

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

30 August 2022

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 7 SEPTEMBER 2022 at 7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

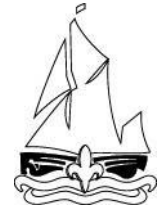
Yours faithfully



Director of Strategy, Performance and Governance  
COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor Mrs M E Thompson
VICE-CHAIRMAN	Councillor J V Keyes
COUNCILLORS	M F L Durham, CC Mrs J L Fleming, CC S J N Morgan C P Morley R H Siddall E L Stephens S White





**AGENDA  
NORTH WESTERN AREA PLANNING COMMITTEE**

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**WEDNESDAY 7 SEPTEMBER 2022**

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 10 August 2022, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **22/00686/FUL - Hall Farm, Maldon Road, Woodham Mortimer, CM9 6SN** (Pages 19 - 30)

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

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

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**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.
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](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

## **NOTICES**

### **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.

### **Fire**

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

### **Health and Safety**

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

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

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

### **Lift**

The lift is currently out of order. Please contact [committee.clerk@maldon.gov.uk](mailto:committee.clerk@maldon.gov.uk) for any queries.

## **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

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

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

### iii) Maldon District Council

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

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

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
10 AUGUST 2022**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, S J N Morgan, C P Morley, R H Siddall, E L Stephens and S White

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**2. APOLOGIES FOR ABSENCE**

There were none.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 7 July 2022 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

The Chairman advised that the two paragraphs detailed on the agenda in relation to disclosure of interest were incorrect and she read out the correct paragraphs which related to the new Code of Conduct recently adopted by the Council.

Councillors M F L Durham and Mrs J L Fleming disclosed a registrable interest as a Member of Essex County Council who were statutory consultees.

Councillor E L Stephens advised the Committee that she had resigned from Tollesbury's Neighbourhood Planning Team so that she did not have interest.

Councillor S White advised that although she didn't know the applicants of Claremont Garden Centre (application 22/00643/FUL) she had bought trees from them in the past.

## 5. 2100702FUL - LAND NORTH OF 48 WOODROLFE ROAD, TOLLESBURY, ESSEX

<b>Application Number</b>	<b>21/00702/FUL</b>
<b>Location</b>	Land North Of 48 Woodrolfe Road, Tollesbury, Essex
<b>Proposal</b>	Create residential specialist neighbourhood for older people, consisting of 25 dwellings and community hub building, with associated landscaping and infrastructure.
<b>Applicant</b>	Mr Rob Scott - Lewis & Scott Retirement Living Ltd
<b>Agent</b>	N/A
<b>Target Decision Date</b>	12.08.2022
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>TOLLESBURY EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

It was noted from the Members' Update that a further consultation response had been received from Tollesbury Parish Council along with an additional letter of objection and eight further letters of support.

The report previously presented to the North Western Area Planning Committee on 30 March 2022 was attached as Appendix A to the report.

Members received a verbal update from the Specialist: Development Management which highlighted the following amendments to the Officers' report:

- The proposal of the application incorrectly referred to 29 affordable dwellings and this should read 25 dwellings
- At paragraph 6.4.2 bullet point three should read "...Building to a management company..."

Following the Officers' presentation a supporter, Mr Nigel Appleton, Mr Simon Plater (on behalf of the Parish Council) and the Applicant, Ms Tidswell addressed the Committee.

The Chairman reminded Members at this point that they could not consider anything which was not from statutory consultees.

A lengthy discussion then took place and in response to questions from Members, Officers provided the following information:

- The Environment Agency had not raised any objection to the proposal;
- The 'cascade mechanism' referred to in the terms of the Section 106 Agreement was similar to those which had been applied for other retirement communities within the District, prioritising local residents first.
- In accordance with Policy a Sequential Test was not required to be undertaken on this site.
- The Council and its statutory consultees had not raised any concerns regarding flooding on the site.

Councillor R H Siddall proposed that the Officers' recommendation of approval be agreed, noting that there was a need for this type of development in the District. This proposal was duly seconded.



During the discussion it was noted that the provision of electrical charging points now came under building regulations and was not therefore a planning matter.

In response to a question, the Lead Specialist Place advised that an informative could be added regarding environmental measures such as the use of water butts, gravel drives etc. but this would not be legally binding.

Councillor Siddall amended his proposal asked that an informative be included regarding water butts and anything that mitigated standing water such as gravel drives etc. This amendment was duly seconded.

The Chairman then moved the proposal in the name of Councillor Siddall and upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as set out below and the addition of an informative as detailed above:

#### **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- No unit shall be occupied other than by persons over 60 year of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to people that live and/or have family connection in the Parish of Tollesbury, then people that live and/or have family connection in the District of Maldon and finally people that live and/or have family connection in the County of Essex.
- Affordable housing: 48% of the development would constitute affordable housing (8x Affordable Rented homes and 4x Shared Equity homes)
- The following restrictions would apply to the proposed Shared Equity units:
  - All properties to be at a discounted rate of 80% of the market value in perpetuity
  - Income cap: Single household to be up to £18,000 per annum and Couple households to be up to £31,350 per annum.
  - Equity and savings cap to be no more than twice the new home value.
- Health Care Contributions: financial contributions for health care provision as required by the NHS.
- Ecology: to provide a financial contribution in accordance with the RAMS scheme adopted by the Local Planning Authority (currently £137.71 per dwelling).
- Highways: financial contribution for off-site highways improvements if required by Essex County Council (ECC) Highways and to submit, agree and implement a Travel Plan.
- The provision, retention and future management and maintenance of community open space and strategic landscaping;
- To create a Management Company with responsibility for future management and maintenance of the children's play area, open spaces, footways, related lighting, street furniture, signage etc and all landscaping;
- The multi-use community building would be provided to an agreed specification before the occupation of the 14th dwelling of the development.
- To transfer the Social Heart Community Building to a management community and retain it in perpetuity.
- To provide an off-site drainage strategy to improve the situation downstream at the industrial units.

## PROPOSED CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - CSL02 REV D
  - Csl02 REV D
  - PL1\_2\_10000 Rev D
  - PL1\_2\_20000 Rev D
  - PL1\_2\_14000 Rev D
  - PL3\_4\_20000 Rev B
  - PL3\_4\_10000 Rev C
  - PL3\_4\_14000 Rev A
  - PL5\_6\_10000 Rev C
  - PL5\_6\_20000 Rev B
  - PL7\_10\_10000 Rev B
  - PL7\_10\_10001 Rev C
  - PL7\_10\_20000 Rev A
  - PL7\_10\_14000 Rev A
  - PL11\_12\_10000 Rev D
  - PL11\_12\_14000 Rev D
  - PL11\_12\_20000 Rev E
  - PL13\_16\_20200 Rev A
  - PL13\_16\_11600 Rev B
  - PL17\_18\_10000 Rev C
  - PL17\_18\_20000 Rev C
  - PL17\_18\_14000 Rev B
  - PL19\_20\_10000 Rev C
  - PL19\_20\_14000 Rev C
  - PL19\_20\_20000 Rev C
  - PL21\_22\_20000 Rev B
  - PL21\_22\_14000 Rev A
  - PL21\_22\_10000 Rev B
  - PL23\_25\_14000 Rev A
  - PL23\_25\_10000 Rev B
  - SS.01 BW Rev C
  - TOLLES-SPEC-001 REV J
  - TOLLES-SPEC-002 REV L
3. The dwelling mix for the development hereby approved shall accord with the following stated housing mix:
  - 11no. one-bedroom units, all affordable units (4 shared ownership units and 7 affordable rented)
  - 8no. two-bedroom units (of which 1 affordable rented unit0
  - 6no. three-bedroom units
4. The development hereby approved shall be carried out in a manner to ensure that residential accommodation on plots 5, 6, 17 and 18, hereby approved, comply with building regulation M4 (3) 'wheelchair user dwelling'. The rest of the development shall comply with building regulation M4 (2) 'accessible and adaptable dwelling'. The development hereby approved shall be retained as such in perpetuity.
5. No development above ground level shall commence until details or samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

6. Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
  - i. Proposed finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

7. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

8. Prior to any works above ground level, a Landscaping Management Plan for at least five years to show how the development would improve the part of the site adjacent to the woodland area shall be submitted to and approved in writing by

the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

9. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
10. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. wheel and underbody washing facilities
12. Prior to first occupation of the development hereby approved, and as shown in principle on planning drawing No. CSL02 Rev D, the principle access shall be 5.5 metres wide with junction radius and footway on each side. The details to be agreed with the Highway Authority.
13. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
14. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
15. Prior to occupation of the development, the developer will construct a 2m wide footway on the northern side of Woodrolfe Road. The footway shall route from the proposed site access junction to the existing footway located to the east of the site as shown in DWG No. TOLLES-SPEC-001 Rev J.
16. Prior to occupation of the development, the developer will construct 2no uncontrolled dropped kerb pedestrian crossings either side of the proposed development access on Woodrolfe Road as shown in principle within DWG No. TOLLES-SPEC-001 Rev J.
17. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
18. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in

- writing by the Local Planning Authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.
19. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noise activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

20. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - A 300mm freeboard should be provided for the pond / basin above the top water level during 100yr plus 40 percent CC as per CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: cover levels, invert levels, pipes dimensions, slopes, Pond / basin top and bottom levels as well as invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation pond/basin during 100year plus 40percent CC allowance
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

21. No works except for demolition shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved and retained as such in perpetuity.
22. Prior to the occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided with the details to be agreed by the Local Planning Authority.
23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
24. The dwellings hereby approved shall not be occupied until the car parking spaces and turning areas have been provided as shown on plan CSL02 Rev D. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.
25. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), Reptile Mitigation Strategy 21-1524 (Lockhart Garratt Ltd, December 2021), Reptile Mitigation Plan 4661/01/21-1565 (Lockhart Garratt Ltd, December 2021), Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021) and Water Vole Survey Report Ref: 21-0481 (Lockhart Garratt Ltd, July 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
26. No development shall take place until a Final Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Final Reptile Mitigation Strategy shall include the following.

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.

- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

27. The Final Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. No development shall take place (including any demolition, ground works, site clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include a Water Vole Method Statement which outlines any need for a further walkover survey to re-assess the Water Vole suitability and population on site.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

28. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. This should include details of management of the existing habitats including the lowland mixed deciduous woodland on site, reptile receptor areas and ditch D1 to the south, and newly created habitats.

The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer

with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

29. A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), and the Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;
- b. detailed designs to achieve stated objectives;
- c. locations of proposed enhancement measures by appropriate maps and plans;
- d. persons responsible for implementing the enhancement measures;
- e. details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

30. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

31. Prior to the occupation of the proposed development, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
32. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
33. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.



34. Details of cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facilities shall be secure, convenient, covered and retained as such in perpetuity.
35. A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
36. No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

**6. 22/00643/FUL - CLAREMONT GARDEN CENTRE, BRYANTS LANE, WOODHAM MORTIMER, ESSEX, CM9 6TF**

<b>Application Number</b>	<b>22/00643/FUL</b>
<b>Location</b>	Claremont Garden Centre Bryants Lane Woodham Mortimer Essex CM9 6TF
<b>Proposal</b>	Construction of a building to be used as a cafe, office and staff room, greenhouse, new walkway, extended car park, improved internal vehicle access, new substation, relocated polytunnel, and associated landscaping.
<b>Applicant</b>	Claremont Garden Centre
<b>Agent</b>	Mrs Lisa Skinner - Phase 2 Planning
<b>Target Decision Date</b>	16 August 2022
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>WOODHAM MORTIMER</b>
<b>Reason for Referral to the Committee / Council</b>	Major application Member Call-in by Councillor M F L Durham for the following reason: " <i>Although this is additional development in a rural setting, this application accords with the policies supporting employment in the district</i> "

Councillor M F L Durham advised that he had called in this application and disagreed with the Officers' recommendation explaining how he felt a restaurant was an essential part of a garden centre. He proposed that the application be approved, contrary to Officers' recommendation. The Chairman advised that reasons for approval were required.

At this point, the Lead Specialist Place provided further clarification to Members on the areas they needed to consider when determining the application and drew particular attention to paragraph 5.1.9 of the report which set out a section of Policy E4 which Officers considered of relevance. He explained how the Council's Policies did not provide for restaurants in out-of-town locations, the proposed development was a restaurant in its own right and separate to the garden centre.

Following further discussions Councillor S White advised that on balance she felt the application complied with employment which was very important for the rural area and proposed that the application be approved. This was duly seconded. The Chairman again advised that a reason for approval was required. The Lead Specialist Place

expressed concern that if Members were supportive of the proposed approval that this could set a precedent in respect of employment in the District.

Councillor White advised that in respect of her proposal the application complied with policy for the following reasons:

- in terms of Policy E4 part 1 the application was justifiable and had a functional need to expand the business;
- The function of the proposal was directly linked to existing businesses;
- The proposed development could not be located in a town centre of allocated employment area because it was a rural business in a rural building with links to tourism.
- The proposed development would not impact on wildlife in the natural environment but in fact added to it.

The Lead Specialist Place highlighted that there was an extant permission on the site, Members needed to base any decision on the evidence before them and should refer to the concerns and reasons why the Officer felt the proposal was against policy, as set out in the report.

In response to a question, it was confirmed that there was an existing access from the site onto Maldon Road, although this was not currently in use. Reference was made to car parking and the Officer explained that the application had a shortfall of 75 spaces in respect of what was required.

The Lead Specialist Place confirmed that there was no Section 106 agreement or submission with the application to indicate the applicant would give up the extant permission if this was granted.

Councillor Durham revised his original proposal, proposing that the application be approved as it was supporting the rural economy, tourism and hospitality businesses in the District. This amendment was duly seconded and upon a vote being taken was agreed. The Chairman advised that the conditions would be delegated to Officers.

**RESOLVED** that this application be **APPROVED** subject to conditions details of which are delegated to Officers in consultation with the Chairman

There being no other items of business the Chairman closed the meeting at 8.58 pm.

MRS M E THOMPSON  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
7 SEPTEMBER 2022**

<b>Application Number</b>	<b>22/00686/FUL</b>
<b>Location</b>	Hall Farm, Maldon Road, Woodham Mortimer, CM9 6SN
<b>Proposal</b>	Detached oak framed ancillary residential annexe.
<b>Applicant</b>	Mr & Mrs Pemberton
<b>Agent</b>	Miss Kate Jennings – Whirledge & Nott
<b>Target Decision Date</b>	25.07.2022
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>WOODHAM MORTIMER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in by Councillor M F L Durham citing Policies H4, S1 and S8

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Hall Farm, Maldon Road, Woodham Mortimer**  
22/00686/FUL



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Maldon District Council 100018588 2014

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

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 23/08/2022

MSA Number: 100018588

### 3. SUMMARY

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

- 3.1.1 The application site is located on the northern side of Maldon Road, outside of the settlement boundary of Woodham Mortimer within the rural area. The application site is occupied by a two-storey detached dwelling which has an L-shaped residential garden that wraps around to the north west of the site. However, it is not clear if the part of the site where the proposed annexe would be situated forms part of the curtilage of the dwellinghouse; this will be discussed within the following sections within the report.
- 3.1.2 The surrounding area is predominantly rural in character, with open agricultural fields to the north and east of the site, some houses to the west and a working business yard to the south west of the site. Although the site can be accessed directly from Maldon Road, there is also a secondary access to the rear of the site, from the existing working farmyard.
- 3.1.3 Planning permission is sought for a detached annexe within the L-shaped garden of the property. Within the Design and Access Statement submitted it states that the annexe is proposed to accommodate a home gym and office for use by younger family members, as well as “occasional overnight accommodation for visiting friends and family”. The Statement goes on to state that the space could be “repurposed [in the future] to provide a granny annexe if required and at that stage it would still be occupied by family members”.
- 3.1.4 The floor plan of the building shows that a home gym, home office, guest bedroom, en-suite and separate shower room / wc would be included at ground floor level. The proposed annexe would measure 14.1 metres in width, 5.6 metres in depth and would measure 4 metres in height overall. It would have a hipped roof structure, as well as a flat roof element to the rear, and a pitched roof porch structure to the front. The materials proposed in the construction would be weatherboarded and oak frame walls and reclaimed plain roof tiles with oak windows and doors.
- 3.1.5 The application follows a previously refused application for a similar development (22/00074/FUL) which was refused for the following reason:
- “The applicant has failed to demonstrate that the proposal would fall within the annexe criterion as detailed within the Specialist Housing Needs SPD. The proposal would not amount to residential annex accommodation ancillary to the main dwelling house by reason of its siting and separation from the main house, its lack of a functional link and the potential for the site to be sub-divided in the future without a degree of dependency on the main dwelling. As a result of this de facto change of use of the land, the application would increase the amount of domestic paraphernalia on the site, encroaching into a currently undeveloped area and result in a spread and an intensification of the domestic use at the site, to the detriment of the character and appearance of the area which is characterised by the intrinsic beauty of the open countryside. Therefore, the development is contrary to policies D1, S8 and H4 of Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.”*
- 3.1.6 As part of the current application, no changes have been made to the layout or design of the proposed annexe building. However, additional information has been submitted for consideration as part of the Design and Access Statement, in an attempt to overcome the previous reason for refusal. The content of this information

will be discussed within the body of the report below, however, it is not considered to overcome the previous reason for refusal.

### **3.2 Conclusion**

- 3.2.1 It is officers' position that the application fails to demonstrate that the proposed detached annexe would form ancillary accommodation. Concerns are raised with respect to the distance of the building away from the main dwelling; the potential for the site to be sub-divided in the future without a degree of dependency on the main dwelling; and the lack of identification of dependent relatives at the stage of the application. With respect to its location the proposal would result in the intensification of residential development that would substantially alter the character of the area and would have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site. The basis of residential annexe accommodation is a specialist housing need with a functional link to the main dwelling house and none has been submitted with the new information. Having regard to these considerations, the development would be contrary to policies D1, S8 and H4 of the Local Development Plan (LDP), the Specialist Housing Needs Supplementary Planning Document (SPD) and the government guidance contained within the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

### **4.1 National Planning Policy Framework (NPPF) 2021, 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
- 54-58 Planning Conditions and Obligations
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

### **4.2 Maldon District Local Development Plan (LDP) 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
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development – Residential Curtilage**

- 5.1.1 The proposal relates to the construction of a detached annexe within the garden area of the application site. Although this piece of land is mown lawn, it is not clear whether it is the lawful residential curtilage associated with the main dwellinghouse. Policy H4 of the LDP states that extensions to domestic gardens within the countryside will not normally be permitted, however, small, unobtrusive extensions of residential curtilages into the countryside which will not adversely affect the character of the site and the wider countryside may be approved ensuring that provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.
- 5.1.2 Having looked at the planning history of the site, there does not appear to be any planning applications that relate to the change of use of this piece of land to residential curtilage. However, aerial images show that in the year 2000, this piece of land was not associated with the residential use of the site. It was delineated by what appears to be a close-boarded fence and was accessed from the main farmyard. Over the passing of time, it would appear from the year 2005 onwards, this area of land was divided from the main farmyard by a hedgerow to its western boundary. Rugby goal posts were also installed from 2006 – 2009. From 2011 onwards, the land appeared to be mown grass which could still be accessed from the open agricultural fields to the north but was delineated from the main residential garden to the east by a row of hedges and trees. This hedgerow appears to have been maintained until 2020 when a small gap was created to facilitate access between the garden and this piece of land. From a recent site visit, it can be seen that this area of land is still divided from the main garden by a wall, which has a small gap in for access. The site can also be accessed from the adjacent farmyard along the rear of the site.
- 5.1.3 As part of the current submission, the applicant has included details of an application for a two-storey extension submitted in 2011, in which this piece of land was included within the red line of application (11/00188/HOUSE). Although this area of land was included within the red line of this application and annotated as garden, this does not confirm the land is residential curtilage, which is usually immediately beside and in close proximity to the main house. The applicant has not provided any further details to convince the Council otherwise in this respect.
- 5.1.4 Although the application does not specifically relate to the extension of residential curtilage within the countryside, given the location of this piece of land, which the proposed annexe would be sited on, it is a material consideration for the application, as if approved this application would in effect authorise the enlargement of the garden. Although the area of land is adjacent to the main garden area of the dwellinghouse to the east, it is still separated from the main residential garden area by hedgerows and trees. However, the presence of two lakes to the north of the site which are bounded by hedgerows, serve to delineate the site with agricultural fields to the north. The harmful impact of the extension of residential garden land in this area would be minimised due to this context. Furthermore, the enlargement of the garden would be screened by the buildings to the south, including farm buildings and the subject dwellinghouse. However, further consideration to the impact of the proposed development on the character of the area will be given below.

## Principle of Development – Annexe Accommodation

- 5.1.5 The internal layout of the annexe would have a large central area, labelled as a home gym, with a guest bedroom, home office, and shower room which could all be accessed from this main central area. The en-suite would be accessed from the guest bedroom. There would be one set of bi-fold doors either side of the door accessing the area labelled as home gym, as well as a separate front door.
- 5.1.6 It is a conventional expectation that annexe accommodation would be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities. It is also an expectation for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.
- 5.1.7 In addition to the above, the Specialist Needs Housing SPD, which was adopted in September 2018, states that proposals for annexe accommodation will not only be required to meet the criterion in policy H4 but also the criterion within the SPD which is as follows:
- 1) *Be subservient/subordinate to the main dwelling;*
  - 2) *Have a functional link with the main dwelling (i.e. the occupants' dependant relative(s) or be employed at the main dwelling);*
  - 3) *Be in the same ownership as the main dwelling;*
  - 4) *Be within the curtilage of the main dwelling and share its vehicular access;*
  - 5) *Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;*
  - 6) *Have no separate boundary or sub-division of garden areas between the annex and the main dwelling; and*
  - 7) *Have adequate parking and amenity facilities to meet the needs of those living in the annex and the main dwelling.*
- 5.1.8 Criterion 1 will be assessed in the design section below but, in terms of its form and scale, the single storey building appears to be subservient to the main two-storey dwelling.
- 5.1.9 In regard to criterion 2, the Design and Access Statement submitted with the application states that the outbuilding would be used as a home gym and office by younger family members, but there is “*no proposal for specialist housing accommodation at this stage which is why there are no details of occupiers*”. As the proposed building is not intended to be used as a form of accommodation with a functional link, the outbuilding would not be considered to be an annexe. The correct approach for the applicants to take would be for an outbuilding, and to apply for a change of use of the outbuilding at a later stage, if it was required in the future. Furthermore, as there is no evidence of a functional link between the main dwelling and the proposed development it would not be possible to impose a condition that the building must be retained as an annexe.
- 5.1.10 This approach is supported by a recent appeal decision for an annexe outbuilding at a property in Wickham Bishops, in which the Inspector advised that “*it has not been made clear, either in the application or in the appeal, exactly who the intended occupiers would be or their relationship to the residents of the main house... There is no firm indication that it would involve occupation by a close member who is likely to share various living activities with the family in the main dwelling. The functional link with the main dwelling is therefore weak on the basis of the material provided.*” (APP/X1545/D21/3289927).



- 5.1.11 Although the applicants have advised that at some time in the future the outbuilding could be used by a family member as an annexe, there is no clear indication as to who this would be, when it would be or if there would be a functional and ancillary relationship between the occupiers of the outbuilding and the main dwelling. As such, a functional link between the main dwelling has not been clearly demonstrated and criterion 2 has not therefore been satisfied.
- 5.1.12 It is noted that Certificate A has now been signed to demonstrate that the area of land where the annexe would be located is within the same ownership as the main dwelling. As such, Criterion 3 has been satisfied.
- 5.1.13 In relation to criterion 4, although the outbuilding would appear to share the same vehicular access to the south, from a recent site visit to the property, it is clear that the development could be accessed from an existing access drive to the northwest of the site, leading from the existing business yard. The location of the proposed annexe is also located within an area which does not appear to be within the curtilage of the dwellinghouse and that could be divided into a separate plot with access from the business yard to the west being added in the future. These site circumstances and the proposal's location mean that it would be very difficult to control this development effectively so as to prevent it from becoming a separate residential unit. The outbuilding would also be separated from the main dwellinghouse via a brick wall boundary, trees and hedgerows located along the western boundary of the main garden serving the site. Due to the presence of this boundary between the main house and where the outbuilding would be placed, there is great potential to sub-divide the garden areas, which would also be contrary to criterion 6.
- 5.1.14 Given the substantial distance of the outbuilding away from the main house, and its location on a piece of land that could be sub-divided from the main dwellinghouse, as described above, it is considered that the proposed development could not enable the development to be integrated to the main dwelling at a later date due to the building already being detached and quite distant from the dwellinghouse. This approach is substantiated by the recent appeal decision detailed above, where the Inspector stated that "*Given the size of the proposed building and its physical separation from the main house, the development would not be designed in such a manner so as to enable it to be used at a later date as an integral part of the main dwelling*". Therefore, criterion 5 would not be satisfied.
- 5.1.15 Due to the substantial garden and parking areas serving the property, it is considered that adequate parking and amenity space provisions are in place serving the property, in compliance with criterion 7. It is noted that a separate consideration process would be undertaken if the outbuilding were to be used as separate accommodation in the future.
- 5.1.16 The general direction in the decision-making process at Maldon District Council for annexe accommodation, whilst assessed on their own merits, has been to refuse the development whereby the level of accommodation has gone beyond what would reasonably satisfy the functional needs of the occupant. This approach is consistent with and supported by previous appeal decisions, which should be given more weight, such as reference APP/B1930/W/18/3217177. With this appeal, the Inspector was clear that a condition limiting the use of the annexe to ancillary purposes would be difficult to monitor or enforce and observed that due to the siting of the annexe, there would be a strong temptation to let the annexe accommodation for separate occupation following its initial occupation by a relative. The appellant offered a unilateral undertaking covenanting not to occupy the site other than as a single residential unit. However, in the Inspector's opinion, this would not ensure that

the occupants shared the services of the main dwelling and would be difficult to enforce. The Inspector referred to the high court judgement in *Uttlesford DC v SSE & White 1992* that, even if accommodation provided the facilities for independent day-to-day living, whether it is a separate planning unit from the main dwelling is a matter of fact and degree. In the absence of a clear connection with the main dwelling the Inspector concluded the annexe would be or become a separate planning unit.

- 5.1.17 This approach was also taken in the appeal decision referred to above, where the Inspector stated, "I am not satisfied that the proposed building could be classed as providing ancillary accommodation to the main dwelling. This leaves open the prospect that the effect of a planning permission could be to create a separate dwelling. Consequently, restricting the building's use by condition so that it would remain ancillary to the residential use of the main property...would not be reasonable".
- 5.1.18 This is relative to the current application, whereby the location of the proposed annexe is not considered to have a functional link with the main dwelling and is not therefore considered to provide ancillary accommodation to the main dwelling. Due to the fact that the site can be accessed from the adjacent farmyard, and due to the location of the proposed annexe on a separate piece of land from the main dwellinghouse, there is potential for the land to be sub-divided in the future.
- 5.1.19 Based on the above, it is considered that the development, whilst described as an annexe, would result in the creation of accommodation that would not be ancillary to the dwellinghouse. For the reasons given above, and due to the impacts referred to above, it is considered that the principle of the development is unacceptable in this instance. Further consideration and discussion of the harm that would result from this is provided below.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design 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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.5 The proposed annexe would be a single storey hipped roof building with a width of 14m. Although this is relatively large, the form of the building has meant that it would not be overly intrusive within the countryside as it would have a low height and depth. It would relate to the character of the other outbuildings located within close proximity to the site and would be of a size and scale that would be a subservient addition to the dwellinghouse.
- 5.2.6 However, the location of the proposed development would be a substantial distance away from the main house, in an area that is not considered to be residential curtilage. The introduction of a residential use of the site is likely to result in the addition of domestic paraphernalia which would result in the development encroaching into the countryside through the urbanisation, intensification and domestication of the site. As the proposal is not considered to be an annexe, it is considered that the proposed development would result in a material harm to the character and appearance of this relatively rural area. This harm would be intensified also given that the land appears to not lawfully be part of the garden curtilage of the dwellinghouse, and therefore the proposal would introduce a domestic use to this part of the countryside. Although it is understood that this area of land may have been used as residential garden for a number of years, there is no planning history to suggest that a planning application or a certificate of lawfulness application has been submitted to confirm this.
- 5.2.7 Based on the above, it is considered that the development, by reason of its location and design, would detrimentally alter the open character of the area and would have an unacceptable visual impact on the countryside through the urbanisation and intensification of domestication of the site, detrimentally harming the character and appearance of the locality and the intrinsic beauty of the open countryside, contrary to policies D1, H4 and S8 of the LDP.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The proposed annexe would sit a considerable distance from any neighbouring residential properties and would be single storey in scale. Given this, it is not considered that the proposal would have any significant impact on any nearby residential occupiers. Furthermore, the Council's Environmental Health service has been consulted and has not raised an objection to the proposal in regard to noise and disturbance.
- 5.3.3 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

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

- 5.4.1 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.
- 5.4.2 The proposed outbuilding would not have a detrimental impact upon car parking requirements on site as the site provides hard standing to the front of the property that has the potential to accommodate more than three reasonable sized cars. Furthermore, the highway authority has been consulted and has not raised an

objection to the proposal. Given these factors, no objection is raised in relation to traffic and transport issues.

## 5.5 Private Amenity Space

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms.

5.5.2 Due to the siting of the outbuilding, outside of the residential curtilage of the main dwellinghouse, it is not considered that the location of the outbuilding would result in the level of private amenity space affecting the minimum standard recommended in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

- **22/00074/FUL** – Detached ancillary oak framed annexe. Refused 7 April 2022.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer Parish Council	Cllrs do not perceive any detrimental effect to the street scene or surrounding environment.	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	No objections	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage.	Noted

### 7.4 Representations received from Interested Parties

7.4.1 No representations received for this application.

**8. REASON FOR REFUSAL**

- 1 The applicant has failed to demonstrate that the proposal would fall within the annexe criterion as detailed within the Specialist Housing Needs SPD. The proposal would not amount to residential annexe accommodation ancillary to the main dwelling house by reason of its siting and separation from the main house, its lack of a functional link and the potential for the site to be subdivided in the future without a degree of dependency on the main dwelling. As a result of this de facto change of use of the land, the application would increase the amount of domestic paraphernalia on the site, encroaching into a currently undeveloped area and result in a spread and an intensification of the domestic use at the site, to the detriment of the character and appearance of the area which is characterised by the intrinsic beauty of the open countryside. Therefore, the development is contrary to policies D1, S8 and H4 of Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

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