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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

15 September 2020

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 23 SEPTEMBER 2020** at **1.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website:

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=150&MIId=2187>

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor R H Siddall

COUNCILLORS

E L Bamford
M F L Durham, CC
Mrs J L Fleming
K W Jarvis
J V Keyes
C P Morley
Miss S White

Please note: Electronic copies are available via the Council's website www.maldon.gov.uk.

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 23 SEPTEMBER 2020

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 26 August 2020, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **20/00641/FUL - Land North West of Fernbrook Hall, Mope Lane, Wickham Bishops** (Pages 13 - 26)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **20/00678/FUL - Agricultural Barns Adjacent 31 Plains Road, Great Totham** (Pages 27 - 42)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

7. **20/00738/HOUSE - 22 The Glebe, Purleigh** (Pages 43 - 50)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

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

Reports for noting:

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and is available on the I drive for Members' information.

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5-7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

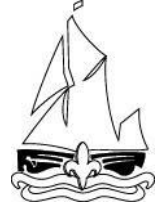
ii) Essex County Council

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

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
26 AUGUST 2020**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	E L Bamford, M F L Durham, CC, K W Jarvis, J V Keyes and Miss S White
In attendance	Councillors C Morris and W Stamp

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs J L Fleming and C P Morley.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 29 July 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Miss S White declared a interest in relation to Agenda Item 5 20/00472/FUL Oakfield Farm, Hyde Chase, Purleigh advising that she would partake in the discussion but not vote on the application.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council who were statutory consultees on a variety of matters relating to planning.

5. **20/00472/FUL - OAKFIELD FARM, HYDE CHASE, PURLEIGH**

Application Number	20/00472/FUL
Location	Oakfield Farm, Hyde Chase, Purleigh
Proposal	Demolition of existing barn to be replaced by 3 bedroom dwelling
Applicant	Mr M King
Target Decision Date	03.04.2020
Case Officer	Hayleigh Parker-Haines
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member call in from Councillor Miss White Reason: Effect on the countryside, contrary to policy, public interest, unsustainable location, outside development boundary.

The Chairman put to the Committee that the Officers' recommendation of refusal be agreed. This was duly seconded.

In response to a question regarding the reasons for refusal and the use of Policies T1 (sustainable transport) and T2 (site accessibility) within such reasons, the Lead Specialist Place provided some guidance.

The Chairman then put the proposal to the Committee and upon a vote being taken this was agreed.

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

- 1 The application site lies within a rural location outside of a defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character and intrinsic beauty of the countryside, particularly through the introduction of a domestic character and dense form of residential development, contrary to the existing grain of residential development in this rural area. The development would therefore be unacceptable, does not constitute sustainable development and is contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European

designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

- 3 Insufficient evidence has been submitted to show that the development would not have an unacceptable impact in terms of ecology. The proposal is therefore considered to be contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

6. 20/00486/FUL - NOVOLI FARM, PUMP LANE, PURLEIGH

Application Number	20/00486/FUL
Location	Novoli Farm, Pump Lane, Purleigh
Proposal	Demolition of existing outbuildings and construction of 6no. dwellings (comprising two terraces of three 2-bedroom dwellings) with associated landscaping and access works.
Applicant	Mr Allen
Agent	Mr Paul Calder
Target Decision Date	05.08.2020
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member call in from Councillor Miss S White Reasons: Public interest, effects on the countryside, deviation from Local Development Plan (LDP).

It was noted from the Members' Update that a further letter of support and objection had been received.

During her presentation of the application the Officer advised that information contained within paragraph 5.1.3 of the report did not relate to this application and should be ignored.

Following the Officer presentation Members were advised that one public participation submission had been received from the Applicant and this was duly read out.

The Chairman moved the Officers' recommendation of refusal and this was duly seconded by Councillor Miss S White, a Ward Member who highlighted a number of concerns she had with the application. These concerns were reiterated by a number of Members. Upon a vote being taken the proposal was agreed.

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

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the site and surrounding area and have an unacceptable visual impact on the

countryside through the urbanisation and domestication of the site, representing a sprawl of built form outside the settlement boundary of Purleigh. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

- 2 The proposed development, by reason of its unsympathetic form, design, layout and density results in an incongruous form of development that would have a detrimental impact on the character and appearance of the rural locality and the streetscene. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

7. 20/00601/FUL - THE BUNGALOW, GREEN LANE, LITTLE TOTHAM

Application Number	20/00601/FUL
Location	The Bungalow, Green Lane, Little Totham
Proposal	Section 73A application for the refurbishment of a building and the change of use of associated land to residential (C3)
Applicant	Mr Tom and Mrs Vicky Witney
Agent	Mr Chris Moore – Plainview Planning Ltd
Target Decision Date	EOT 28.08.2020
Case Officer	Hayleigh Parker-Haines
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor Siddall – Policy S1 and S8 – Sustainable Development within the Village and Settlement Boundaries

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

Following the Officer presentation, the Chairman advised that there had been one submission under the public participation scheme from the Applicant and this was duly read out.

The Chairman then put the Officers' recommendation of proposal to the Committee.

Councillor R H Siddall, a Ward Member, provided some background to the site, felt the proposal did not represent change or urbanisation, was well screened and did not have a detrimental impact on the countryside. This was supported by Councillor J V Keyes,

the other Ward Member, who proposed that the application be approved, contrary to the Officers' recommendation. This proposal was duly seconded. The Chairman advised that there was already a proposal which was the substantive motion and had to be voted on first.

In response to further discussion, the Lead Specialist Place advised the Committee of the Council's Policies, and how legislation was clear that the application should be determined in accordance with the Local Development Plan. He provided further advice and expressed concern with the proposed approach. The Officer explained to the Committee that if they were mindful to approve the application they needed to address and evidence the reasons for refusal.

In response to a question the Officer clarified that there was not legally a dwelling on the site as it had been abandoned and this decision had not been challenged by the applicant.

The Chairman then put the Officers' recommendation of approval to the Committee. Upon a vote being taken this motion was declared lost.

The Chairman then sought a proposal and reasons for approval. Councillor Siddall proposed that the application be approved for reasons that it returned a building to use, did not represent urbanisation and was sustainable, with conditions. In response the Lead Specialist Place advised if Members were mindful to approve the application he would recommend that this be delegated to Officers subject to completion of a Section 106 agreement and the confirmation of conditions etc. also being delegated to Officers in consultation with the Chairman. A debate ensued during which further advice was provided by Officers and additional reasons for approval were discussed. The proposal in the name of Councillor Siddall was duly seconded by Councillor Keyes.

Following further discussion, Councillor Siddall clarified that the reasons for approval were because the application was returning an existing residential building back into residential use, there was no harm in terms of the infrastructure and the surrounding area and there was no urbanisation. Councillor Keyes confirmed he was still happy to second the proposal for the reasons given.

In response to a query, the Lead Specialist Place clarified that if supported the proposal would be approval of the application but delegated to Officers in consultation with the Chairman and Ward Members subject to the completion of a Section 106 agreement and suitable conditions.

Upon a vote being taken this was agreed.

RESOLVED that subject to completion of a Section 106 agreement **APPROVAL** of this application with suitable conditions be delegated to Officers in consultation with the Chairman of the Committee and Ward Members.

There being no further items of business the Chairman closed the meeting at 2:23pm.

MRS M E THOMPSON
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
23 SEPTEMBER 2020**

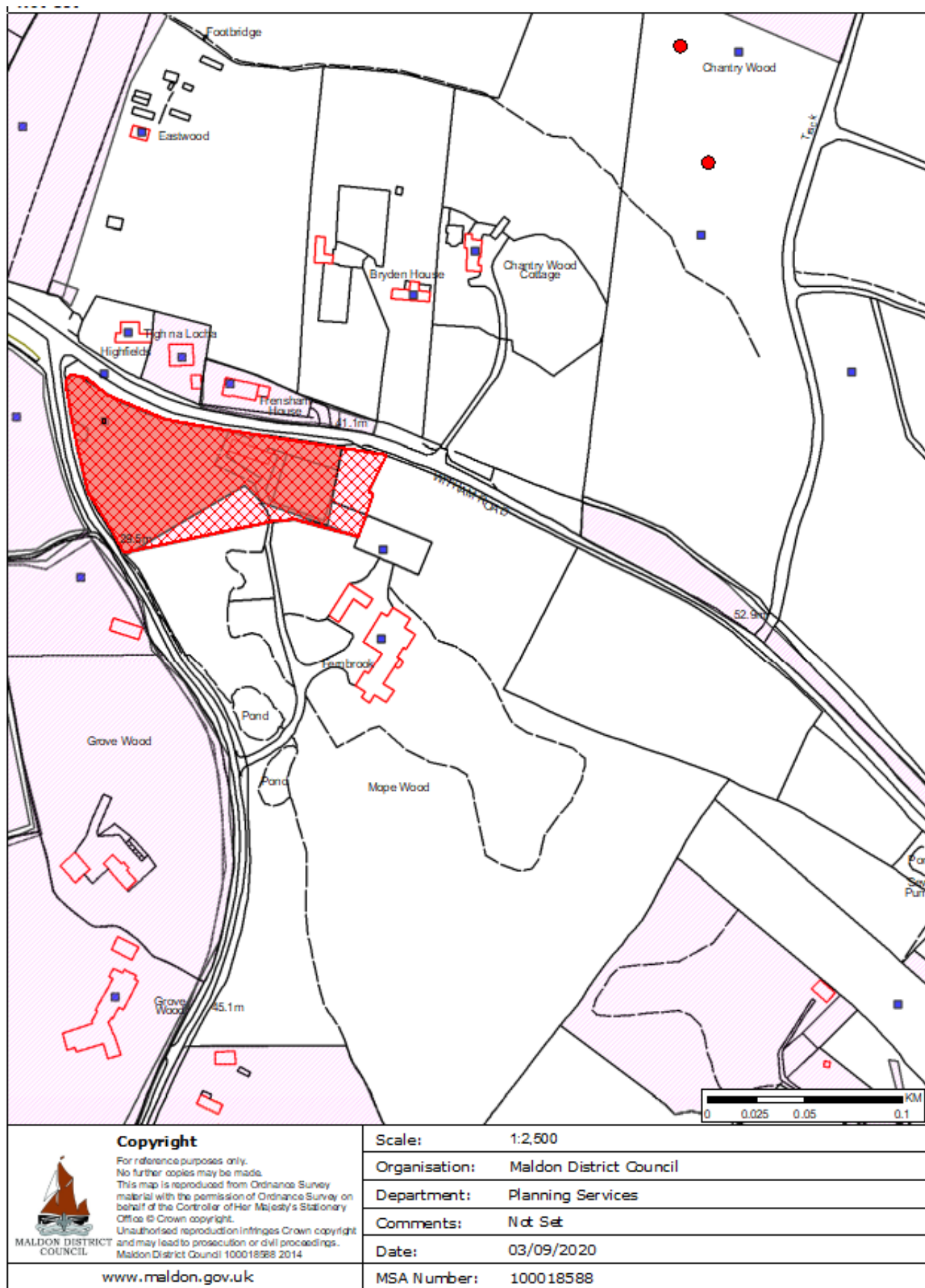
Application Number	20/00641/FUL
Location	Land North West Of Fernbrook Hall Mope Lane Wickham Bishops
Proposal	Demolition of the existing stable block and the construction of a five bedroom detached house.
Applicant	Mrs Paula Betchel
Agent	Raymond Stemp Associates
Target Decision Date	22.09.2020
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member call in by: Councillor K W Jarvis Reason: D1 and H4

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 7 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 is a parcel of land measuring approximately 0.7 Hectares (Ha); it currently forms the north western corner of the grounds for the residential dwelling known as Fernbrook Hall and accommodates a stable block and ménage. The site is located on the eastern side of Mope Lane and southern side of Witham Road and is outside of the settlement boundary for Wickham Bishops.
- 3.1.2 Mope Lane is narrow country lane which is rural in nature; studded intermittently with houses of various sizes set within generous plots.
- 3.1.3 The majority of the application site falls within a Local Wildlife Site and Ancient Woodland (Mope Wood).
- 3.1.4 Planning permission is sought for the demolition of the existing stables and erection of a dwelling which forms a rough 'T' shape. The proposed dwelling would measure a maximum of 32.3m in width, a maximum of 23.3m in depth. The roof line of the proposed dwelling would be staggered, the ridge height would be a maximum of 11.9m in height from basement level and a minimum of 7.6m. It would be finished with brick walls with stone surrounding the entrance bay, the roof forms would be finished with plain roof tiles and slate roof tiles would be used on the roof. The access point from Mope Lane is existing.
- 3.1.5 The proposed dwelling would provide a triple garage, study / library, cinema / games room, entrance hall, living space, WC and lift at basement level. A kitchen and breakfast area, utility room, dining room, orangery / music room, entrance hall, WC, lift and a bedroom and en-suite at the upper ground floor level. Four bedrooms with en-suites and a lift and entrance hall are proposed at first floor level.
- 3.1.6 This application follows application reference 18/01333/FUL which proposed the demolition of existing stables and construction of new six-bedroom house with basement parking, cinema room and bar. The application was refused for two reasons, which are as follows:
- 1 *'The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.'*
 - 2 *The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The*

proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.'

3.1.7 This application should not be approved unless the previous reasons for refusal have been overcome.

3.1.8 The amendments to the scheme relate to the design, appearance and scale of the proposed dwelling, which has been significantly altered and the boundaries of the application site have been slightly altered. The siting of the proposed dwelling is similar to the dwelling proposed under the previously refused application, although given the increased footprint and alterations to the shape of the proposed dwelling its built form covers a larger area.

3.2 Conclusion

3.2.1 This application is a re-submission of a previously refused scheme, the reasons for refusal related to the unsustainable location of the proposal and the impact on the character and appearance of the area. The main amendments to the scheme relate to the design, appearance and scale of the dwelling. The amendments are not considered to have addressed the previous concerns raised.

3.2.2 The proposed development is remote from community support facilities and would facilitate unsustainable transport patterns. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the rural countryside. The proposed dwelling would harm the character and appearance of the area contrary to policies S8, T1 and D1 of the Maldon District Local Development Plan (MDLDP) and planning principles and guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environment and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

4.3 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 and Sustainability

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Planning permission is sought for a new dwelling outside of the development boundary for Wickham Bishops.
- 5.1.3 The Council has undertaken a full assessment of the Five-Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and

the development is for one of the development types listed within that policy. The proposed residential dwelling would not fall within any of the categories listed within policy S8. Therefore the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.

- 5.1.5 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.1.7 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be extremely limited given the scale of the proposal of one dwelling. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.8 In social terms; Wickham Bishops is described as a larger village, within the Maldon District LDP (MDLDP); larger villages are described as 'Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.
- 5.1.9 The application site lies away from the heart of Wickham Bishops, at the northern end of Mope Lane, which runs out from the western extremity of the settlement. The site is distant from the facilities of the settlement, which are largely concentrated at its eastern end. In terms of accessibility, the site is not well served by public transport connections and Mope Lane and Witham Road are unlit and have no footways and narrow verges. The site is remote from all shops, services and facilities and employment and education opportunities and as such would be largely dependent on motorised transport. Therefore, it is considered that the proposed development would be contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP. The environmental strand of sustainability will be assessed below (section 5.2).
- 5.1.10 The above assessment is in line with that undertaken at the time of the previous application. There are no alterations to the scheme, site, surrounding area or policy position that would alter this stance.

5.2 Design and Impact on the Character of the Area

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

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

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

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

5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 As detailed above a previous application for a residential dwelling on the application site has been refused due to the impact of the proposal on the rural locality and application site.
- 5.2.7 At the time of the previously refused application no specific concerns were raised in relation to the design, appearance or scale of the proposed dwelling. However, the design, appearance and scale of the dwelling have been amended.
- 5.2.8 The scale of the proposed dwelling has increased; the previously refused dwelling measured a maximum of 20.7m in width, 13.7m in depth (not including the rear balcony), 10.6m in height from basement level and a minimum of 7.4m in height. The proposed dwelling would measure a maximum of 32.3m in width, a maximum of 23.3m in depth, 11.9m in height from basement level and a minimum of 7.6m in height.
- 5.2.9 The design and appearance of the dwelling has been amended to more closely reference 'Fernbrook Hall' the dwelling on the larger site and it is considered an improvement when compared to the previously refused scheme. However, this is not considered to add much weight, in support of the proposal, when determining the application.
- 5.2.10 The application site is located on the southern side of Mope Lane. Mope Lane and the stretch of Witham Road adjacent to the application site is characterised by low density development with soft landscaping with residential dwellings located sporadically. Policy S8 of the LDP advises that the countryside will be protected for its own sake, particularly for its values, including landscape. The application site is located within the rural countryside although there are dwellings within the vicinity of the site; they are surrounded by open countryside.
- 5.2.11 Although there are a limited number of dwellings within the immediate surrounding area they are all a mixture of different architectural styles and both two storey dwellings and bungalows are present.
- 5.2.12 The proposal would result in the demolition of the existing single storey stable building and erection of a two-storey dwelling with basement accommodation and parking. The replacement of this single storey stable with a dwelling would significantly change the character and appearance of the site and its relationship with the existing dwelling. At present the stable building appears as a subservient building to the primary residence 'Fernbrook Hall'. Therefore the proposed introduction of a residential dwelling would have a significant and harmful impact upon the rural character and appearance of the area. It is noted that the proposed dwelling is set back in excess of 100m from Mope Lane and the Woodland provides some natural screening. However, given the stable building is visible from Mope Lane; the proposed dwelling at its significant scale would also be visible and would have a greater impact on the streetscene than the existing stables.
- 5.2.13 The proposed dwelling would be located around 9m from the boundary with Witham Road and it is noted that there is existing vegetation and trees which provide natural screening. Given this and the scale of the stables and ménage, from Witham Road it is not apparent that there is any built form on the site. It is noted that the ground level of the site varies sloping upwards in an easterly direction. Therefore, it is considered

that given the height of 7.6m from highest ground level point, views of the dwelling would be visible from Witham Road, impacting upon the rural character and appearance of this stretch of Witham Road. In addition, the increased scale of the proposed dwelling is considered to increase the visibility of the dwelling from public vistas.

- 5.2.14 In terms of the design and appearance of dwelling alone, it is considered to appear acceptable in relation to other built form evident along Mope Lane and Witham Road. The proposed dwelling would pick up architectural references such as dormers and front gables. In terms of scale, bulk and height; whilst it is a large-scale dwelling and taking into account the increased level of built form when compared to the previous scheme, it is not considered to appear as an overbearing or dominant form of development when viewed from the streetscene especially considering the large scale development within the surrounding area. As stated above, the amendments to the scheme are considered to result in a more visually pleasing dwelling. However, no concerns were previously raised in this respect and therefore, it is not considered the amendments to the design and appearance of the proposal have overcome the previous reason for refusal in respect of the impact of the development on the site and surrounding area.
- 5.2.15 It is considered that the principle of the siting of a dwelling on a site, in a rural location, that is currently occupied by single storey stable and ménage which appear subservient to Fernbrook Hall would result in an urbanisation of the site, creating a form of development which would detract from the rural character, appearance and natural beauty of the locality. This would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural locality. It therefore follows that the proposed development would fail the environmental strand of sustainability.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site has one adjacent neighbouring residential property, Fernbrook Hall. The proposed dwelling would be located a minimum of 50m from the existing dwelling and it is therefore considered that the proposal would not result in a loss of light, overlooking or domination to the detriment of the occupiers of 'Fernbrook Hall'.
- 5.3.3 There is an Ancient Woodland around the majority of the site which provides natural screening. It is noted that the proposed location of the dwelling; which is in place of an existing ménage is not protected nor is that part of the boundary; however the existing dwellings opposite the proposed dwelling are located on the opposite side of Witham Road with a minimum separation distance of 30m (dwelling to dwelling) it is therefore considered that the proposal would not result in a loss of light, overlooking or domination to the detriment of the neighbouring dwellings.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The recommended standard for a five-bedroom dwelling is a minimum of three car parking spaces. There is a proposed triple garage that would provide three car parking spaces in line with the Council's recommendation. Furthermore, Fernbrook Hall would retain sufficient car parking provision.
- 5.4.3 The access point to the dwelling is existing and it is considered that the proposed development would not represent a danger to highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed dwelling would have a private rear amenity space in excess of 100m² which would accord with the recommended standard.
- 5.5.3 The existing dwelling Fernbrook Hall would also retain sufficient private amenity space to meet the requirements of its occupants.

5.6 Other Material Considerations

5.6.1 Ancient Woodland

- 5.6.1.1 The application has been supported by a Tree Schedule and Draft Tree Constraints Schedule. The Council's tree consultant has been consulted but no consultation has been received to date. However, a response was received at the time of the previous application and given the siting of the dwelling is largely in line with the siting of the previously refused application it is considered that the Tree Consultants comments remain applicable.
- 5.6.1.2 A tree protection plan and method statement are required to show what trees would be removed and how the remaining would be protected. This information has not been supplied by the agent. Should the application be approved a condition should be imposed to ensure this information was provided prior to any works commencing above ground level.

5.6.2 Ecology

- 5.6.2.1 The application has been supported by a Preliminary Ecological Appraisal dated December 2018. The Council's Ecology Consultant has been consulted and has raised no objection to the scheme subject to conditions to ensure that the mitigation and enhancement measures set out in the Appraisal are adhered to and that a Biodiversity Enhancement Strategy and lighting scheme are submitted to the Council for approval. Should the application be approved the recommended conditions should be imposed.

5.6.3 European Designated Sites

- 5.6.3.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.

- 5.6.3.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? **Yes – The proposal is for one dwelling**

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

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

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

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

- 5.6.3.4 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE would not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial

contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

5.6.3.5 The Essex Coastal RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development may not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

5.6.4 Other matters

5.6.4.1 It is noted that the Agent has set out a list of benefits of the scheme within the submitted Planning Statement the majority of the opinions expressed have been dealt with within the main body of the report. The remaining comments are summarised below:

Comment from Planning Statement (summarised)	Officer Response
The site is previously developed land.	The site forms part of the grounds of Fernbrook Hall and at the time of the Officers site visit it was noted that horses were present on the site. Therefore, it has not been adequately demonstrated that the site does not have a current use. The Council do not considered the land to form PDL.
The proposed design of the dwelling would be based on achieving a property with a low carbon footprint / The proposed dwelling will contain measures to support a reduction in greenhouse gas emissions and to maximise energy requirements.	This would be a minor benefit of the scheme. However, it is not considered to overcome the identified harm.
The proposal has been examined against the draft Wickham Bishops Neighbourhood Plan and is considered to comply with the requirements of that emerging plan.	This document has not been formally adopted by the Council. Furthermore, the plan is emerging at this stage and therefore, should be attributed appropriate weight.

6. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops	Wickham Bishops Parish Council believe the site lies outside the village boundary and is not in a sustainable location. The proposals conflict with Policies S1 and S8 of the Maldon District Local Development Plan and on this basis they recommend REFUSAL.	Noted.

6.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology Consultant	No objection, subject to conditions.	Please see 5.6.3

6.3 **Internal Consultees**

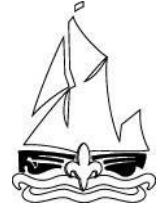
Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

7. **REASONS FOR REFUSAL**

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.
- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is

therefore considered to result in demonstrable harm to the character and appearance of the site and rural locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
23 SEPTEMBER 2020**

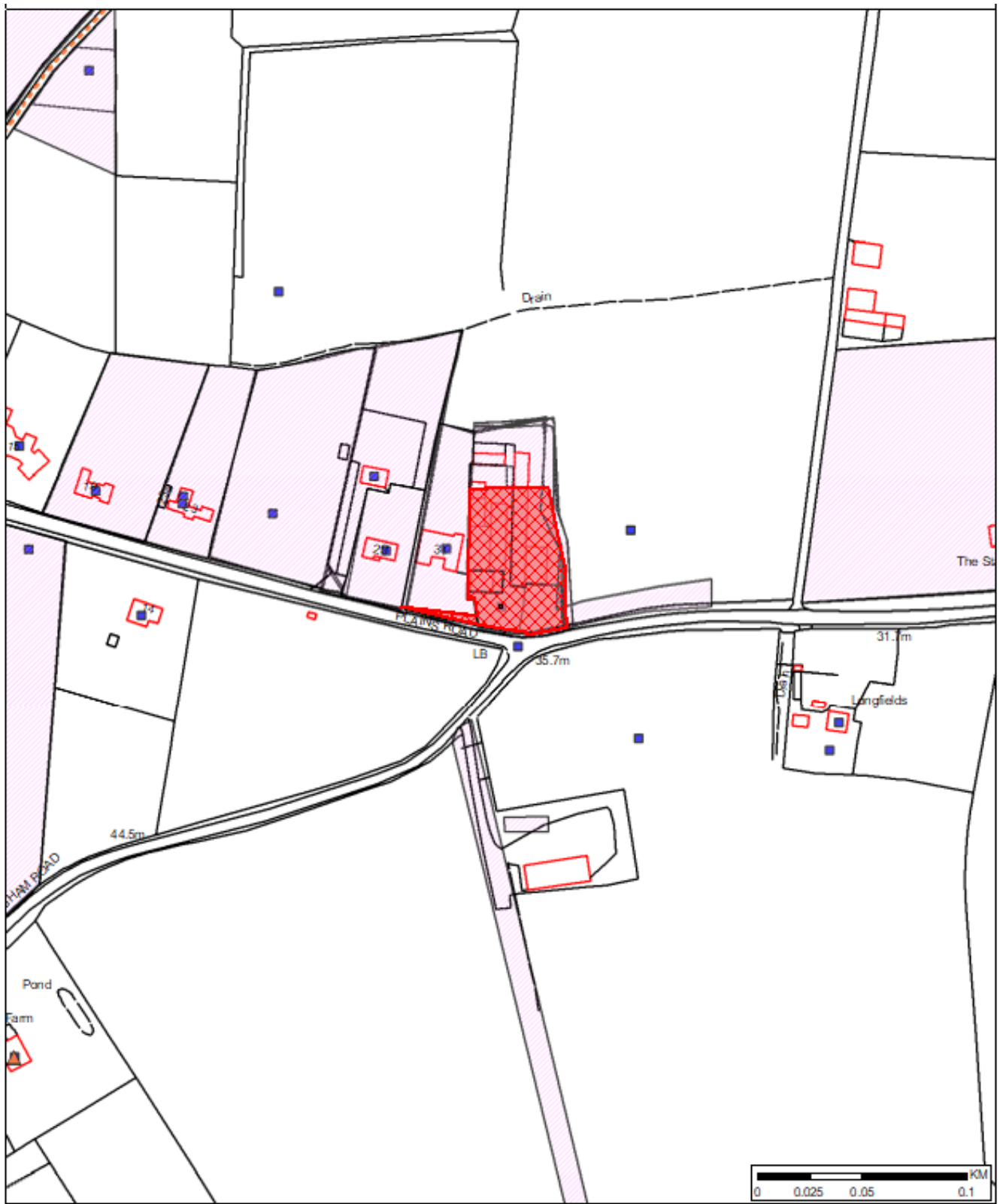
Application Number	20/00678/FUL
Location	Agricultural Barns Adjacent 31 Plains Road Great Totham
Proposal	Demolition of existing outbuildings and construction of 2no. detached residential dwellings with associated landscaping and vehicle parking
Applicant	Mr Hubble
Agent	Paul Calder - Real8 Group
Target Decision Date	11.09.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor R H Siddall Reason: S8 - the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting. D1 – built environment, positive contribution and natural environment (f)

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Plains Road outside of the defined settlement boundary of Great Totham. The site (as outlined in red and blue) is currently occupied by a group of dilapidated agricultural barns which are lawfully within a B8 use. A new vehicular access to the site, approved under reference 18/00748/FUL has recently been constructed.
- 3.1.2 The surrounding area is rural in nature. Whilst there is sporadic residential development located along this stretch of Plains Road, it is mainly characterised by soft landscaping and large sections of undeveloped countryside. The application site is surrounded by open countryside to the north, east and south of the site, with the residential dwelling No. 31 located to the west.
- 3.1.3 Planning permission is sought for the removal of the former agricultural buildings from the site and their replacement with two five bedroomed chalet style dwellings with rooms within the roof space. The site would be divided into two plots with a shared access point, driveway and turning area to the front of the dwellings and private amenity areas would be located to the rear of the dwellings.
- 3.1.4 The dwelling proposed to occupy plot 1 (western side of the site) would measure a maximum of 16.4m wide, 15.05m deep and 6.94m to the ridge, finished with a hipped roof form. The dwelling would feature a single storey rear projection, four dormer windows and six roof lights. The dwelling would provide an entrance hall, WC, boot room, lounge and dining room, study, kitchen, utility room, pantry and an attached double garage at ground floor level and five bedrooms, one with an en-suite and a family bathroom at first floor level.
- 3.1.5 The dwelling proposed to occupy plot 2 (eastern side of the site) would measure a maximum of 17.03m wide, 13.2m deep and 7.3m to the ridge, finished with a hipped roof form. The dwelling would feature five dormer windows and two roof lights. The dwelling would provide an entrance hall, WC, kitchen / living / dining area, a lounge area, study / games room and attached double garage at ground floor level and five bedrooms, three with en-suites and a family bathroom at first floor level.
- 3.1.6 This application is a re-submission of the previously refused application 20/00062/FUL. The scheme in relation to scale, siting and design remains unchanged. Additional documentation has been provided as part of this application in an attempt to overcome the concerns raised from the previously refused scheme. The following additional documentation has been provided:
- Resubmission letter addressing comments made during Committee:
 - During the deliberation at the North Western Area Planning Committee on 8 June 2020 the buildings were referred to as agricultural buildings, this is not the case, the buildings have a lawful B8 use.
 - Members were subsequently concerned that the demolition and replacement with residential dwelling would set a precedent for other

agricultural buildings in the District, with the buildings being in B8 use this would be materially different to any other agricultural buildings.

- Site represents brownfield land.
- There was a loss of employment justification submitted as part of the application. It was stated there wasn't.
- Would like to bring attention to the restoration of the rear of the application site to open countryside.
- An additional surveyor report alongside the original Elwell Taylor. This advises that the refurbishment of the buildings would not be economically viable. The location and access to the site would not be suitable for any potential tenant. Marketing the property for at least a year will be of no benefit to the area.

3.2 Conclusion

- 3.2.1 The applicant has submitted additional information in an attempt to correct what they consider to be misunderstandings in consideration of the previous scheme, and further emphasise that the site is brown field land. It is not considered however, that this additional information has overcome the previous reasons for refusal or lead the Local Planning Authority (LPA) to a different position on what is essentially the same proposal. As argued and accepted previously, the proposed development would result in the removal of former agricultural styled buildings, which are reflective of the rural area, in favour of two residential dwellings. The application site is remote from community support facilities and would facilitate unsustainable transport patterns. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in a string of prominent residential dwellings and a dense form of development; contrary to the existing grain of development along this stretch of Plains Road. The proposed dwelling would harm the character and appearance of the rural area contrary to policies S1, S8, T1 and D1 of the Maldon District Local Development Plan (MDLDP) and planning principles and guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 102 – 111 Promoting sustainable transport
- 117 – 123 Making effective use of land

- 124 – 132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (VPS)
- Maldon District Design Guide SPD (MDDG)
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Planning permission is sought for two new dwellings outside of the settlement boundary of Great Totham.
- 5.1.3 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and the development is for one of the development types listed within that policy. The proposed residential dwellings would not fall within any of the categories listed

within policy S8. Therefore, the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.

- 5.1.5 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.1.6 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be extremely limited given the scale of the proposal of two dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.7 In social terms; Great Totham is described as a larger village, within the MDLDP; larger villages are described as *'Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport'*.
- 5.1.8 The site is located around 350m from the settlement boundary of Great Totham North, which has a limited range of facilities and services which include a florist and a public house. The site is around 2,000m from Great Totham South, which has a wider range of facilities and services. In terms of accessibility, the site is not well served by public transport connections, with the closest bus stop being around 0.7 miles from the site, within the settlement of Great Totham North. Further, there is no lighting or footpaths along this stretch of Plains Road. Whilst there are intermittent grass verges there are long stretches of road where they are too narrow to walk on. The site is remote from all shops, services and facilities and employment and education opportunities and as such the future occupiers would be dependent on motorised transport. As such the sites accessibility does not weigh in favour of the proposed development and is contrary to the guidance contained within the NPPF and policies S1, S8 and T2 of the LDP.
- 5.1.9 The environmental strand of sustainability will be assessed below (section 5.2).
- 5.1.10 Further to the above, the site is previously developed land and it is noted that the NPPF states that that planning policy and decisions should give weight to the value of using suitable brownfield land **within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. This site is not within a settlement boundary. However, whilst the NPPF encourages the re-use of land, this does not necessarily mean that the re-use can or should be for residential purposes.
- 5.1.11 It is considered that the site could be used for any of the accepted purposes that are set out within policy S8 which would be policy compliant whilst also achieving the re-use of previously developed land. Such uses should be explored before it can be argued that residential use is the only prudent re-use of the site. Additional

information has been submitted by the Agent in relation to this, detailing how it is believed that the proposal would be in accordance with both e) and m) of this criteria. It is not disputed that the re-use of the site should be encouraged. However, it is clear that the policy does not give grounds to support the erection of open-market residential dwellings at the site, contrary to local and national planning policies. This is an approach that the Council has been supported through the appeal process.

- 5.1.12 Therefore, whilst the site is brownfield land it is considered that the proposal is contrary to the development plan and the site is not suitably well connected by means of sustainable transport. Therefore, the proposal for the erection of two dwellings is not supported in principle.

5.2 Employment

- 5.2.1 The proposed development would result in the loss of an existing employment use (B8) therefore the application will also need to be assessed against policy E1 of the LDP.

- 5.2.2 Policy E1 of the LDP, states that proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:

- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*

- 5.2.3 With regard to Policy E1(1), application 17/00547/LDE confirmed that the site had been used for a use falling within use class B8 for ten years or more. This use occurred for ten years or more without a complaint being raised from the local residents or members of the public passing by. Therefore, it is not considered that the current use is harming the character or amenity of the surrounding area. Whilst it is noted that the B8 use is unrestricted, the potential of the possible future intensification of the use would not result in the proposal complying with this stipulation, particularly as the stipulation states '*The **present** use and activity*'. Therefore, it is not considered that the present use and activity on site significantly harms the character and amenity of the adjacent area. A 'worse case scenario' approach would not be a reasonable position and would generally result in Policy E1 being undermined.

- 5.2.4 With regard to Policy E1(2) the proposal seeks to demolish the existing buildings and replace them with two five-bedroom dwellings. The residential use is not considered to provide any pertinent benefits to the local community that would weigh heavily in the proposal favor. Within the Loss of Employment Justification Statement, it is stated that '*early community engagement with neighbours and local residents demonstrated that the local community would prefer a residential use on this site*'.

However, no evidence to back this up has been provided, it is advised that questionnaires were completed by local residents, however, due to General Data Protection Regulation (GDPR) restraints and the COVID-19 situation, these were not able to be provided in support of this application. Therefore, it is considered that a residential development would have a negligible benefit to the local community. Furthermore, a planning application should be determined in accordance with the Development Plan and popularity of a development, on its own, is not a material consideration that should weigh in favour of a planning application. The justification for the loss of the employment seems to be directed toward public opinion rather than the policy requirement in relation to evidence, viability, demonstrable benefits and mitigating harm.

5.2.5 With regard to Policy E1(3), the policy clarification states that the site should be marketed for a sustained amount of time and it is generally considered that one year is appropriate. This has not been undertaken, the applicant has provided two letters which contain the opinion of two property professions, advising that the refurbishment of the site would not be financially viable and that marketing the property for at least a year will be of no benefit to the area. Whilst the comments are noted, it is not considered that the information provided is what would reasonably be required and does not provide evidence and therefore, is not sufficient to satisfy this criterion. It is important to note that the Council should take a consistent approach to the interpretation of policy and evidence required to overcome a policy hurdle. Similar submissions, at other sites, have been found to be unacceptable and a change in approach would undermine Policy E1.

5.2.6 Therefore, given the above it is not considered that the proposed development is in compliance with Policy E1 of LDP.

5.3 Housing Need and Supply

5.3.1 The Council has an up-to-date approved LDP that allocates sufficient land to enable the District to meet the housing needs and delivery requirements for the plan period. The housing supply available within the Maldon District currently exceeds five years and therefore there is adequate land available to meet housing supply targets without needing to depart from the LDP.

5.3.2 Where housing is approved it is expected that a majority of housing built should be smaller with one- or two-bedroom dwellings. The two five-bedroom dwellings hereby proposed would therefore be of negligible benefit in terms of meeting the housing mix needs of the District and this is another reason to consider that the benefits of residential development at this site do not outweigh the harm that is identified elsewhere within this report.

5.4 Design and Impact on the Character of the Area

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

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

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

‘Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

Height, size, scale, form, massing and proportion;

Landscape setting, townscape setting and skylines;

Layout, orientation, and density;

Historic environment particularly in relation to designated and non-designated heritage assets;

Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and

Energy and resource efficiency.’

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.4.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.6 Plains Road is rural in nature characterised by low density development with soft landscaping and large areas of undeveloped countryside with properties located sporadically along the public highway.
- 5.4.7 The proposal would result in the demolition of former agricultural styled buildings and the erection of two, two storey dwellings. The replacement of the agricultural style buildings with the proposed dwellings would significantly change the character and appearance of the rural site and streetscene. It is considered that the design of the

existing buildings add to the rural quality of the countryside, which will be lost and replaced with a residential development. Although the built form on the site would not increase, and the layout of the proposed dwellings is considered to reflect the existing layout of the buildings on site when viewed from the streetscene. However, the inherent nature of domestication which includes upgraded and modern external finishes that are residential in nature, domestic parking, amenity space and the traditional appurtenances of residential living; would detract from the character and rural tranquillity of the site and the surrounding area.

- 5.4.8 The residential development within the vicinity of the application site is low density and can generally be characterised as fairly large dwellings set within spacious plots. No. 31 Plains Road and the neighbouring dwelling to the west are the most prominent dwellings along this stretch of Plains Road and are in contrast to the other residential development within the vicinity as there is only a separation distance of 9.8m between the two existing dwellings. The layout of the proposed dwellings is considered to exacerbate the harm of the development. The proposed dwelling within plot 1 would be located 3m from the shared boundary with No. 31 and a minimum of 6.5m from the dwelling at No. 31. There would be a separation distance of 5m between the proposed dwellings and a minimum of 1.8m and maximum of 5m between the dwelling within plot 2 and the eastern boundary of the site. Therefore, the proposal would result in a dense form of development and a string of four dwellings, in this rural setting which is in stark contrast to the existing grain of development. This would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural locality.
- 5.4.9 It is noted that on the proposed block plan provided and within the supporting statement, that the land to the rear of the proposed dwellings is to be returned to open countryside. Whilst it is noted that this would be of benefit to the area, it is not considered that this would outweigh the harm as identified above.
- 5.4.10 It therefore follows that the proposed development would fail the environmental strand of sustainability.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.5.2 The application site is boarded by one residential dwelling, No. 31 Plains Road which is located to the west of the site. The proposed dwelling within plot 1 would be sited 3m from the shared boundary and 6.5m from the dwelling at 31 Plains Road. There are two ground floor windows and rooflights within the western side elevation of the proposed dwelling within plot 1.

- 5.5.3 Given the separation distance and height of the proposed dwelling, which is similar to that of the neighbouring dwelling at No. 31, it is not considered that the proposed development would result in domination or a loss of light to the detriment of the neighbouring occupiers. Further, given the absence of the second floor windows, it is not considered that the proposal would result in overlooking.
- 5.5.4 The dwelling situated within plot 2 is located on the eastern side of the site and therefore, would not result in a detrimental impact to the occupiers of No. 31 Plains Road. There are no other residential dwellings within the surrounding area that would be impacted by the development.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.3 The recommended off-street parking standard for a four or more-bedroom dwelling is a minimum of three off street car parking spaces. A double garage is proposed to serve each dwelling and a further two spaces could be accommodated to the front of the double garages. Therefore, no concerns in respect of car parking provision are raised.
- 5.6.4 The access to the site is existing. Therefore, it is not considered likely that an objection in terms of access or highway safety will be raised. The Highway Authority has been consulted but a response has not been received at the time of writing this report. An update will be provided via the Members' Update if a response is received.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 The proposed private amenity areas are located to the rear of each dwelling and would exceed the recommended standard of 100m² in accordance with the policy requirement contained within Policy D1 and the MDDG. Therefore, no concerns in this respect are raised.
- 5.7.3 There are areas of hard and soft landscaping shown on the proposed plans. However, should the application be approved a condition should be implemented to ensure full hard and soft landscaping details and proposed boundary treatments are submitted to the LPA for approval.

5.8 Other Material Considerations

5.8.1 Ecology

- 5.8.1.1 Policy N2 of the LDP seeks to ensure the protection of wildlife and species that are protected by law.
- 5.8.1.2 A Preliminary Ecological Appraisal and Bat Survey has been submitted with the application submission.
- 5.8.1.3 Roosting bats have been found in two of the buildings. Therefore, as the survey sets out, a mitigation licence will be required from Natural England (NE) prior to any demolition on the site. As the protection of these protected species are covered by legislation implemented by NE it is not considered necessary to implement a condition in this respect.
- 5.8.1.4 The Ecological Appraisal and Bat Survey sets out opportunities to enhance the site for wildlife. Should the application be approved a condition to ensure the recommended measures are adhered to, should be implemented in compliance with policy N2 of the LDP.
- 5.8.2 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS).
 - 5.8.2.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
 - 5.8.2.2 The development of a residential unit falls below the scale at which bespoke advice is given from NE. To accord with NE's requirements and standard advice an Essex

Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

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

Test 2 – the integrity test

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

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

- 5.8.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.8.4 The Essex Coastal RAMS is currently under preparation and it therefore constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. Given the proposal for two dwellings the contribution required would be £251.16. In the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this constitutes a reason for refusal of the application.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
17/00069/COUPA	Notification for prior approval for a proposed change of use of three agricultural buildings to three dwellinghouses (Class C3), and for associated operational development.	Refused
17/00547/LDE	Claim for a lawful development certificate for the existing use as commercial storage in main barns.	Approved
18/00135/COUPA	Notification for prior approval for a proposed change of use from storage or distribution buildings (Class B8) and any land within its	Withdrawn

Application Number	Description	Decision
	curtilage to dwellinghouses (Class C3).	
18/00748/FUL	New access location to improve highways safety and visibility.	Approved
19/00467/COUPA	Notification for prior approval for the change of use of building 1, 2 and 3 from a storage and distribution buildings (Class B8) to 5No. dwellinghouses (Class C3).	Withdrawn
19/00468/COUPA	Notification for a prior approval for the change of use of buildings 5 and 6, storage and distribution buildings (Class B8) to 5No. dwellinghouses.	Withdrawn
19/00471/COUPA	Notification for prior approval for the change of use of barns 4 and 7 from a storage and distribution buildings (Class B8) to 6No. dwellinghouses	Withdrawn
20/00062/FUL	Demolition of existing outbuildings and construction of 2No. detached residential dwellings with associated landscaping and vehicle parking.	Application Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	The Parish Council supports this application. The barns are in a very poor condition and could not be let out and are an eye-sore	Comments noted
Great Totham Parish Council	No response	N/A

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response at the time of writing this report	N/A

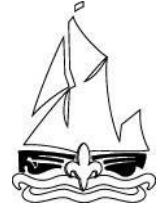
7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Essex Highways	No response at the time of writing this report	N/A

8. REASONS FOR REFUSAL

1. The application site lies within a rural location outside of a defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character and intrinsic beauty of the countryside, particularly through the introduction of a domestic character and dense form of residential development, contrary to the existing grain of residential development in this rural area. The development would therefore be unacceptable, does not constitute sustainable development and is contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
23 SEPTEMBER 2020**

Application Number	20/00738/HOUSE
Location	22 The Glebe, Purleigh
Proposal	Adding dropped kerb and vehicle crossing to allow access to and use of side/front garden as driveway.
Applicant	Ms G Beacham
Agent	N/A
Target Decision Date	06.10.2020
Case Officer	Hayleigh Parker-Haines
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In – Councillor Miss S White – Public Interest and Highways

1. RECOMMENDATION

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


2. SITE MAP

Please see overleaf.

20/00736/HOUSE

22 The Glebe



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Purleigh
	Date:	03/09/2020
	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 approximately 50 metres to the east of the junction of The Glebe with Howe Green Road and falls within the settlement boundary of Purleigh. The existing dwelling faces Howe Green Road beyond a substantial 'green' and is a two-storey detached dwellinghouse with hedging along the northern and western boundaries. There is currently no on-site parking available for the property.

3.1.2 Planning permission is sought for the construction of a dropped kerb crossing with a width of 6.5 metres and a vehicular access to the property across an existing grass verge. The access would be located adjacent to the northern boundary of the application property, along the southern side of The Glebe and 51 metres from the junction of The Glebe with Howe Green Road. An existing tree within the highway verge would need to be removed. The proposed development would occupy an area of approximately 30.6m² of the public frontage.

3.1.3 This application is a resubmission of a previously refused application 20/00221/HOUSE. This was refused for the following reason:

1. *A dropped kerb in this location, as a result of the amount of grass verge and vegetation which would be lost and expanse of associated driveway proposed, would be an incongruous feature to the detriment of appearance of the streetscene where such features are largely absent along this section and southern side of The Glebe. As a result, the development would cause demonstrable harm to the character and appearance of the area, contrary to policies D1 and H4 of the approved Maldon District Local Development Plan.*

3.1.4 The following amendments have been revised as part of this application:

- 1 The proposed hardstanding to create the driveway will be grasscrete. Under the previous application, no details were provided in relation to materials other than they were to be permeable / porous.
- 2 The width of the dropped kerb under the previous application was 6.2 metres, this has increased to 6.5 metres as part of this application.
- 3 Under the previous application the proposed development occupied approximately 29.4m² of the public frontage.
- 4 Suggestion of replacing the tree to be removed to the front of the site.
- 5 Additional information in the form of a supporting statement giving details in relation to the on-street parking situation and the additional benefit of an electric charging point.

3.2 Conclusion

3.2.1 Whilst it is acknowledged that the provision of on-site parking would be desirable by the occupiers of the dwelling, it is considered that these benefits are outweighed by the harm and the impact the development would cause to the character and

appearance of the area. The proposed amendments to the scheme, are acknowledged to result in a more sympathetic development than that of the previous proposal, however, the alterations are not considered to overcome the harm identified. Therefore, it is recommended that planning permission is refused on this basis.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable Development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (MDDG) (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

- 5.1.2 The principle of providing facilities in association with residential accommodation is considered acceptable in line with Policies S1 and H4 of the approved Local Development Plan (LDP).

5.2 Design and Impact on the Character of the Area

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

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

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

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

- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.6 The Glebe is characterised by generous green verges fronting the highway separating the public footpath from the carriageway; this creates a sense of openness and a predominance of greenery to the character and appearance of the surrounding area.
- 5.2.7 The proposed development would be visible from the public realm due to the location fronting the highway. At present the occupiers of the property currently park on the street. However, it is considered that the proposed dropped kerb in this location, as a result of the amount of grass verge and vegetation which would be lost and expanse of associated driveway proposed, would be an incongruous feature to the detriment of appearance of the streetscene where such features are largely absent along this section and southern side of The Glebe. It is noted that grasscrete is proposed to be used to accommodate the driveway under this application, and whilst this is more sympathetic to the surrounding area, it would still result in an erosion of the amenity value of the verge and is not considered that this would overcome the harm as identified above. Furthermore, the development under this application has increased in scale and this is considered to further exacerbate the harm as identified above.
- 5.2.8 It is noted in the supporting statement, attention has been drawn to the recently approved extension of a dropped kerb at No.30 The Glebe, however, this was granted in October 2004. Furthermore, the character within the vicinity of this site is materially different to that of this application site. As mentioned in the preceding section of this report, No. 22 The Glebe sits on a corner plot, whereby to the west of the site is open amenity land. Therefore, the grass verges to the western end of the Glebe are considered to provide a visual transition to the open countryside which lays to the west.
- 5.2.9 For the reasons outlined above, it is considered that the proposed revisions and additional information as provided as part of this application do not overcome the previous reasons for refusal under 20/00221/HOUSE. The proposed development would cause demonstrable harm to the character and appearance of the area, contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by five neighbouring properties. To the north are No.13, No.14 and No.15 The Glebe, to the east is No.23 The Glebe and to the south is No.21 The Glebe. Due to the nature of the works it is not considered that the proposed development would represent an unneighbourly form of development in relation to any of the neighbouring properties. The proposed works would facilitate vehicle movements close to the front garden of No.23 The Glebe to the east. However, it is considered that any noise disturbance would not be materially greater than the occupiers already experience from vehicles using The Glebe.
- 5.3.3 Therefore, it is not considered that the development would represent an unneighbourly form of development, in accordance with the stipulations of Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 From the plans submitted it is unclear how much parking provision would be created by the proposed development. However, it is considered that the proposed area outlined in red, would provide a minimum of one parking space on site where currently there are none (although the creation of a dropped kerb would reduce the availability of on-street parking by one space) which would be an improvement in relation to the adopted parking standards. The Highways Authority have been consulted in regards to this application, no response has been received at the time of writing this report. However, the Highways Authority were consulted as part of the previous application and did not raise any objections to the proposed development, subject to the imposition of conditions. It is considered reasonable to carry this response forward for this current application. Therefore, no objections are raised in relation to parking and highway safety

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The proposed development as shown on the plans provided would not result in the loss of any amenity space, as it is to be located on public land to the front of the site. Therefore, there are no concerns in relation to this aspect.

6. ANY RELEVANT SITE HISTORY

- 6.1 No relevant site history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<ul style="list-style-type: none">The proposal would have a significant and unjustified visual impact on the character and appearance of the street scene to the detriment of the natural	Comments noted.

Name of Parish / Town Council	Comment	Officer Response
	<p>environment, by removing a tree, some public green space and by urbanising the area, contrary to Policy D1 of the Maldon District Local Plan and Government guidance contained within the National Planning Policy Framework. Furthermore, the loss of vegetation and expanse of associated driveway would be an incongruous feature to the detriment of the surrounding area</p> <ul style="list-style-type: none"> • The proposal would cross a pedestrian footpath separated from the highway by a deep greensward, giving priority to private vehicles instead of pedestrians, wheelchairs and cyclists, contrary to Policies T1 and T2 of the Maldon District Local Plan. If allowed to proceed, public parking space would be lost to the detriment of highway safety and an unwelcome and damaging precedent would be set for similar development in the vicinity of the site. 	

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Essex County Highways	No response	N/A

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

8. REASON FOR REFUSAL

1. A dropped kerb in this location, as a result of the amount of grass verge and vegetation which would be lost and expanse of associated driveway proposed, would be an incongruous feature to the detriment of appearance of the streetscene where such features are largely absent along this section and southern side of The Glebe. As a result, the development would cause demonstrable harm to the character and appearance of the area, contrary to policies D1 and H4 of the approved Maldon District Local Development Plan.