should leave the boundary of the site;
  - (c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - (d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/15/01283</b>
<b>Location</b>	Willowbrook Farm, The Street, Little Totham
<b>Proposal</b>	Retain barn, garage and associated hardstanding and track
<b>Applicant</b>	Mr. Neil Shakespeare
<b>Agent</b>	Mr. Stewart Rowe - The Planning & Design Bureau Ltd
<b>Target Decision Date</b>	08 April 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Little Totham
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

- 3.1.1 The application site forms part of the residential curtilage of the dwelling known as Willowbrook Farm, The Street Little Totham. Located outside of the settlement of Little Totham, the site comprises a Grade II listed barn with the dwelling located to the west of the barn and further outbuildings located to the north. The main vehicle access is from The Street, with the listed barn in close proximity to the highway. There is a large area of private amenity space to the north of the dwelling with a further outbuilding adjacent to the highway.
- 3.1.2 Planning Permission is sought for a new three bay garage to the east of the site and a storage barn adjacent to the western boundary. A new vehicle access track would lead between the existing and proposed buildings. The garage would be located adjacent to an existing outbuilding and measure 13.5m by 8.2m with a ridge height of 3.9m. This garage would be clad in powder coated profile sheet metal and coloured black to match the adjacent outbuilding. The barn to the east would measure 14m deep, 9.5m wide with a ridge height of 5.7m. The barn would also be constructed of powder coated profile sheet metal and a mid-green colour. An access track is proposed between the existing and proposed garage and would lead to the barn, terminating at its eastern front elevation with a concrete slab apron.
- 3.1.3 It is noted that the works subject to the proposal have been constructed and therefore the submission is retrospective in nature. Furthermore, it should be noted that the original submission included a new vehicle access from the highway between the proposed garage and the existing outbuilding together with gates and brick pillars. This element has now been omitted from the scheme.

#### **3.2 Conclusion**

- 3.2.1 Whilst it is noted that the site benefits from a range of existing outbuildings, it is not considered that the two additional buildings result in detrimental visual impact upon the character and appearance of the site or the adjacent rural area and subject to conditions to exclude business or commercial activity are considered acceptable in this instance.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14 and 49

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside Development Boundaries
- CC6 - Landscape Protection
- BE1 - Design of New Development and Landscaping

- BE16 Extension, alterations to and Additional Buildings in the Curtilage of Listed Buildings
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- D1 – Design Quality and Built Environment
- D3 - Conservation Areas and Heritage Assets
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The proposal is for a three bay garage and storage barn within the curtilage of the dwelling known as Willowbrook Farm and land within the ownership of the applicant. The principle of providing a garage for the dwelling in association with the residential accommodation is considered acceptable and the provision of providing a storage barn in association with the land in the ownership of the applicant is also considered acceptable and subject to other material planning considerations discussed within subsequent section of this report would accord with policies as defined by the adopted Local Plan and the Pre-submission Draft Local Plan..

#### **5.2 Relevant Planning History**

- 5.2.1 The site has benefitted from a previous application for an outbuilding located to the south of the three bay garage subject of this report and which was granted planning permission subject to a condition that the outbuilding was restricted to the incidental and private display and maintenance of vehicles of the applicant and as a single planning unit.

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

- 5.3.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.

- 5.3.2 Policy BE1 also states that development will only be permitted if it compatible with its surroundings and/or improves the surrounding location in terms of (a)(ii) Site Coverage, (iv) Scale Bulk and Height, (vi) Visual Impact, and (c) that outside defined development boundaries they make a positive contribution to the landscape and open countryside.
- 5.3.3 Due to the location of the site in a rural area, Policy CC6 is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquillity, amenity and traditional quality of the District's landscape and identifies that the local authority could permit development providing the following criteria are met:
- a) No harm is caused to the landscape character in the locality, and
  - b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
  - c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed
- 5.3.4 The garage element of the proposal is set directly to the north of the existing outbuilding and presents as a subservient outbuilding. The design of the building is considered to be in keeping with the keeping of three motor vehicles with sheet metal profile elevations and roof and three roller shutter doors within its southern elevation facing to existing outbuilding. The scale of the building is considered commensurate with that of vehicle garaging and with the exception of one personnel door there are no other window openings proposed.
- 5.3.5 The proposal has been amended to exclude the vehicle access from the highway in this location and with the re-instatement of the highway hedgerow boundary has limited views from the public realm or the wider rural area as it is seen against the backdrop of the existing outbuilding.
- 5.3.6 Subject to a condition to restrict the garage to that of the storing and keeping of motor vehicle in association with the residential use of the site and to restrict commercial or business activity the garage element of the scheme is considered acceptable.
- 5.3.7 The barn subject of this application is located adjacent to the western boundary and to the north of the existing outbuilding and proposed garage. Due to the topography of the site it sits significantly lower than the adjacent structures. It too has been designed with sheet metal profile elevations and roofing in mid green and is seen against the backdrop of the rural countryside. The submitted Design and Access Statement claims that the barn is for the storage of agricultural machinery and hay in association with land in the ownership of the applicant. Subject to appropriate conditions to restrict the use of the barn and to prevent commercial or business activity, it is considered commensurate with its setting and would not result in significant detrimental impact on the character and appearance of the site or the wider rural area.
- 5.3.8 The scheme is therefore accord to LP policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the submitted Local Development Plan.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The proposal is not considered to result in significant detrimental impact on the residential amenity of the nearest adjacent neighbouring occupiers to the east of the site within The Street, Little Totham and it therefore considered acceptable for this element and to accord with adopted and emerging policies.

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

- 5.5.1 The proposal would utilize the existing access from the highway which is to the southern end of the eastern side of the site within The Street. The original submission proposed a new vehicle entrance between the existing outbuilding and the proposed garage. As the Highway Authority objected to this element due to the introduction of additional and unnecessary traffic conflict, the scheme was amended to remove this element and this does not therefore form part of the scheme. At the time of the Officer Site Visit, the hedgerow in this location had been removed. However, the hardstanding extending to the highway boundary had been broken up and the revised plans show the re-instatement of the highway boundary hedge and grassed area within the site. A subsequent consultation response from the Highway Authority states that due to the removal of the unnecessary point of conflict with the adjacent highway it does not wish to submit a formal recommendation.
- 5.5.2 The proposal would provide off-road parking provision for in excess of four vehicles within the site which is commensurate with the policy requirements of adopted policy T8 and the adopted Vehicle Parking Standards SPD which requires a maximum of three spaces for four bedroom properties.

#### **5.6 Private Amenity Space and Landscaping**

- 5.6.1 The proposed private amenity space for the proposed dwelling would accord with the general standards identified as necessary by the Essex Design Guide, which states that properties with three or more bedrooms should be provided with 100m<sup>2</sup> of private amenity space. The proposed private amenity space extends to approximately 850m<sup>2</sup>. The proposed development is considered to result in limited impact upon the available amenity space within the site.
- 5.6.2 Whilst the submission shows an indicative soft landscaping scheme it is not considered to adequately address this element. Conditions for such elements could be appended to any grant of permission. The details of the hard landscaping in the form of the brick courtyard finish and permeable aggregate track are considered acceptable in this instance.

#### **5.7 Impact upon the Setting of a Listed Building**

- 5.7.1 The Conservation Officer has been consulted as the site contains a Grade II listed barn set to the south of the site and adjacent to the highway. That Officer considered that the garage and barn in their location do not cause harm to the significance or setting of the listed building and whilst the brick piers and paviers are not really sympathetic to the tradition agricultural character of the site their distance from the listed barn is such that they do not cause harm to the setting of the heritage asset.

## 5.8 Other Material Considerations

- 5.8.1 The Council's Environmental Health Service has been consulted on the scheme. The initial response considered that there may be potential for land contamination within the site. As such the applicant has been provided with a Land Contamination Risk Assessment Form which has been duly submitted. Further consultation has been undertaken on this and as such conditions are required for the details of surface water drainage details to be submitted and agreed. Such a condition can be appended to any grant of permission as can the required Informative to cover potential land contamination.

## 6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/12/00193** – Construction of new outbuilding to house display and maintenance or private vehicle collection and associated facilities. Withdrawn 08 June 2012.
- **HOUSE/MAL/12/00736** – Construction of new outbuilding Approved 13 November 2016.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham	Support	The response has been noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No Objection:	This matter is considered to have been addressed within Section 5.5

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a condition for surface water drainage.	Relevant conditions can be appended to any grant of approval
Conservation Officer	No Objection	This matter is considered to have been addressed within Section 5.7

7.4 **Representations received from Interested Parties**

7.4.1 No representations were received at the time of writing this report.

**8. PROPOSED CONDITIONS**

- 1 The garage hereby permitted shall only be used for the private parking of motor vehicles in connection with the residential use of the property known as Willowbrook House and not for any commercial or business purposes.  
REASON: In the interests of local amenity in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the submitted Local Development Plan.
- 2 The barn hereby permitted shall only be used for those purposes incidental to the residential use of the property known as Willowbrook House and not for any commercial or business purposes.  
REASON: In the interests of local amenity in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the submitted Local Development Plan.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/15/01287</b>
<b>Location</b>	The Old Rectory, Church Street, Goldhanger
<b>Proposal</b>	Erection of Stables and grazing of land by horses.
<b>Applicant</b>	Mr & Mrs Charles Willis
<b>Agent</b>	Mr David Fenton
<b>Target Decision Date</b>	12.04.2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Parish Trigger

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 15/01287
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 Planning permission is sought for a new access to the site from Church Street, the change of the use of the land and erection of a stable block, with associated storage rooms, for equestrian use. The application site measures 1.8ha and is located to the east of the Old Rectory. The application is beyond the settlement of Goldhanger. Currently the application site is open pasture land. There are post and rail fences delineating fields, but the character is that of flat open countryside, particularly in views to the north and east.

3.1.2 The proposed building has an ‘L’ shaped footprint which measures a maximum of 21 metres by 15 metres. The building has a ridge height of 4.7 metres, except at the trailer store which has a ridge height of 5.9 metres. Proposed finish materials are timber weatherboarding and a slate tile roof. The building will be orientated to face southwest and will provide three stables, a tack room, feed store, wash area, tractor store and trailer store.

#### **3.2 Conclusion**

3.2.1 The application site is located outside of a defined settlement boundary, in a rural location, for the purposes of the application of planning policy. Policies BE1 and CC6 of the Maldon District Replacement Local Plan and Policy D1 of the submitted Maldon District Local Development Plan (LDP) require that new developments in rural locations do not adversely affect the character of the rural landscape. In this case the proposed development, by reason of its scale, bulk and height, is considered to result in a visually inharmonious and conspicuous feature within the open countryside which adversely affects the character of the rural landscape, contrary to policies BE1 and CC6 of the Maldon District Replacement Local Plan, policies D1 of the submitted Maldon District Local Development Plan and guidance contained within National Planning Practice Framework.

3.2.2 On this basis, the proposal is not considered acceptable and conflicts with the RLP, emerging LDP and National Planning Policy Framework and is recommended for refusal.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 17, 56-68, 96, 125

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside development boundaries
- CC6 Landscape protection
- BE1 Design of new development and landscaping

- BE13 Development in Conservation Areas
- REC12Riding Establishments

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004 and the Department for Communities and Local Government (DCLG) has appointed a project lead to project manage the process. On 6 March 2016, the Secretary of State informed the Council that they have had regard to the Planning Inspector's analysis and conclusions and disagrees with his interim findings set out in his letter of 8 May 2015 that the plan was unsound (a copy of this letter has been appended to as MDC01).

In the light of this letter from the Secretary of State, the Council considers that this is a fundamental material consideration and it should be given significant weight when determining appealed schemes, particularly with regards to the Council's current position on the Five Year Housing Land Supply and the weight to be afforded to status of the LDP by Planning Inspectors.

- D1 Design
- D3 Conservation and Heritage Assets
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The proposal is for the change of use of agricultural land to private equestrian use and the erection of a stable block in the south west corner of the site. Whilst it is noted that the proposed development would be located outside of any defined development boundary, it is considered that the principle of a stable block, an outdoor recreational facility, would be commensurate with the rural character of the locality. As such, the principle of using the land for equestrian use and the stabling of horses is considered

acceptable in the context of the area, in accordance with policy BE1 of the adopted RLP, policies D1 and H4 of the LDP, and the core planning principles contained within the National Planning Policy Framework.

## **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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.2.4 The NPPF states that:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*
- “that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 5.2.5 The application site is outside, but on the edge of, the development boundary for Goldhanger and falls to be considered in the context of RLP policy S2 and LDP policies S1 and S2 which seek to direct new development to sites within existing settlements in order to promote sustainable development and protect the countryside from inappropriate development. In addition, policy CC6 of the RLP seeks to protect, conserve and restore the attractive and varied landscape present within the District and the Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District.
- 5.2.6 The application site is located within the Tolleshunt Coastal Farmland Landscape Character Area, as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council’s evidence base. This character area is the hinterland to the North Blackwater Estuary. It is a landscape characterised by its gently sloping landscape of mainly arable crops, with some horse pasture near settlements. This is an area characterised by its quiet lanes and isolated farmsteads with a strong sense of place and a strong sense of

tranquillity. The open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh. This character area has moderate to – high sensitivity to change.

- 5.2.7 The application site is located to the east of Goldhanger, it is open pasture land, there is post and rail fences' delineating fields but the character is that of open countryside, particularly in views to the north and east.
- 5.2.8 It is proposed to erect a substantial stable block within the site which will be located northeast of The Old Rectory. The proposed building has an 'L' shaped footprint which measures a maximum of 21 metres by 15 metres. The building has a ridge height of 4.7 metres, except at the trailer store which has a ridge height of 5.9 metres. Proposed finish materials are timber weatherboarding and a slate tile roof. The building will be orientated to face southwest and will provide three stables, a tack room, feed store, wash area, tractor store and trailer store.
- 5.2.9 The proposed stable block is generally considered to be of a typical design for the intended use. The horse boxes conform to the British Horse Society recommendations of 3.6m by 3.6m for an individual horse with grazing land at two horses per hectare. However, the proposal is considered to be of substantial scale and would include three stables, a storage area for a trailer, a tractor a feed store, washroom and tack room which is considered to not be minimal in nature. This is exacerbated by the height of the roof at 5.9m and expansive width at 21m. Given the open, flat nature of the site the proposal by reason of its substantial scale is considered to be visually intrusive and dominant and would detract from the character and appearance of the area contrary to policy BE1 and CC6 of the RLP and D1 of the LDP, as well as guidance contained within the NPPF.

### **5.3 Impact on the Conservation Area and setting of listed building**

- 5.3.1 The application site is located adjacent to the Goldhanger Conservation Area, and views are afforded from within the application site to the Conservation Area and from the Conservation Area to the application site. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used. The Council seeks to preserve and enhance the character and appearance of the conservation area.
- 5.3.2 The application site is also adjacent to listed building The Old Rectory and the stable block is proposed to be located 40 metres from the listed building.
- 5.3.3 The proposal by reason of its traditional form and materials are not considered to impact the setting of the nearby listed building or the special character of the Conservation Area, in compliance with BE13 of the RLP and D3 of the LDP. In addition, the Conservation Officer has not objected to the proposal.

### **5.4 Impact on Residential Amenity**

- 5.4.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity. Policy D1 of the emerging LDP seeks to protect the amenity of surrounding areas and local context.
- 5.4.2 It is proposed to erect a stable block in the open field approximately 40 metres from The Old Rectory. Given the distance of the proposed stable block from the neighbouring residential dwelling, concerns regarding domination and overshadowing are not considered to be significant. In addition, it is noted that the application site and The Old Rectory are under the ownership of the applicant.
- 5.4.3 It would be appropriate to impose conditions in relation to external lighting, the burning of waste and waste management, in the interests of residential amenity and pollution prevention, should planning permission be granted.
- 5.4.4 It is considered that the above means of control would ensure the protection of neighbouring amenity in accordance with RLP policy BE1 and submission policy D1.

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

- 5.5.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.5.2 A new access is proposed to the site from Church Road. Given that the proposed use is private, and not commercial, it is unlikely to generate a significant number of vehicle movements. In addition, the Highways Authority has been consulted and have not raised objection to the proposal. Therefore, there is no objection in relation to highways safety.
- 5.5.3 The site provides plenty of space for the safe parking and turning of vehicles within the site and there is no objection to the proposal in relation to parking provision.

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

- No relevant planning history.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Goldhanger Parish Council	Support the application	Acknowledged

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
County Highways	No comment to make	Please see section 5.5 of this report.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	Suggests conditions in relation to waste management, burning of waste, lighting, surface water drainage.	Please see section 5.4 of this report.
Conservation Officer	No harm to the setting of the listed building or the conservation area. Suggests conditions	Please see section 5.3 of this report.

### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation received at the time of writing this report.

## 8. **REASONS FOR REFUSAL**

- 1 The proposed development, by reason of its scale, bulk and height, is considered to result in a visually inharmonious and conspicuous feature within the open countryside which adversely affects the character of the rural landscape, contrary to policies BE1 and CC6 of the Maldon District Replacement Local Plan, policies D1 of the submitted Maldon District Local Development Plan and the guidance and provision as contained within National Planning Practice Framework.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

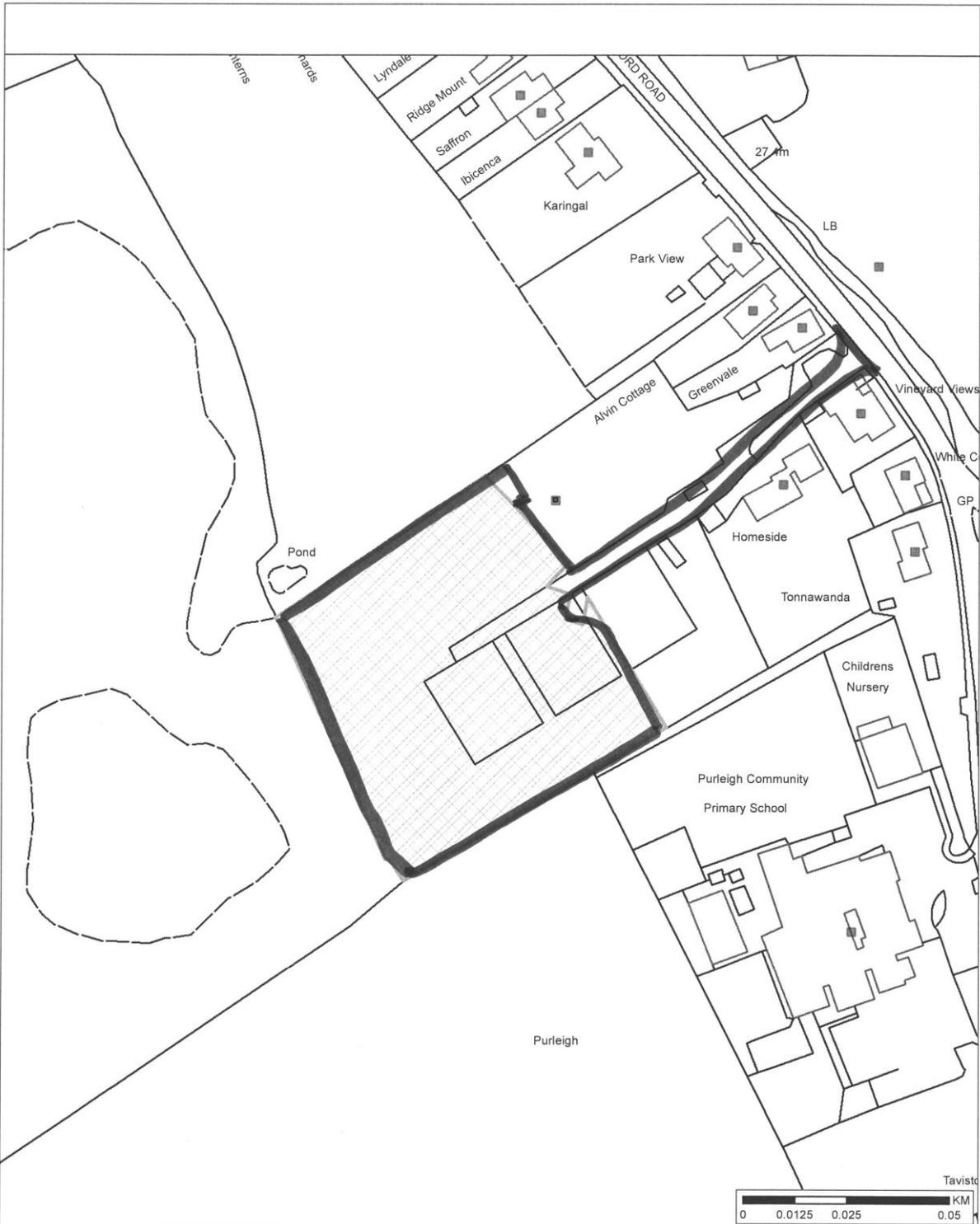
<b>Application Number</b>	<b>FUL/MAL/15/1340</b>
<b>Location</b>	Land Rear Of Greenvale, Chelmsford Road, Purleigh, Essex
<b>Proposal</b>	Sub-division to Plot 3, incorporating minor amendments to approved property design from approved application planning application APP/X1545/A/132194523 + FUL/MAL/12/00929, and the creation of 1 no. additional dwelling.
<b>Applicant</b>	Mr Paul Brand
<b>Agent</b>	Mr John Allum
<b>Target Decision Date</b>	14.03.2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Purleigh
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 15/01340
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is a former nursery, situated to the west of Chelmsford Road and to the rear of residential properties along that road. The site is accessed by a private driveway between two, detached dwellings 'Vineyard View' and 'Greenvale'. There is a detached bungalow at the rear of Vineyard View called 'Homeside' which was granted planning consent as a dwelling in association of the nursery.
- 3.1.2 The application site rises slightly from east to west and is large surrounded by hedgerows with mature and semi-mature trees.
- 3.1.3 The development of this site for four detached residential properties with associated parking and garages and to change the use of land to residential was allowed on appeal 15 August 2013 by planning application FUL/MAL/12/00929 (appeal reference: APP/X1545/A/13/2194523). The proposal seeks to sub-divide Plot 3 (approved under APP/X1545/A/132194523 + FUL/MAL/12/00929) to create an additional dwelling within the site from 4 units to 5 units. This is shown as 3a and 3b as shown on Drawing No: F169/11 dated 22.12.2015.
- 3.1.4 Plot 3a will be positioned to the north of western corner of the site, to the west of Plot 2 as approved under application FUL/MAL/12/00929. The dwelling would measure approximately 15.4 metres wide, 7.3 metres deep when measured at its shallowest point and 11.8 metres when measured at its deepest point. It will measure 7.8 metres in height to ridge level.
- 3.1.5 At ground floor, there would be a lounge, playroom, dining room, kitchen, garden room, utility room, a W.C and a large hallway. Four bedrooms (two with en-suite), a dressing room and a family bathroom is proposed at first floor level. It is proposed that the dwelling would be constructed using render, facing brickwork, slates/pantiles and white uPVC for the fenestration. Plot 3b is a handed version of Plot 3a and will be sited approximately 6.8 metres away to the south when measured from the flank wall of 3a.
- 3.1.6 A detached double garage is proposed for each property. The detached garage would measure approximately 7.7 metres wide, 8.2 metres in depth with a ridge height of 5.5 metres. Each garage would incorporate a bike store and a bin/recycle area to the rear as shown on Drawing No: F169/14 dated 22 December 2015. An external staircase will be proposed with access to a home office at first floor. The garage for Plot 3a will be positioned between Plot 3a and Plot 2 whilst the garage for Plot 3b will be positioned between 3b and Plot 4. No details have been submitted with regard to external materials to be used in the construction.

#### **3.2 Conclusion**

- 3.2.1 The application site lies outside the defined settlement boundary of Purleigh wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. Whilst the principle of development is contrary to Council's Development Plan Policies, it is considered that the proposal to sub-divide Plot 3 to two smaller units is considered, on balance, to be

acceptable due to the planning history of the site (reference: FUL/MAL/12/00929) and having considered the low density development of site, its sustainable location, and all other material considerations, it is considered, on balance that the smaller units can be justified in this instance. In this respect, the proposal would be in accordance with policies S2, H1, BE1, CC6, CC7, T2 and T8 of the adopted local plan, policies S1, S8, D1, H4, N2 and T2 of the Pre-Submission Local Development Plan and the core planning principles contained within The National Planning Policy Framework.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 8, 14, 17, 50, 56, 57, 60, 61

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside development boundaries
- CON5 – Pollution Prevention
- CON6 – Contaminated Land
- H1 - Location of New Housing
- CC5 – Protection of wildlife at risk on development sites
- CC6 – Landscape Protection
- BE1 - Design of New Development and Landscaping
- T1 – Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

##### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy S6 – Development in the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environment and Biodiversity
- Policy T2 – Accessibility

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Chelmsford Road is a main B road which links Purleigh to the A414. The application site is located off the southern end of Chelmsford Road close to the settlement of Purleigh with the access located within the development boundary. The access to the application site is located between two existing residential dwellings with a further property located adjacent to the access and to the rear of Vineyard View which is the dwelling to the south of the access.
- 5.1.2 The area surrounding the proposed access is therefore residential in nature with dwellings located along the western side of Chelmsford Road. Half of the southern section of the application site backs onto the Purleigh Primary School. Given the surrounding land use and the appeal decision to allow the construction of four detached dwellings with associated garages and off-street parking arrangement within the site, it is therefore considered, on balance, that the introduction of an additional dwelling by sub-dividing Plot 3 would not result in any materially harmful impacts upon the wider appearance of the site or the surrounding landscape.
- 5.1.3 There are mature trees and hedges along the north, south and western boundaries which would be retained and protected during the course of any development and would help to screen any proposed development from the surrounding rural landscape.
- 5.1.4 The application site is located close to many local facilities such as the primary school and post office / general store. There are also bus stops located close to the application site with services running to Maldon and Chelmsford. The site is therefore considered to be located within a reasonably sustainable area.

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

- 5.2.1 The proposal seeks to sub-divide Plot 3 into two dwellings Plot 3a and Plot 3b as shown on Drawing No: F169/11 dated 22 December 2015. The previous dwelling at Plot 3 that was approved measured 17.9 metres wide by a maximum of 13.3 metres deep with a ridge height of 8.6 metres. The dwelling would contain five bedrooms. A detached triple garage/cart lodge was proposed for this dwelling which would be positioned to the south east of the dwelling and would measure 10.7 metres wide by 6.3 metres deep with a hipped roof reaching up to a maximum height of 5.5 metres. This approved dwelling would benefit from off road parking for at least six vehicles. The measurement of the new dwellings Plot 3a and Plot 3b was discussed in Paragraphs 3.1.4, 3.1.5 and 3.1.6 of this report.
- 5.2.2 The cul-de-sac layout of the proposal when viewed in context with the application approved under FUL/MAL/12/00929 is considered to be in keeping with the prevailing pattern of development in the locality. Further, the Planning Inspector has considered the site, its rural location next to the open countryside to the west of the site and states that ‘the site does not appear as a significant feature in the countryside because of its position within the village and the degree of boundary planting’.

- 5.2.3 In Paragraph 7 of the appeal decision for this site, the Planning Inspector goes on to say that, the ‘central position of Plot 3 would be readily visible from the road down the private drive, and then only in the context of the two-storey detached dwellings, Vineyard View and Greenvale, either side of the access. In this instance, the sub division of Plot 3 into Plot 3a and Plot 3b would mean greater view of the countryside and beyond can be seen from the access point which makes the overall development attractive and in keeping with the footprint of Plots, 1, 2 and 4 as shown on the site layout plan.
- 5.2.4 Whilst an additional dwelling would intensify the use of the site, it is not considered that the harm would warrant refusal as no demonstrable harm would be caused having regard to the positioning of the dwellings and the degree of boundary planting as highlighted by the Planning Inspector. Plots 3a and 3b would still be on substantial plots and would commensurate with the range of dwellings sizes and types within the plot and in the village.
- 5.2.5 The overall design approach is also considered to be acceptable with each dwelling having been individually designed whilst having some continuous design references. The use of mock Tudor detailing is also considered to be acceptable as there are other dwellings along Chelmsford Road which have such detailing. Plot 3a and 3b would follow suit with mock Tudor detailing. In this respect, the proposal would accord with policies S2, CC6 and BE1 of the adopted local plan as the development would not amount to additional harm to the countryside, landscape quality of the locality and it would be compatible with its surroundings.

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

- 5.3.1 The proposed dwellings have been positioned to ensure that no materially harmful impacts would occur to the occupants of existing dwellings or within the development.
- 5.3.2 No first floor windows are proposed on the northern elevation of Plot 3a or the southern elevation of Plot 3b. There is however, a first floor window on the southern elevation of Plot 3a and on the north elevation of Plot 3b. Both of these windows serve a family bathroom. A condition can be imposed to ensure that these windows to be obscure glazed to prevent interlocking between the future occupants of Plot 3a and 3b.
- 5.3.3 The detached garages on Plot 3a and 3b have both been carefully positioned and orientated that no overlooking or loss of privacy would occur to the future of Plot 2 and Plot 4. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policies D1 and H4 of the Pre-Submission Local Development Plan.

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

- 5.4.1 The access point to the development would be as approved by application FUL/MAL/12/00929 between Vineyard Views and Greenvale. It is not considered that access point to serve an additional dwelling on this site and the traffic generated within the site would result in significant noise and disturbance to justify warrant.

- 5.4.2 With regard to car parking provision, the Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four bedrooms require a maximum of three, off-street parking spaces. The layout of the development has been provided in support of this planning application and it appears that each dwelling is able to accommodate the level of off-street parking requirement in accordance with the VPS and Policy T8 of the adopted local plan.
- 5.4.3 Essex County Council Highways have been consulted and raises no objection to the proposed development as the proposal to subdivide one property into two properties would be very minor intensification in use of the site. In this respect, the proposal would accord with policy T2 of the adopted local plan, and policy T2 of the Pre-Submission Local Development Plan.

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

- 5.5.1 Plot 3a will have a private amenity area of approximately 1050 square metres (excluding the area hatched in blue as shown on Drawing No: F169/10 Revision C as this area remains a habitat area for protected species). Plot 3b will have a private amenity area of 1125 square metres. Both plots will have a private amenity space exceeding the 100 square metres requirement as contained in the Essex Design Guidance. In this respect, the proposal would be in accordance with policy BE1 of the adopted local plan and policies D1 and H4 of the Pre-Submission Local Development Plan.

## **5.6 Affordable Housing**

- 5.6.1 It is noted that the development proposal seeks to replace one dwelling (Plot 3) with two dwellings (Plots 3a and 3b). Planning case law has determined that such schemes should be read holistically with the other development within the wider site and not as a piecemeal or independent development.
- 5.6.2 In this instance, Plots 3a and 3b should be read in conjunction with Plots 1, 2 and 4 within the site which means that 5 units are proposed within the entire site. Five units would trigger the requirement for affordable housing under policy H1 of the Local Development Plan.
- 5.6.3 In planning application FUL/MAL/12/00929 for the proposal of four houses, affordable housing should have been requested due to the site area measuring at 0.7 hectare in accordance with policy H9 of the adopted local plan. However, as this was not required by the Planning Inspector when allowing the appeal, it is considered that, on balance, this material consideration outweighs the policy requirement under policy H1 of the Local Development Plan.

## **5.7 Other Material Considerations**

- 5.7.1 With regard to the ecology on this site, this has been dealt with by planning application FUL/MAL/15/01023 where reptile mitigation measures were completed in September 2013.

5.7.2 The Environmental Health Service has raised no objection to the proposal subject to condition regarding the surface water and foul water drainage details to be submitted to and approved by the Council.

## 6. ANY RELEVANT SITE HISTORY

- **MAR/136/64** – Agricultural Bungalow. Approved – 21/04/1964.
- **MAL/302/75** – Caravan for Agricultural Worker. Approved – 03/06/1975.
- **MAL/448/77** – Caravan. Approved – 26/07/1977.
- **MAL/448/77/1** – Non-Compliance with MAL/448/77. Refused. Appeal Dismissed – 05/11/1979.
- **MAL/09/77** – Residential development. Refused – 07/03/1979.
- **MAL/832/84** – caravan. Approved – 18/01/1985.
- **FUL/MAL/12/00500** – Development of former nursery for 4 detached residential properties with associated parking and garages. Change of use of land to residential. Refused – 07.09.2012.
- **FUL/MAL/12/00929** – Development of former nursery for 4 detached residential properties with associated parking and garages. Change of use of land to residential. Refused: 13.02.2013. Allowed on Appeal on 15.08.2013
- **FUL/MAL/15/01023** – Removal of Condition 7 on approved planning permission FUL/MAL/12/00929 allowed on appeal APP/X1545/A/132194523 (Development of former nursery for 4 detached residential properties with associated parking and garages. Change of use of land to residential) Reason: Reptile mitigation was completed on the majority of the site in September 2013 and a small area of reptile-suitable habitat was retained on site. Approved: 14.12.2015.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The site is large enough to accommodate an extra dwelling	Acknowledged

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health Services	No objection subject to conditions and informative	This is discussed in Section 5.7.2 of the report

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Highway Authority	Very minor intensification of the site and the parking facilities are in accordance with current policy standard	Acknowledged and addressed in Section 5.4.1, 5.4.2 and 5.4.3 of the report
Natural England	Natural England has no comments to make on this application.	Acknowledged by the Officer and mentioned in Paragraph 5.7.1 of the report
ECC Sustainable Drainage	This is not a major development and therefore we will not be providing comments on the surface water drainage at this site.	Acknowledged

### 7.4 Representations received from Interested Parties

7.4.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Ms Christine Cook, Greenvale Cottage, Chelmsford Road, Purleigh, Essex
- Mr Peter Lampard, Alvin Cottage, Purleigh, Essex

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Support proposal to build two smaller houses</li> <li>• The proposed development should proceed without further delay as the site is an untidy mess</li> <li>• The occupiers at Greenvale Cottage would be pleased to see the development take place as the current discarded waste and remnant of cars in front of house is very upsetting</li> </ul>	The points raised in the letters of support are acknowledged

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by .Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

REASON: To ensure that the development is carried out in accordance with the details as approved.

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

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The soft landscape works shall be carried out as approved within the first available planting season following the commencement of development. If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

REASON: To secure appropriate hard and soft landscaping and car parking area within the site in the interest of visual amenity and the character and appearance of the rural area in accordance with policies BE1, CC6 T2 and T8 of the adopted Maldon District Replacement Local Plan.

- 5 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

REASON: To secure appropriate boundary treatment for the site in the interest of visual amenity and the character and appearance of the rural area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 6 Prior to the commencement of the development details of the surface water and 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.

REASON: In order to ensure that adequate measures are in place to manage the surface water drainage system in the future and to prevent flooding. Also to ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and Government advice as contained within the National Planning Policy Framework.

- 7 The detached garage for Plot 3a and Plot 3b hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.  
REASON: To protect the amenity of the neighbouring residential properties in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and Government advice as contained within the National Planning Policy Framework.
- 8 The development hereby permitted shall be carried out in accordance with the Ecological information dated 27 January 2016 and Drawing No: F169/10 Revision C dated 4 February 2016 submitted with the application.  
REASON: To ensure the conservation interests identified in the additional ecological information are satisfactorily protected in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan.
- 9 Prior to the first occupation of the development hereby permitted, the first floor window in the south elevation of Plot 3a serving the bathroom and the first floor window in the north elevation of Plot 3b serving the bathroom shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.  
REASON: To protect the amenity of the future occupiers of the development in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Maldon District Pre-Submission Local Development Plan.

### **INFORMATIVES**

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:-
- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b. No dust emissions should leave the boundary of the site;
  - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>HOUSE/MAL/16/00016</b>
<b>Location</b>	Avon Cottage, 14 School Road, Wickham Bishops
<b>Proposal</b>	Rear one and a half storey extension
<b>Applicant</b>	Mr Steve Hookings
<b>Agent</b>	N/A
<b>Target Decision Date</b>	08.04.2016
<b>Case Officer</b>	Kara Elliott
<b>Parish</b>	Wickham Bishops
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00016
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for a rear, double hip-to-gable two storey rear extension projecting 4 metres from the rear elevation of the existing property (roof will project 7.7 metres from existing ridge to new rear gable). The extension would feature 2 no. Juliet balconies at first floor serving 2 no. bedrooms and would feature bi-fold doors at ground floor serving the kitchen/diner. As a result of the proposed development, the property would go from a three bedroom dwelling to a four bedroom dwelling.
- 3.1.2 The application is submitted following refusal of a previous application which sought extensive, unresolved, incongruous alterations and extensions to the existing dwelling resulting in an unacceptably large and dominant development not in keeping with the streetscene (15/00169/HOUSE). The applicant entered into post-refusal discussions to overcome concerns.

#### **3.2 Conclusion**

- 3.2.1 The proposed two storey rear extension is considered to result in development which would not result in a demonstrable impact upon the character and appearance of the dwelling as well as its surroundings. Furthermore, the development does not result in a detrimental effect upon the amenities of the neighbouring occupiers in relation to overlooking, dominant impact or privacy. The dwelling will also continue to provide a level of private amenity space in excess of the recommended size as per the Essex Design Guide) in order to meet the needs of the occupiers. Furthermore, adequate off-street vehicular parking space is provided at the front of the property.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 56, 30

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- **BE1** Design of New Development and Landscaping
- **BE6** Extensions to Dwellings
- **T8** Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- **D1** Design Quality and Built Environment
- **T2** Accessibility

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

- Car Parking Standards

- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Wickham Bishops Village Design Statement

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of extending the dwelling in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

### **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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.2.4 The NPPF states that; “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”, and “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
- 5.2.5 The successful integration of any new development, including extensions, is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Developments that are over scaled will appear dominant; the easiest option is to draw reference from the surrounding buildings and the original dwelling.
- 5.2.6 A recent appeal decision for land next to the application site described this part of School Road as having an;

*“...established and verdant character. The properties (on the south side of the road) are set well back from the street on wide plots with relatively long rear gardens. The dwellings are bungalows, some with accommodation in the roof space. Although development extends quite close to plot boundaries, it appears spacious and has a distinctive pattern of development. Dwellings opposite the site are more recent two storey dwellings.”*

- 5.2.7 The proposed development is of limited architectural merit but is located to the rear of the site where limited public views are available and is of style associated with residential extension or addition. On balance it is then considered that the design of the development is acceptable. The proposed development, due to its size and scale, is on balance considered to not have a demonstrable impact on the character of the main dwelling or the wider area. Furthermore, the development does not introduce unfamiliar features which would be to the detriment to the property.
- 5.2.8 The overall height, coupled with the scale and bulk of the property as a result of the proposed extensions and alterations, would not result in an incongruous addition which would be at odds with properties on the side of School Road. Additionally, the front elevation will remain unchanged and no part of the proposed extension will extend higher than the existing ridge height of the property.
- 5.2.9 In relation to proposed materials, it is considered that the render finish of the proposed extension would not be compatible with the existing brick finish of the property.
- 5.2.10 It is therefore considered that the development would not harmfully diminish the visual relationship of built form to the detriment of the streetscene and is therefore in accordance with adopted policy BE1 of the Local Plan which permits development which is compatible with its surroundings in terms of architectural style, scale/ bulk/ height and visual impact.

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

- 5.3.1 Adopted policy BE6 seeks to protect neighbouring occupiers from development which would be detrimental to their amenities by reason of overlooking, overpowering and loss of light.
- 5.3.2 With a distance of over 7 metres between the north elevation of no.12 and the south side elevation of the proposed development, the development, with consideration of the slight increase in levels sloping upwards from south to north, is not considered to result in any undue impact on the amenity of the adjoining residents due to overshadowing, dominance or loss of light.
- 5.3.3 No.16 School Road is approximately 17 metres away from the application site. Therefore, the impact of the development to these neighbouring occupiers is considered negligible. Furthermore, no windows are proposed to the first floor side elevations which would result in overlooking or loss of privacy and no part of the proposed development would extend further to the boundaries of the property.
- 5.3.4 Due to the extensive length of the rear amenity space of the property measuring over 35 metres, the proposed development, in particular the proposed Juliet balconies,

would not result in a detrimental impact upon neighbouring occupiers to the south due to overlooking or loss of privacy.

- 5.3.5 Due to the abovementioned reasons, it is considered that there are no issues in relation to detrimental impact upon the amenities of neighbouring occupiers, complying with adopted policy BE6. The proposed development is a sympathetic and well-proportioned design in accordance with key policies BE1 and BE6 which protect neighbouring occupiers from demonstrable harm as well as D1 of the emerging plan and the NPPF.

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

- 5.4.1 The site takes access from the east off the site frontage at School Road. There are no changes proposed in relation to access to the property.
- 5.4.2 Due to the increase in bedrooms from 3 to 4 it is necessary to assess the impact the off-street parking provision of the site.
- 5.4.3 Adopted policy T8 states that new developments will only be permitted if it makes provision for off-street parking in accordance with the District's adopted vehicle parking standards.
- 5.4.4 The adopted parking standards for a four bedroom property are a maximum of three spaces. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport. In line with the National Planning Policy Framework, the promotion of the use of sustainable transport is supported in residential locations in settlement boundaries such as these.
- 5.4.5 The provision of on-site vehicle parking spaces will remain unaltered. The graveled area to the front of the dwelling could facilitate off-street parking for three or more vehicles. Therefore, there are no concerns raised in relation to parking provision.

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

- 5.5.1 The Essex Design Guide advises a suitable garden size is commonly recognised as 100m<sup>2</sup>. The property benefits from a large rear amenity area which would exceed this suggested threshold. The proposals would not reduce any part of the amenity space capable of meeting the outdoor requirements of the occupiers of the site and therefore there is no objection to the proposal in relation to amenity space.

**6. ANY RELEVANT SITE HISTORY**

- **15/00169/HOUSE** - Extensions to rear of property, partial re-roof. Conversion of existing garage into lounge and re-roof. New detached garage. REFUSED 23.06.2015 (e.g. FUL/MAL/15/00012) – description, details of decision and decision date.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Wickham Bishops	Recommends Refusal. (The scale and bulk of the proposed two-storey extension in combination with the difference in ground levels would result in an overbearing property when viewed from number 12. Contrary to D1 of LDP.)	Please see paragraph 5.3

**7.2 Statutory Consultees and Other Organisations (summarised)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex Highways	De minimis	Please see paragraph 5.4

**7.3 Representations received from Interested Parties**

7.3.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Richard & Mary Cowen, 12 School Road, Wickham Bishops

<b>Objection Comment</b>	<b>Officer Response</b>
Overlooking and loss of privacy to bedroom of No.12; Loss of daylight as will need to close curtains when bedroom in use in daytime; Overlooking of amenity space; Property will appear dominant due to land levels;	Please see paragraph no.5.3

7.3.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- P D Layley, Brockhurst, 2 School Road, Wickham Bishops

<b>Supporting Comment</b>	<b>Officer Response</b>
Previous reasons for refusal have been overcome;	N/A

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved in accordance with adopted policy BE1 of the Maldon District Replacement Local Plan, National Planning Policy Framework and policy D1 of the Submitted Local Development Plan.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved to comply with policy BE1 of the Maldon District Replacement Local Plan, D1 of the Maldon District Submitted Local Development Plan and guidance within the National Planning Policy Framework

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

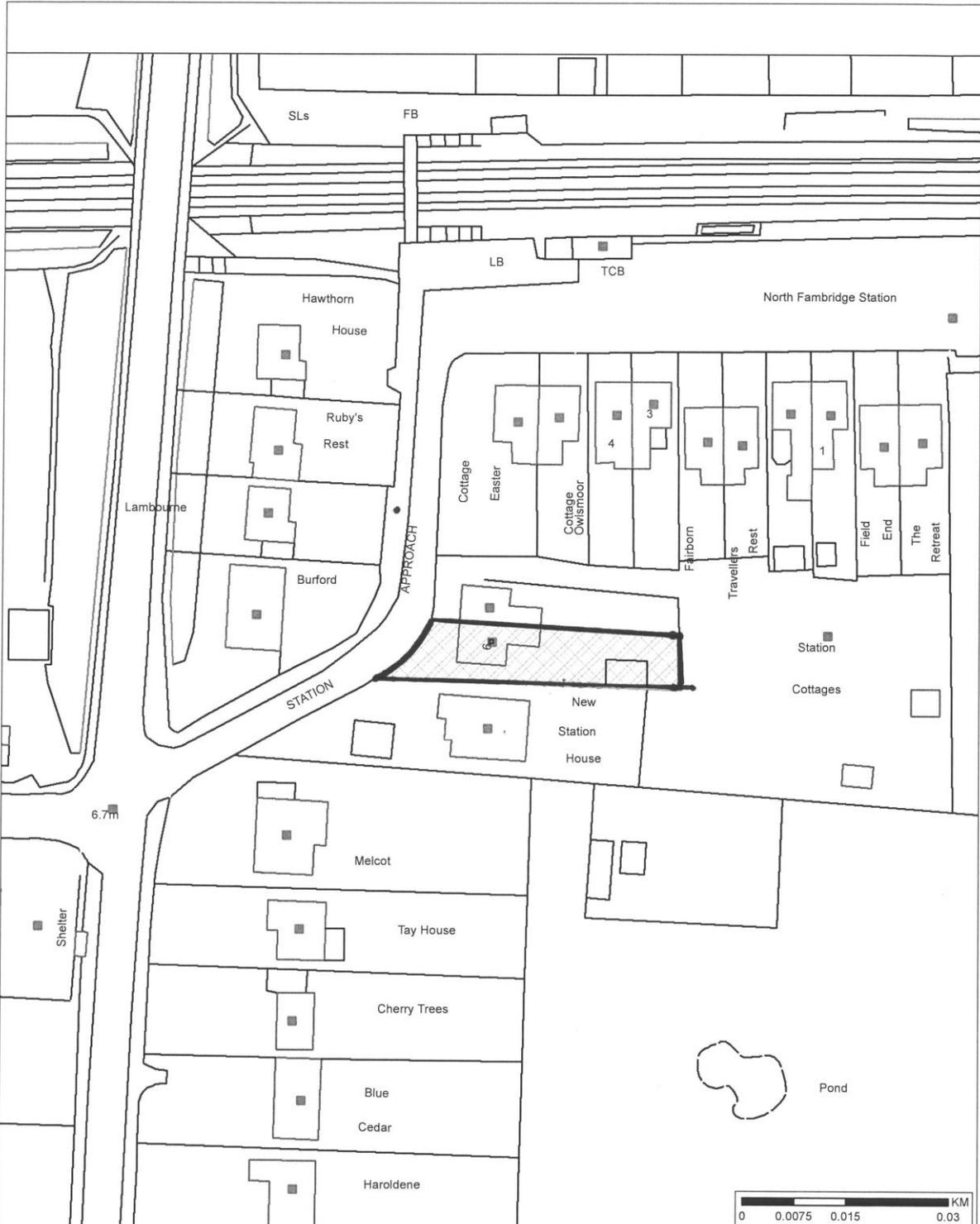
<b>Application Number</b>	<b>HOUSE/MAL/16/00019</b>
<b>Location</b>	6 Station Cottages, Station Approach, North Fambridge
<b>Proposal</b>	Side and rear single storey extensions.
<b>Applicant</b>	Mr & Mrs R Morris
<b>Agent</b>	Mr Ashley Robinson
<b>Target Decision Date</b>	07.03.16
<b>Case Officer</b>	Emily Hall
<b>Parish</b>	North Fambridge
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00019
	Date:	22/03/2016
	MSA Number:	100018588

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### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for the erection of a single storey side and rear extension with an overall ridge height of 4.2m and eaves height measuring 2.3m. The extension would measure 6.4m wide at the rear, with a maximum depth of 8.5m and projection beyond the rear elevation by 2.8m.
- 3.1.2 Materials are to match the existing dwelling. No openings are proposed on the flank elevations and patio doors with glass panels to the side and above are proposed in the rear elevation.
- 3.1.3 The application site is located within the settlement of North Fambridge on the east side of Station Approach and is within a residential area. The site is occupied by a two-storey semi-detached property with a detached garage at the rear/side of the property. The frontage is open and block-paved with an access gate leading to the garage.
- 3.1.4 The current scheme has been submitted following two previous applications which have both been refused by the Council.

#### **3.2 Conclusion**

- 3.2.1 The proposed development, due to its scale, bulk and design, is considered to result in a contrived development to the detriment of the character and appearance of the existing dwelling and local area, contrary to policies BE1 of the Replacement Local Plan (RLP) and policy D1 of the submitted local plan and guidance contained within the National Planning Policy Framework (NPPF). It is not considered that the proposed alterations have overcome the harm identified at the time of the last application.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 59
- 64

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 Design of new development and landscaping
- BE6 Extensions to dwellings
- CC6 Landscape protection
- CC7 Special Landscape Areas

### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 Design quality and built environment
- H4 Effective use of land

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the submitted Local Development Plan (LDP). Other material planning considerations are discussed below.

### **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 should be sought 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. In order to comply with Policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.2.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”

5.2.5 Policy BE1 states that development proposals will be permitted if they are a) compatible with their surroundings in terms of (iv) scale/bulk/height, (v) external materials, (vi) visual impact, (vii) effect on amenity of neighbouring properties or occupiers therein (ix) relationship to important landscape or open spaces and b) harmonise with the general character of the area in which they are set. Similarly, policy BE6 states that development proposals will be permitted if the development would not result in either the building appearing cramped or the proposal would be detrimental to the general character and appearance of the area.

5.2.6 Planning permission is sought to erect a single storey side and rear extension which will wrap-around the south and east elevations of the existing dwelling. The extension will project from the south elevation by 1.5 metres and the east elevation by 2.8 metres. The extension will have an overall depth of 8.5 metres. The extension is sited 0.9 metres from the northern and southern shared boundaries.

5.2.7 There have been two previous applications for proposals of a comparable nature which have both been refused. The difference between the proposed schemes, in terms of dimensions has been set out in the table below:

	<b>15/00761/HOUSE</b>	<b>15/01060/HOUSE</b>	<b>16/00019/HOUSE</b>
<b>Height</b>			
Overall	4.0 metres	4.2 metres	4.0 metres
Eaves	2.3 metres	2.3 metres	2.3 metres
<b>Depth</b>			
Overall	9.1 metres	8.9 metres	8.5 metres
From the rear elevation	3.1 metres	3.1 metres	2.8 metres
<b>Width</b>			
Overall	5.6 metres	6.4 metres	6.4 metres
From the side elevation	1.5 metres	1.5 metres	1.5 metres

5.2.8 It is evident from the above table that in response to the first refusal that scheme was reduced in depth but increased in width and then in response to the second refusal was reduced in depth and no changes were made to the width. Overall, the depth of the proposal has been reduced by 0.4 metres but remains essentially the same in respect of all of the other dimensions. The roof profile previously feature a decrease in height to avoid interfering with the existing windows at first floor level on the rear elevation, this has been amended so that the ridge of the rear extension is continuous and two smaller windows are located at first floor level on the rear elevation. The front elevation of the side extension has a hipped roof profile.

5.2.9 Previously the scheme was refused on design grounds, notably due to the scale, bulk and design which were considered to result in a contrived development to the detriment of the character and appearance of the area.

5.2.10 The overall design of the scheme remains the same. Concerns were previously raised in relation to the height and width of the extension relating poorly to the proportions

of the existing dwelling and resulting in a contrived appearance to the detriment of the appearance of the existing dwelling. This is particularly noticeable given that the extension is wider than the original dwelling. The reduction in the depth of the extension has not overcome the previous concerns raised.

- 5.2.11 In addition, the proportions of the proposed extension and the resultant roof form appear squat when viewed against the gable end details on the existing dwellings.
- 5.2.12 In addition, concern has previously been raised in relation to the introduction of the hipped roof on the principal elevation of the side extension. This element is visible within the streetscene and considered to appear contrived when viewed against the remainder of the dwelling. This element has not been amended and there are no new material considerations which would alter this stance.
- 5.2.13 Overall, the proposal is considered to result in a contrived and disproportionate form of development to the detriment of the character and appearance of the dwelling and locality and is therefore contrary to adopted policy BE1 of the RLP and D1 of the LDP as well as guidance as set out in the NPPF.

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

- 5.3.1 Policy BE6 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of the adjacent property. Policy D1 of the submitted LDP seeks to protect the amenity of surrounding areas and local context.
- 5.3.2 The proposed development is single storey and is not considered to give rise to issues of overlooking or loss of privacy to the neighbouring properties in accordance with the stipulations of BE1 of the RLP and D1 of the submitted LDP.
- 5.3.3 At the time of the previous application concern was raised in relation to the siting and bulk of the development, and its impact upon the neighbouring occupiers. The depth of the extension projecting beyond the rear elevation measures 2.8 metres, which has been reduced from 3.1 metres at the time of the previous application. Semi-detached dwellings can be extended by up to 3 metres without formal planning permission, subject to meeting the requirements of the rest of the legislation. However, it should be noted that the extension extends nearer to the boundary than the existing dwelling. Whilst the width of the development and distance from the north and south boundaries remains the same the depth has been reduced to such a degree that the proposal, on balance, is not considered to result in an overbearing and unneighbourly form of development in compliance with policy BE6 of the RLP.

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

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 of the submitted LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.

- 5.4.2 The proposed development will not result in the creation of any additional bedrooms but will reduce the number of car parking spaces that the site provides through the loss of the use of the garage for the purposes of car parking and through the loss of an area of hardstanding to the side of the dwelling. The proposed development will reduce the level of car parking on site by two spaces.
- 5.4.3 The frontage of the site is block-paved and provides off-street parking for three vehicles. The maximum number of parking spaces the Council's adopted Vehicle Parking Standards SDP requires is three spaces. The site will provide space to park three cars and the car parking spaces meet the recommended bay size in accordance with the Council's adopted Vehicle Parking Standards SDP.
- 5.4.4 Therefore, the proposed development will not have a detrimental impact on the provision of vehicle parking on the site and the development is in accordance with the stipulations of Policy T8 of the RLP.

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

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>.
- 5.5.2 The existing garden on the site measures approximately 160m<sup>2</sup> and is in excess of the standard contained within the Essex Design Guide. The proposed development will result in a loss of some of the garden by 55m<sup>2</sup> but the resultant garden will still be in excess of the guidance contained within the Essex Design Guide, measuring 105m<sup>2</sup> and therefore, there is no objection to the proposal in relation to amenity space.

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

- **15/00761/HOUSE** – Side and rear single storey extensions. Refused 14 September 2015.
  - 1 The proposed development due to scale, bulk and contrived design is considered to result in an overbearing and unneighbourly development, contrary to policies BE1 and BE6 of the replacement local plan and policy D1 of the emerging local plan and guidance contained within the National Planning Policy Framework. In addition, due to the loss of off-street parking facilities the proposed development does not accord with policy T8 of the replacement local plan.
  - 2 The proposed development due to scale, bulk and design is considered to result in a contrived development to the detriment of the character and appearance of the area, contrary to policies BE1 and BE6 of the replacement local plan and policy D1 of the emerging local plan and guidance contained within the National Planning Policy Framework. In addition, due to the loss of off-street parking facilities the proposed development does not accord with policy T8 of the replacement local plan
- **15/01060/HOUSE** - Side and rear single storey extensions. Refused 22 December 2015

- 1 The proposed development, due to its scale, bulk, siting and contrived design, is considered to result in an overbearing and unneighbourly development, contrary to policies BE1 and BE6 of the Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework. It is not considered that the proposed alterations have overcome the harm identified at the time of the last application.
  
- 2 The proposed development, due to its scale, bulk and design, is considered to result in a contrived development to the detriment of the character and appearance of the area, contrary to policies BE1 and BE6 of the Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework. It is not considered that the proposed alterations have overcome the harm identified at the time of the last application.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	Awaited	

### 7.2 Representations received from Interested Parties

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

- A. Stockford, Burford, Station Approach, North Fambridge

Objection Comment	Officer Response
Not enough parking provision	Please see section 5.4 of this report

## 8. REASON FOR REFUSAL

- 1 The proposed development, due to its scale, bulk and design, is considered to result in a contrived development to the detriment of the character and appearance of the existing dwelling and local area, contrary to policies BE1 of the Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/16/00026</b>
<b>Location</b>	Vaulty Manor, Goldhanger Road, Heybridge
<b>Proposal</b>	Change of use (of the house on the estate site) from (C3) private dwelling house to (C1) hotel/guest house
<b>Applicant</b>	Mr Colin Downie - Osea Campsite Ltd
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Target Decision Date</b>	15.04.2016
<b>Case Officer</b>	Rebecca Greasley
<b>Parish</b>	<b>HEYBRIDGE EAST AND GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Vaulty Manor, Goldhanger Road, Maldon**



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Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee 16/00026
Date:	04/03/2016
MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 Permission is sought for the change of use of the existing six bedroom dwelling, Vaulty Manor, to be used as a hotel in association with the existing wedding venue.

3.1.2 No external alterations are proposed as part of the application.

3.1.3 Vaulty Manor is a listed property and the site sits on the border of flood zones 2 and 3.

#### **3.2 Conclusion**

3.2.1 The principle of the development is not objected to. In this instance, the benefits of the proposal are considered to outweigh the minor harm caused by the loss of a 6 bedroom dwelling in the district. The proposal is therefore considered compliant with policies of the Maldon District Replacement Local Plan, the submitted Local Plan and the NPPF.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- Paragraph 28 (supporting a prosperous rural economy)
- Paragraph 17 (core planning principles)
- Paragraph 93 – 108 (meeting the challenge of climate change, flooding and coastal change)

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside development boundaries
- CC6 - Landscape Protection
- CC11 - Coastal Zone
- E6 - Protection of existing employment uses
- BE1 - Design of New Development and Landscaping
- BE16 - Extensions alterations to and additional buildings in the curtilage of Listed Buildings
- REC19 - Hotel and guest house accommodation
- T1 - Sustainable transport and location of new development
- T8 - Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 - Sustainable Development
- D1 - Design Quality and Built Environment

- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- E1 - Employment
- E5 - Tourism
- T1 - Sustainable Transport

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 Policy REC19 of the Maldon District Replacement Local Plan states that outside of development boundaries, proposal for the conversion and extension of large country houses by the provision of ancillary facilities which would enable the building to function as a hotel, will be permitted if all of the following criteria is met.

- a) There should be significant loss of residential or rural amenity
- b) The building's appearance should not alter in such a way as to detract from the rural character of the area
- c) The proposed use is not detrimental to the character or appearance of the surrounding area or the group value of adjoining buildings.

5.1.2 These points will be covered in section 5.2 and 5.3 of the report.

5.1.3 In addition, the NPPF states that local authorities should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

5.1.4 This is reiterated in Policy E5 of the submitted Local Plan, which states that the council will support development which contributes positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment.

5.1.5 The proposal would result in the loss of a residential unit on the site. This is a material consideration in determining the scheme. The dwelling as existing provides six bedrooms, dwellings of this size have not been identified in the Council's Strategic Housing Market Assessment (SHMA) as needed in the district.

5.1.6 It must be noted that the wider site is in use as a wedding venue, with associated accommodation rooms. As such, the proposal to convert the dwelling to a hotel would support the existing business. As such, the benefits of the proposal in this instance are considered to outweigh the minor harm caused a result of the loss of a dwelling in the district, in accordance with policy E5 and the NPPF.

## **5.2 Flood Risk**

- 5.2.1 The application site is located on the boarder of flood zones 2 and 3. The application was submitted with a Flood Risk Assessment (FRA), and details of the Warning and Evacuation Plans for Osea Leisure Park. In liaison with the Council's Emergency Planner it is considered that the proposed plans would be fit for the sites new usage, and no objection is raised.

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

- 5.3.1 In terms of design, no alterations are proposed to the external appearance of Vaulty Manor as part of this current application.
- 5.3.2 It is acknowledged that the proposal would result in an intensified use of the site. However, the existing access, parking facilities and amenity space to the rear of the site which are used in association with the wedding venue, would be utilised by the proposed new hotel. As such, the proposal is not considered to result in demonstrable harm to the character and appearance of the rural locality.

## **5.4 Impact on Residential Amenity**

- 5.4.1 The proposal would not result in any external alterations to result in demonstrable harm by reason of overlooking and loss of light.
- 5.4.2 Given the existing use of the site as a wedding venue, the proposed change of use of the dwelling to a hotel is not considered to result in noise or disturbance that would be demonstrable to the rural or residential amenity of the area, in accordance with policy BE1 and REC19 of the Maldon District Replacement Local Plan (MDRLP).

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

- 5.5.1 The existing site access and car parking located to the north of the site would be retained and utilised in association with the proposed new hotel. As such, the proposal is not considered to result in any demonstrable harm by reason of highway safety or free flow of traffic, in accordance with policy T2 and T8 of the Maldon District Replacement Local Plan.

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

- **FUL/MAL/02/00849** - Erection of guest accommodation rooms. Approved 12.11.2002.
- **FUL/MAL/03/01220** - Extend existing barn currently used for wedding ceremonies to provide additional area for seating, disabled WC, and improved WC facilities. Approved 14.01.2004.
- **FUL/MAL/05/00666** - Extension to Banqueting Hall. Approved 07.02.2006.
- **LBC/MAL/16/00027** - Minor alterations to first floor interior bedroom and en-suite arrangements. Pending consideration.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Support.	Not applicable.

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No comment or objection.	Not applicable.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	Objection – insufficient information	This is covered in detail within section 5.2 of the report
Environmental Health	No comment or objection.	Not applicable.

### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Nothing received at the time of writing.

## 8. PROPOSED CONDITIONS

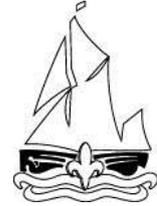
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policy D1 of the Maldon District Pre-Submission Local Development Plan 2014-2029

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/16/00088</b>
<b>Location</b>	Guys Farm Lodge, Manor Road, Woodham Walter
<b>Proposal</b>	Demolition of bungalow and the construction of a 4 bedroom house
<b>Applicant</b>	Mr Nigel Cornwell
<b>Agent</b>	Mr Tony Rymill
<b>Target Decision Date</b>	29 March 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Woodham Walter
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00088
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site comprises a modest detached single storey dwelling located at the northern end of the triangular shaped plot. The property fronts onto Manor Road with the southern side being bounded by Hop Gardens Lane. Within the site are several outbuildings set to the north of the property.
- 3.1.2 The site is in a rural area with Guys Farm and its associated agricultural buildings to the east of the site and Manor Farm to the north. The area is characterised by open agricultural land interspersed with large farmsteads.
- 3.1.3 The site is outside of any settlement boundary and within the designated Special Landscape Area.
- 3.1.4 Planning permission is sought for a replacement two storey dwelling on the site. The proposed property would be set back 8m from the frontage with Manor Road but would still face that highway. Parking is proposed within the front amenity space to the north of the site. The dwelling would have a rectangular footprint with a two storey elevation projection. The dwelling would comprise weatherboard elevations with a brick plinth and red clay roof tiles. All fenestration would be white uPVC.
- 3.1.5 The overall dimensions of the property including the rear (west) elevation projection would be 16m wide by 10.5m deep. The front elevation would incorporate a front (eastern) elevation hipped roof open sided porch. Fenestration is proposed in all elevations with roof light windows within the rear elevation roof slope for the benefit of rooms in the roof. The internal accommodation would comprise living and dining accommodation at ground floor level, four bedrooms and bathroom facilities at first floor level with two further rooms within the roof.
- 3.1.6 The private amenity space would extend westwards to the rear of the dwelling and bounded by Hop Gardens Lane.

#### **3.2 Conclusion**

- 3.2.1 There is no objection in principle to the replacement of a dwelling house on a “one for one” basis outside development boundaries. In this instance, albeit the replacement dwelling is two storey and represents a large dwelling on the site it is considered similar in size to other properties within the locale and would sit comfortably within the site and the rural landscape. The dwelling is not considered to represent overdevelopment of the site and subject to appropriate conditions to remove further extensions would not result any significant increase of harm to the landscape character of the area or the amenity of adjacent neighbouring occupiers.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 49 and 59

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside Development Boundaries
- H1 - Location of New Housing
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- D1 – Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The property is located within the rural area outside the development boundary for Woodham Walter. As such, there is no objection to the principle of a replacement dwelling on a ‘one for one’ basis, providing the proposal meets the criteria set out by policy CC22 of the adopted Maldon District Replacement Local Plan and policy H4 of the emerging LDP.

5.1.2 The submitted LDP has been produced with cognisance of the NPPF’s emphasis on sustainable development and emerging Policy S8 seeks to direct development to within settlement boundaries to protect the intrinsic beauty of the countryside. As the site is already developed for residential use the site is considered sustainable in this instance.

5.1.3 Furthermore emerging policy H4 supports the principle of replacement dwellings providing inter alia:

- (a) The use has not been abandoned

- (b) The original building is not a temporary structure and
- (c) The proposed replacement dwelling is on an appropriate scale and to the plot and its setting

5.1.4 It is considered that the proposed development would be in compliance with the requirements of policy H4.

## **5.2 Replacement Dwellings**

5.2.1 Adopted Local Plan Policy CC22 sets three requirements. The first is that (a) the proposal positively enhances the character and amenities of the area in which it is set, (b) the size of the replacement dwelling does not require the extension of the existing residential curtilage and (c) if the dwelling is in poor condition or is vacant, evidence is produced to show the dwelling has been in permanent occupation.

5.2.2 The submitted block plan shows that the replacement dwelling would not be on the footprint of the existing dwelling but due to its similar orientation would maintain the existing settlement pattern. Whilst it is considered that the size and scale of the replacement property would represent an increase in bulk, the proposed dwelling would have a similar footprint as the existing dwelling and its adjoining disparate outbuildings. The location of the proposed two storey property set further back into the site is also considered to assimilate the larger structure within the street scene. The design is that of traditional building and subject to conditions for appropriate external materials is considered comply with policy CC22 (a) of the adopted local plan.

5.2.3 There will be no changes to the existing residential curtilage to accommodate the proposal. In this instance, the proposal would be in accordance with policy CC22 (b) of the adopted local plan.

5.2.4 Whilst the submitted Design and Access Statement states that the property is in poor conditions it is currently inhabited and as such, the proposal is not considered to be contrary to policy criterion CC22 (c).

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

5.3.1 Policy BE1 (a) of the adopted local plan relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale/bulk/height, materials and visual impact (among other factors). BE1 (c) states that outside of defined development boundaries, development should make a positive contribution to the landscape and open countryside.

5.3.2 The replacement dwelling whilst comprising a larger scale and bulk than the original dwelling on the site would be commensurate with other detached properties within the vicinity of the site. To the east of the site is Guys Farm which has a three storey dwelling on the site and, which due to the topography of the land is set higher than Guys Farm Lodge. In this respect the proposed dwelling with a ridge height of 9m would be seen in the context of the site to the north and the large agricultural buildings also within Guys Farm which are opposite the site. The character and appearance of the replacement dwelling is considered to be in keeping with existing dwellings in the vicinity of the site. As previously stated, its siting further back into

the site is considered to assist the assimilation of the dwelling into the site and its orientation fronting onto Manor Road would afford views of the side elevation when approaching from the south. However, due to the size and scale of the replacement dwelling, it is considered appropriate to remove permitted development rights for further extensions to the dwelling.

- 5.3.3 As such, the proposal is considered to accord with policy BE1 (a) (c) of the adopted local plan and policy D1 of the emerging LDP.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 Given the distance to adjacent properties within Manor Road the proposed dwelling would not give rise to any material degree of overlooking, overshadowing or any significant detrimental impact on dwellings or their residential occupiers within the vicinity of the site.

- 5.4.2 The scheme is therefore considered to accord with the criterion of adopted LP policy BE1 and emerging policy D1 of the LDP.

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

- 5.5.1 The parking provision would be sited on an area of hard-standing which is currently occupied by the footprint of the existing dwelling. A new highway access would be proposed in this location and as such the Highway Authority has been consulted and there is no objection to the scheme subject to appropriate highway conditions for a visibility splay and no unbound material in the surface driveway within 6m of the highway boundary. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

- 5.5.2 In terms of residential parking, the dwelling would provide sufficient off-street parking provision to accord with the adopted Supplementary Planning Document, Vehicle Parking Standards, which states that four or more bed properties have a maximum of 3 spaces. The scheme is therefore considered to accord with the criterion of the standard and with adopted policy T1 of the LP and emerging policy T1 of the LDP.

#### **5.6 Private Amenity Space and Landscaping**

- 5.6.1 The private amenity space for the proposed dwelling would accord with the general standards identified as necessary by the Essex Design Guide, which states that properties with three or more bedrooms should be provided with 100m<sup>2</sup> of private amenity space. The proposed private amenity space would extend to approximately 250m<sup>2</sup>.

- 5.6.2 The site to the rear of the existing dwelling is currently laid to grass with informal tree planting and an indigenous hedgerow. The submission is not considered to adequately address hard and soft landscaping within the site or boundary treatments and it is considered a justifiable planning reason to request such details on any grant of permission to retain the existing trees to the west and the boundary hedgerow.

## 5.7 Other Material Considerations

- 5.7.1 The Council's Environmental Health Service has been consulted on the scheme and subject to appropriate conditions appended to any grant of permission for the submission of surface and foul water drainage details prior to commencement there is no objection to the scheme. Furthermore, it is recommended that Informatives for the control of safe removal and disposal of potential asbestos containing materials within the existing building and the control of noise, emissions and hours of work on the site are appended to any grant of permission.
- 5.7.2 Due to the proximity of a listed building at Guys Farm to the east of the site, the views of the Council's Conservation Officer have been sought. It is stated that a large part of the listed building's significance derives from its isolated rural setting in which it occupies a commanding position. Whilst the application site forms part of the listed building's wider setting, it contributes little to its overall significance. Due to the distance and relationship between the application site and Guy's Farmhouse the development will have limited impact upon the setting of the heritage asset. Furthermore, whilst the proposed house is larger than the one it is replacing and similar in scale to the farmhouse, the land falls away to the north of Guy's Farmhouse resulting in the proposed being set lower in the landscape and is not considered to exert an overbearing presence.
- 5.7.3 Whilst conditions for traditional materials are recommended by the Conservation Officer, due to the distance between the proposed development and the heritage asset, as stated by that Officer, these conditions are not considered reasonable or enforceable.
- 5.7.4 A letter of representation has made reference to a covenant on the land in relation to restrictions on development. This is a legal matter between the land owner and/or persons named within that document and not a planning consideration.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/99/00130** – Proposed change of use of existing annexe from bedroom to office (retrospective). Approved 12 April 1999.
- **FUL/MAL/07/00561** – Conservatory to flank of property. Approved 18 July 2007.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter	Object Whilst accepting the principle of replacing the dwelling, the size and massing is objected to. No	These matters are considered to have been dealt with in section 4 of the report.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	relief features, dominant front elevation. Too close to the road, overbearing impact upon listed building	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No Comment and No Conditions. It is noted that Purleigh Grove is a private road.	This matter is considered to have been addressed within Section 5.4

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No Comment	There is no Officer comment to make.
Conservation Officer	No Objection Subject to conditions for samples to be submitted, timber weatherboard and fenestration to be timber	This matter is considered to have been addressed within Section 5.7

## 7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mr P. G. Ratcliff, Black Notley Hall, Braintree, CM77 8LF

<b>Objection Comment</b>	<b>Officer Response</b>
Covenant on land not to make alterations. 4 bed dwelling out of character Drainage system not big enough	These matters are considered to have been addressed within the report

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

- Mr. P Livingstone, Bentley's, Hop Garden Lane, Woodham Walter, CM9 6LP
- Mr. K English, 2-3 Hop Garden, Hop Garden Lane, Woodham Walter, CM9 6LP
- Mrs. S Maxted, Holly Cottage, Hop Garden Lane, Woodham Walter, CM9 6LW

<b>Supporting Comment</b>	<b>Officer Response</b>
The scheme is strongly supported. Will enhance the area and is very much in keeping. It will enhance the area and is in keeping with other properties.	These matters are considered to have been noted within the report

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Miss K Harris, Guys Farm, Manor Road, Woodham Walter, CM9 6LW

<b>Comment</b>	<b>Officer Response</b>
May cause disruption to adjacent residents in terms of highway obstruction and hours of work	These matters are considered to have been addressed within Section 5.7 of the report

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning.  
**REASON:** In order to protect and enhance the character and appearance of the rural area in accordance with policies BE1 and CC6 of the Adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 4 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.  
**REASON:** The development has only been approved on the basis that the dwelling house hereby approved is a replacement for that which exists in accordance with policy CC22 of the adopted Maldon District Replacement Local Plan and emerging policy H4 of the Local Development Plan.
- 5 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: In the interest of visual amenity and in accordance with BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and the provision and guidance as contained within the NPPF.

- 6 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

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

REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

- 8 Prior to the commencement of the development details of the surface water and 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.

REASON: In order to ensure the provision of an effective surface water drainage scheme in accordance with Policy CON2 of the Replacement Local Plan and Policy I1 of the submitted Local Development Plan.

- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

REASON: To avoid the displacement of loose material on to the highway in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.

- 10 Prior to commencement/occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 25 metres to the north west and 2 metres by 25 metres to the south east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between pedestrians and the users of the access and the highway for the safety and convenience of users of the highway and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.

## **INFORMATIVES**

- 1 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials.  
It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - (a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - (b) No dust emissions should leave the boundary of the site;
  - (c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - (d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

## **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

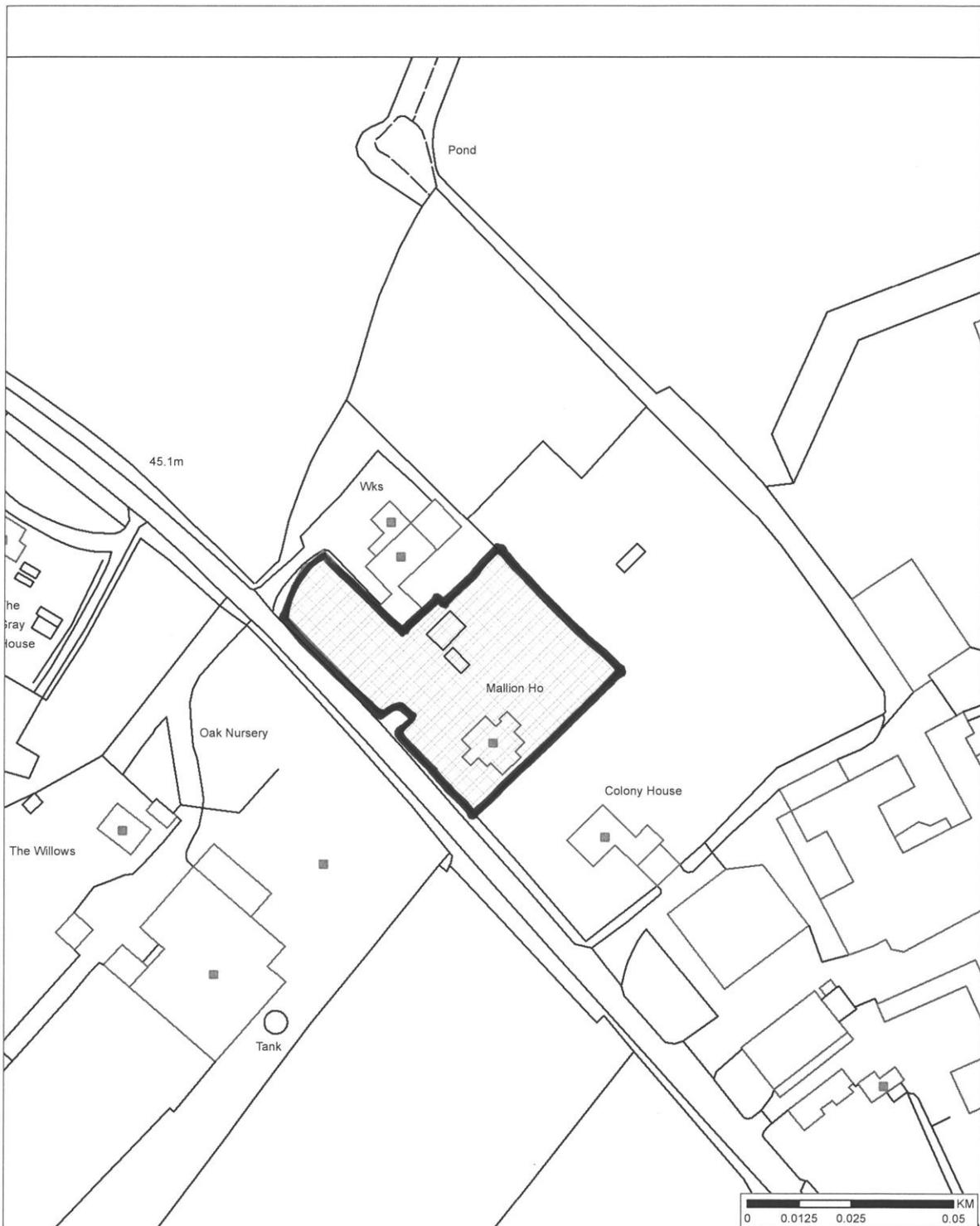
<b>Application Number</b>	<b>HOUSE/MAL/16/00156</b>
<b>Location</b>	Mallion House, Hackmans Lane, Purleigh
<b>Proposal</b>	New front first floor extension and the creation of new front and rear dormer windows
<b>Applicant</b>	Mr & Mrs M Bott
<b>Agent</b>	Mr Lewis Cook - Form Architecture Ltd.
<b>Target Decision Date</b>	09 April 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Purleigh
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00156
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the eastern side of Hackmans Lane and outside of any settlement boundary. The property is a detached, two storey chalet style structure with the first floor front elevation windows comprising four gable end dormers. There is a first floor window within the northern side elevation gable end and within the rear elevation gable end. There are also roof lights within the roof planes of the rear elevation double gable end projections. There is a large secluded rear garden with minimal views of adjacent properties and the property benefits from a large off-street parking area with car port and a detached swimming pool building located to the north of the dwelling.
- 3.1.2 Householder Planning consent is sought for the removal of the two central gable end dormers within the front elevation, and the formation of a double ridge gable end first floor extension above the existing first floor, the enlargement of the two outer gable end dormers within the front elevation and two rear elevation first floor dormer windows. All four proposed dormer windows would comprise hipped ends.
- 3.1.3 The gable end first floor extension would be contiguous with the existing front elevation of the dormers and the existing ridge roof of the dwelling. The front elevation hipped roof dormers would measure 2.2m wide, be 2.2m high with the ridge set below the existing ridge roof line by 0.2m. These dormers would project a total depth of 1.8m. The two rear elevation dormers would be of similar design and style and vary in width. The northern dormer would be 2.3m wide and 2.3m high, whilst the southern dormer would be 1.8m wide and be 2.1m high. Both dormers would project 1.8m from the existing roof plane.
- 3.1.4 In terms of materials the first floor extension and dormer windows would match the existing dwelling with painted render elevation and slate roof tiles.

#### **3.2 Conclusion**

- 3.2.1 The site was subject to a previous application (Ref: HOUSE/MAL/15/00629) for enlargement of the existing two side projection dormer windows, two new dormer windows to the rear elevation, the construction of a large first floor front elevation box dormer and northern side elevation balcony. That application was considered to result in a contrived design and due to its scale, bulk and inclusion of a side elevation balcony was considered detrimental to the general character and appearance of the area and the existing dwelling. The proposal subject to this report, whilst still of similar scale and bulk, is considered to result in a more balanced design which would result in the visual appearance of a two storey dwelling with matching projections to the side elevations.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 49 and 59

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside Development Boundaries
- CC6 - Landscape Protection
- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- D1 – Design Quality and Built Environment
- T1 – Sustainable Transport
- T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 There is no objection to the principle of extending and altering an existing dwelling in association with the existing residential use.

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

- 5.2.1 As previously advised, the site has been subject to a previous application for similar development. However, that application comprised a wide central box dormer to the front elevation roof slope and the inclusion of a northern side elevation balcony with a supporting substructure which spanned the width of the side elevation to avoid obstructing ground floor openings. That application was considered to result in an incongruous and unbalanced design visually detrimental to the character of the existing dwelling with particular regard to the large front elevation box dormer and the northern side elevation balcony. The current scheme has omitted the balcony. However, whilst still comprising enlarged dormer windows to the two matching side projection and rear elevation dormer windows it is considered to result in the visual appearance of a two storey dwelling with matching side elevations incorporating dormer windows. The front elevation of the dwelling would be similar in design to the rear elevation which currently comprises a double hipped design for the central two storey section.

5.2.2 Whilst the new front dormers would be relatively dominant within the roofscape, it is considered that the modifications to the scheme are considered acceptable in this instance and the proposal is considered to accord with the criteria of policies BE1 and CC6 of the LP and emerging policy D1 of the LDP.

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

5.3.1 The previous scheme was not considered to result in significant detrimental impact upon adjacent neighbouring occupiers. The current scheme would not result in any part of the proposed development being closer to adjacent dwellings and the rear elevation dormers are consistent with that previously proposed and considered acceptable.

5.3.2 There are no adjacent neighbouring dwellings to the rear or north of the site and the scheme is therefore considered to comply with the criteria of adopted LP policies BE1 and emerging policies D1 and H4 of the submitted LDP for this element.

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

5.4.1 As the proposal comprises works to the first floor fenestration only and would only result in an enhancement to the existing first floor accommodation, it would not result in loss to existing parking facilities. The adopted Maldon District Vehicle Parking Standards state that bedrooms with 4 or more bedrooms should be provided with a maximum of three spaces which would be met and retained in this instance.

5.4.2 The scheme is therefore considered to meet the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

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

5.5.1 The Essex Design Guide requires that dwellings with three or more bedrooms have a minimum of 100m<sup>2</sup> of private garden space. The main garden for the dwelling is to the eastern side (rear) of the dwelling and the works would not result in any change to the existing provision and therefore such criterion would be met.

5.5.2 The scheme is therefore considered to accord with LP policies BE1 and emerging policies D1 and H4 of the LDP.

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

- **FUL/MAL/15/00629** – New front and rear dormer windows & first floor balcony. Refused 17 September 2015

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Support	

### 7.2 Representations received from Interested Parties

7.2.1 At the time of writing this report no letters of representation had been received.

## 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 complete accordance with the approved drawings specifically referenced on this decision notice  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and of a finish which match those of the existing dwelling.  
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

### POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/16/00191</b>
<b>Location</b>	7 Church Corner Herbage Park Road Woodham Walter Maldon
<b>Proposal</b>	Renewal of consent Ref. FUL/MAL/13/00101 for demolition of workshop, construction of single storey dwelling and widening of existing vehicular access
<b>Applicant</b>	Mr Derek Pye
<b>Agent</b>	N/A
<b>Target Decision Date</b>	21.04.2016
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Woodham Walter
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00191
	Date:	22/03/2016
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the east side of Church Corner outside of the defined settlement boundary of Woodham Walter. The plot is currently used as private amenity space by No. 7 Church Corner which is one of three pairs of two storey semi-detached properties facing onto Herbage Park Road. There are three more pairs of semi-detached houses to the east of the application site facing Oak Farm Road, a bungalow to the north and Church Cottage amongst this group of houses.
- 3.1.2 The site is located close to the village of Woodham Walter and is less than a five minute walk away from recreation facilities and community uses, including the church, primary school, village hall, public open space, and public houses.
- 3.1.3 Planning permission was granted in 2013 by application FUL/MAL/13/00101 for the demolition of a detached garage/workshop, to construct a single-storey dwelling and to widen the existing vehicular access point. This planning permission will expire on the 8 April 2016.
- 3.1.4 Planning permission is sought for the erection of a two bedroom detached bungalow with associated parking on the land adjacent to No. 7 Church Corner.
- 3.1.5 The proposed dwelling would be single storey at a length of approximately 10.75 metres, a depth of 9 metres and height of 5.92 metres with 2.32 metres to the eaves. The property would comprise of a hall, kitchen, living room, bathroom and two bedrooms. It would be constructed using render and facing bricks for the walls and plain tiles for the roof. It is proposed to install uPVC windows and doors.
- 3.1.6 Currently, the area subject of this application is used as access and parking area to No. 7 Church Corner. The proposal is to extend the existing dropped kerbs and to extend the parking area into the front of No. 7 Church Corner to provide off road parking for that dwelling. The proposed bungalow would benefit from having two car parking spaces to the north western boundary of the application site, one of which is designed to meet the requirements of disabled parking standards. Appropriate turning space would be provided so that each vehicle can leave in a forward gear.
- 3.1.7 It is proposed to erect a new 1 metre high picket fence to the front of the application site with a new hedge behind to introduce some greenery to the road frontage. Additionally, a new timber fence would be erected on the shared boundary between No. 7 Church Corner and the proposed dwelling.
- 3.1.8 The proposal will be the same as the previous approval FUL/MAL/13/00101 and no changes have been made to the external design, appearance and the siting of the development.

#### **3.2 Conclusion**

- 3.2.1 The application site lies outside the defined settlement boundary of Woodham Walter wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. Whilst the principle of

development is contrary to Council's policies, it is considered that the proposal to construct a new dwelling is considered, on balance, to be acceptable due to the planning history of the site (reference: FUL/MAL/13/00101). While it is noted that the previous planning approval for this site is soon to expire on 8 April 2016, nevertheless, the application was not expired at the time of submission of this new application and as such is considered material consideration when determining this current application subject to other planning consideration as outlined in this report. In this respect, the proposal would be in accordance with policies S2, H1, BE1, CC6, CC7, T2 and T8 of the adopted local plan, policies S1, S8, D1, H4, N2 and T2 of the Pre-Submission Local Development Plan and the core planning principles contained within The National Planning Policy Framework.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 8, 9, 14, 17, 50, 56, 57, 58, 60, 61

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 – Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CC6 – Landscape Protection
- CC7 – Special Landscape Areas
- H1 – Location of New Housing
- BE1 – Design of New Development
- T1 – Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Developments
- T8 – Vehicle Parking Standards

##### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Hierarchy and Boundaries
- Policy D1 – Design and Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy H4 – Effective Use of Land
- Policy N2 – Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The application site is subject to an extant planning permission which was granted in 2013 by application FUL/MAL/13/00101 for the demolition of a detached garage/workshop, to construct a single-storey dwelling and to widen the existing vehicular access point. This planning consent will expire on 8 April 2016.
- 5.1.2 Whilst the application site benefits from an extant planning permission, it is important to note that this permission is soon to expire. As such, the proposal would constitute a new dwelling outside the defined settlement boundary of Woodham Walter, contrary to policies S2 and H1 of the adopted local plan and policies S1 and S8 of the Pre-Submission Local Development Plan. However, on balance, the extant permission is a material consideration of such weight as to accept the principle of providing a residential unit on site.

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

- 5.2.1 The NPPF advises at Paragraph 56 states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people’. Such design principles are encapsulated by adopted Local Plan policy BE1 that seeks to ensure new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonises with the character of the area in which it is located. It should be noted that design is not just about how buildings will appear visually but how buildings function and relate to their surroundings, and with regard to sustainable development.
- 5.2.2 With regard to the impact on the landscape, policies BE1, CC6 and CC7 of the adopted Local Plan are considered applicable as is policy N2 of the Local Development Plan (LDP). Further, policies S1, D1 and H4 of the LDP also highlight the need for new development to make a positive contribution to the natural environment, and contribute to and enhance local distinctiveness.
- 5.2.3 With regards to layout, the proposed detached dwelling is positioned to follow the current building line of the existing dwellings on Church Corner to the south of the application site. In this position, the proposed development is considered to be acceptable and in compliance with the prevailing pattern of development in the locality.
- 5.2.4 The proposed dwelling would be of smaller scale, bulk and height when compared to other residential dwellings along Church Corner. Due to the quality design and traditional style of the dwelling, it is considered that the proposed development would

be broadly sympathetic to the area. In terms of materials, the proposed dwelling would be built using materials to match the host dwelling, namely No. 7 Church Corner. Materials will be from a traditional palette of plain tiles, facing brick and render. In this respect, it is considered that the proposal would accord with in accordance with policy BE1 of the adopted local plan, policy D1 and H4 of the Pre-Submission LDP.

- 5.2.5 Due to the location of the application site in a rural area, policy CC6 of the adopted local plan is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquillity, amenity and traditional quality of the District's Landscape, and identifies that the local authority could permit development providing the following three criteria are met:
- a) No harm is caused to the landscape character in the locality, and
  - b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
  - c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed
- 5.2.6 Additionally, the site is shown as being located within a Special Landscape Area. Therefore, it is appropriate to have regard to policy CC7 of the adopted local plan, which stipulates that permission will not be granted unless the design, materials and siting conserve or restore the character of the area.
- 5.2.7 The area surrounding the application site is mainly characterised by semi-detached dwellings. It is considered that the provision of one detached dwelling with associated off-street parking on this site, set back from the road at a similar distance as the adjacent residential properties, and suitably landscaped, including the retention and enhancement of mature boundary treatment, would broadly commensurate with residential properties in the vicinity and therefore would not cause any significant harm to the character or appearance of the area to warrant refusal.

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

- 5.3.1 Policy BE1 of the adopted local plan further requires consideration of the effect of development on neighbouring amenity and safety. The siting of the proposed dwelling as suggested on the Drawing No: 02a dated November 2012 would be a sufficient distance away from neighbouring properties to ensure no loss of privacy, loss of light or overshadowing which would otherwise have a detrimental impact on the neighbouring property to the south. Additionally, no windows are proposed on the northern and southern elevation and as such, no overlooking of the adjacent properties in Church Corner and Oak Farm Road would arise from this proposed development.
- 5.3.2 The orientation of the building including fenestration design, layout and existing and proposed landscaping would further reduce any opportunities of material overlooking to or loss of privacy for neighbouring properties. In this instance, the proposal would be in accordance with policy BE1 of the adopted local plan, and policies D1 and H4 of the LDP.

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

- 5.4.1 As part of the proposal, the applicant seeks to widen the existing vehicular access into the front of No. 7 Church Corner to provide off road parking for the proposed and existing dwelling. Both, the proposed and existing properties would benefit from two off-street parking spaces which meets the parking requirements contained within the Maldon District Vehicle Parking Standards, policy T8 of the adopted local plan, and policy T2 of the LDP where the policies seek to provide two, off-street parking spaces (maximum) for a two-bedroom dwelling house.
- 5.4.2 Appropriate turning space and a sight splay of 1.5 metres each end would be provided so that each vehicle can leave in a forward gear. Having regard to the above, Essex County Council Highways did not raise any objections to this proposal subject to conditions. As the development proposal has not changed from the previous approval, it is considered reasonable to impose the same conditions as per planning application FUL/MAL/13/00101. On this basis, it is considered that the development would be acceptable in this instance and its compliance with policies T2 and T8 of the adopted local plan, and policy T2 of the LDP.
- 5.4.3 In terms of landscaping, it is proposed to erect a new 1 metre high picket fence to the front of the application site with a new hedge behind to introduce some greenery to the frontage which would additionally partly obscure the parked cars from the road. To establish the shared boundary with the host dwelling, it is proposed to erect a new timber fence between No. 7 Church Corner and the proposed dwelling. On Drawing No: 02a dated November 2012, the plan shows the removal of Leylandii to the rear garden area and 'new planting' to the front of the new property. Due to limited information submitted, it is considered reasonable to impose a condition regarding soft landscaping details to be submitted to and approved by the Council to ensure the additional planting introduced to the site would be appropriate to the rural area, in accordance with policies BE1, CC6 and CC7 of the adopted local plan.

## **5.5 Other Material Considerations**

- 5.5.1 The application states that the surface water drainage will be dealt with by a soak-away. In the previous planning application FUL/MAL/13/00101, the Environmental Health Services had raised concerns regarding the issue of surface water and foul drainage from the site. Therefore, the Council has considered it reasonable to impose a planning condition in relation to surface water and foul water drainage to this current proposal should the application be approved.

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

- **FUL/MAL/90/00023** - Proposed replacement garage. Approved 12.02.1990
- **FUL/MAL/13/00101** - Demolition of detached garage/workshop, construction of single storey dwelling and widening of existing vehicular access. Approved: 08.04.2013.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Support	Acknowledged

### 7.2 Representations received from Interested Parties

No letters of representation received at the time of writing this report.

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved  
REASON: To ensure that the development corresponds with the character and appearance of the rural area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the Maldon Pre-Submission Local Development Plan, and Government Guidance contained within the National Planning Policy Framework.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree

or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the rural area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, policies D1 and H4 of the Maldon Pre-Submission Local Development Plan, and Government Guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development details of the surface water and 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.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, policy D5 of the Maldon Pre-Submission Local Development Plan, and Government Guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and shall be retained as such thereafter.

REASON: To reduce the risk of flooding or the presence of ice on the highway and in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan, policy T2 of the Maldon Pre-Submission Local Development Plan, and Government Guidance contained within the National Planning Policy Framework.

- 7 Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

### **INFORMATIVES**

- 1 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and

satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

- 2 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.

- 3 Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.
- 4 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials.

It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

- 5 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b. No dust emissions should leave the boundary of the site;
  - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

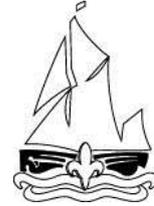
### **POSITIVE AND PROACTIVE STATEMENT**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>HOUSE/MAL/16/00215</b>
<b>Location</b>	12 Goat Lodge Road Great Totham Essex CM9 8BT
<b>Proposal</b>	Two storey extension to the rear
<b>Applicant</b>	Mr M Crisell
<b>Agent</b>	W.G Goodall
<b>Target Decision Date</b>	22.04.2016
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	Great Totham
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00215
	Date:	22/03/2016
	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 The application site is located within the settlement boundary of Great Totham, on the east side of Goat Lodge Road, in a semi-rural residential setting and is currently occupied by a semi-detached, two-storey dwelling. Pedestrian and vehicular access is via Goat Lodge Road. The site is benefited from one off-street parking space to the front of the dwelling. Other development in the vicinity comprises of an eclectic mixture of style and design.

3.1.2 Planning permission is sought for the erection of a two-storey extension to the rear of the dwelling with a hipped roof 6.8m high. The proposed extension would measure 6.5m wide by 3.3m deep. Proposed materials would match those of the existing dwelling. The proposal would accommodate a larger kitchen area and a utility room at ground floor level and one additional bedroom and an en-suite bathroom at first floor level. An existing single-storey conservatory to the rear would be demolished to facilitate the proposed development.

#### **3.2 Conclusion**

3.2.1 The proposed development, by reason of its scale, bulk and close proximity to the neighbouring property, would result in an overbearing and unneighbourly form of development, which would have an overpowering and overshadowing effect and would have an adverse and significant impact upon the amenity of the occupiers of No.14 Goat Lodge Road, the neighbouring dwelling to the north. Therefore, the proposal would be contrary to saved policies BE1 and BE6 of the RLP and policy D1 of the submission LDP and guidance contained within the NPPF.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 Design of Development and Landscaping
- BE6 Extensions to Dwellings

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- H4 Effective Use of Land
- D1 Design Quality and Built Environment

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

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

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy BE6 of the RLP and policy H4 of the submission LDP. Other material planning considerations are discussed below.

#### **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 sought 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. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.2.3 The proposed development is of typical style and design for a householder extension. In terms of its proportions, namely its scale, bulk and appearance, it is considered that the proposed rear extension would appear as a bulky addition to the existing dwelling. The hipped roof, whilst it would be different in style from the gabled-roof dwelling, it would respect the visual cues of the property. Overall, the proposal would not be visible from any vantage points within the public realm and as such it would not be detrimental to the character and appearance of the area or the dwelling. As the proposed materials would match those of the existing dwelling, the proposed extension would not look out of place given its context.

5.2.4 Therefore, it is considered that in terms of style and design, including the proposed materials, the proposed development would, on balance, be acceptable as it would not detract from the character and appearance of the area and it would not be materially harmful to the existing dwelling in accordance with saved policies BE1 and BE6 of the RLP and policy D1 of the submission LDP.

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

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The proposed rear extension would abut the boundary of the site with No.14 Goat Lodge Road and would project by 3.3m from the rear elevation of the existing building. There are no windows proposed on the northern flank elevation to give rise to issues regarding overlooking. However, the proposal, due to its siting, scale and bulk, would result in an unneighbourly and dominant addition to the detriment of the neighbouring occupiers. This would be exacerbated by the small depth of the rear garden of the neighbouring property.
- 5.3.3 Furthermore, the proposed extension, due to its scale, siting and relationship with the neighbouring property to the north, would fail the 45° daylight assessment rule as per the Essex Design Guide SPD, resulting in a loss of outlook, overhadowing and daylight received by windows on the rear elevation at ground and first floor level on the neighbouring property No.14 Goat Lodge Road.
- 5.3.4 The neighbouring property to the south, No.10 Goat Lodge Road, would not be affected detrimentally by the proposed development in terms of overpowering, overshadowing or overlooking.
- 5.3.5 Overall, it is considered that the proposed development would have an adverse and significant impact upon the amenity of the occupiers of the neighbouring dwelling to the north in terms of overpowering and overshadowing and as such the proposal would be contrary the stipulations of policies BE1 and BE6 of the RLP and D1 of the submission LDP.

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

- 5.4.1 Policy BE6 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with alterations and/or additions to dwellings. Likewise, policy D1 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements would not be altered as a result of this proposal. The proposed development would not impact the available parking spaces on site but it would result in the creation of one additional bedroom, creating a four-bedroom property. For a dwelling with four or more bedrooms the Council's adopted parking standards sets out that a maximum of three spaces for the parking of vehicles should be provided within the site. Whilst only one space would be available on site, the application site is considered to be a sustainable location, within the settlement boundary of Great Totham where services are available within a walkable distance.

5.4.3 Considering that the requirement is set out a maximum, the sustainability of the location and the government guidance a relaxation of on-site car parking is reasonable. Moreover the shortfall of two car parking spaces from the maximum requirement is not considered to result in any demonstrable or detrimental harm to the local highway network or the free flow of traffic. On this basis, the proposal is not considered acceptable in terms of highway safety and vehicle parking provision.

## 5.5 Private Amenity Space and Landscaping

5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.

5.5.2 The existing garden on the site is in excess of the standard contained within the Essex Design Guide, and the proposed development would result in a negligible loss of part of the garden. The remaining amenity space would still be significantly larger than the standard. Therefore, there is no objection to the proposal in relation to amenity space.

## 6. ANY RELEVANT SITE HISTORY

- No relevant planning history.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham	Support	Comment noted. Please see section 5 of the report.

## 8. PROPOSED REASONS FOR REFUSAL

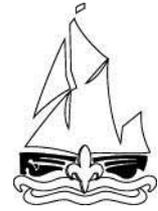
- 1 The proposed development, by reason of its scale, bulk, height, depth and close proximity to the neighbouring property, would result in an overbearing, dominant and unneighbourly form of development, which would have an overpowering and overshadowing effect upon the property at No.14 Goat Lodge Road and would therefore have an adverse and significant impact upon the amenity of the neighbouring occupiers contrary to saved policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

**OTHER AREA PLANNING AND RELATED MATTERS**

**PAGE 2:    ITEM 1        APPEALS LODGED**

**PAGE 4    ITEM 2        APPEAL DECISIONS**

## ITEM 1 APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged:

Appeal Start Date: 23/02/2016

**Application Number: FUL/MAL/15/00716 (APPX/1545/W/15/3137350)**

Site: 12 Colchester Road - Great Totham

Proposal: Proposed 3No. Dwellings and associated car parking. Revised window configuration.

Appeal by: Mr David Clay

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 29/022016

**Application Number: FUL/MAL/15/00477 (APP/X1545/W/15/3141230)**

Site: Strelley Barn - Post Office Road - Woodham Mortimer

Proposal: New build single storey dwelling in grounds of existing residential barn conversion.

Appeal by: Mr Roger Baxter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 15/03/2016

**Application Number: HOUSE/MAL/15/00878 (APP/X1545/D/16/3145653)**

Site: 26 Walden House Road - Great Totham

Proposal: Front dormers and first floor rear extension

Appeal by: Tom Holmes

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 17/03/2016

**Application Number: FUL/MAL/15/00628 (APP/X1545/W/16/3144291)**

Site: Roundbush - Colchester Road - Great Totham

Proposal: Erection of a detached residence and change of use of former agricultural outbuilding as a private garage.

Appeal by: Mr Bernard Keyes

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 17/03/2016

**Application Number: OUT/MAL/15/00505 (APP/X1545/W/16/3144899)**

Site: Land Adjacent To 56 Top Road - Tolleshunt Knights

Proposal: Outline planning application for the construction of one live/work detached dwelling with associated garaging and off-street parking

Appeal by: Mr P Kelly

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 11/2/2016

Enforcement Notice Reference Number: ENF/13/00242/CU

**Appeal Reference Number: APP/X1545/C/16/3142293**

Site: Bakers Nursery Bakers Lane Tolleshunt Major

Alleged Breach of Planning Control: Without planning permission the change of use if the land for the stationing of a mobile home

Appeal by: Mr J Patrick

Grounds of Appeal:

Ground A

*That planning permission should be granted for what is alleged in the notice*

Ground B

*that the breach of control alleged in the enforcement notice has not occurred as a matter of fact*

Ground D

*that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*

Ground F

*that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections*

Ground G

*that the time given to comply with the notice is too short.*

Appeal procedure requested: Public Inquiry

## **ITEM 2      APPEAL DECISIONS**

Notification has been received from the Planning Inspectorate of the following appeal decision.

**OUT/MAL/15/01010 (Appeal Ref: APP/X1545/W/15/3136955)**

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

**APPEAL ALLOWED – 7 March 2016**

DECISION LEVEL: Delegated

**OUT/MAL/14/01202 (Appeal Ref: APP/X1545/W/15/3136324)**

Proposal: Outline application for up to 24No. village houses.

Address: Land North Of 48 Woodrolfe Road - Tollesbury

**APPEAL ALLOWED– 7 March 2016**

DECISION LEVEL: Committee (as per Officer recommendation to Refuse)

**OUT/MAL/15/00461 (Appeal Ref: APP/X1545/W/15/3136955)**

Proposal: Outline application for the erection of a detached dwelling with access to be determined

Address: Rainbow Cottage - Kelvedon Road - Wickham Bishops

**APPEAL ALLOWED – 7 March 2016**

DECISION LEVEL: Delegated

**WTPO/MAL/15/00608 (Appeal Ref: APP/TPO/X1545/4938)**

Proposal: TPO 4/04 T7 - Installation of a root barrier.

Address: Domus - Colchester Road - Great Totham

**APPEAL PART ALLOWED & PART DISMISSED (Please see attached appeal decision for full details) – 15 March 2016**

DECISION LEVEL: Delegated

**14/00215/CU (Appeal Ref: APP/X1545/C/15/3138510)**

Land At Corner Of Fambridge Road And St Stephens Road - Cold Norton

Appeal against: Without planning permission the material change of use of the land from agricultural to use for the siting of a caravan for residential purposes

**APPEAL ON GROUND (G) IS ALLOWED – It is directed that the enforcement notice be varied by the deletion of 2 calendar months and the substitution of 9 calendar months as the period for compliance. Subject to this variation the enforcement notice is upheld - 16 March 2016**