



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

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

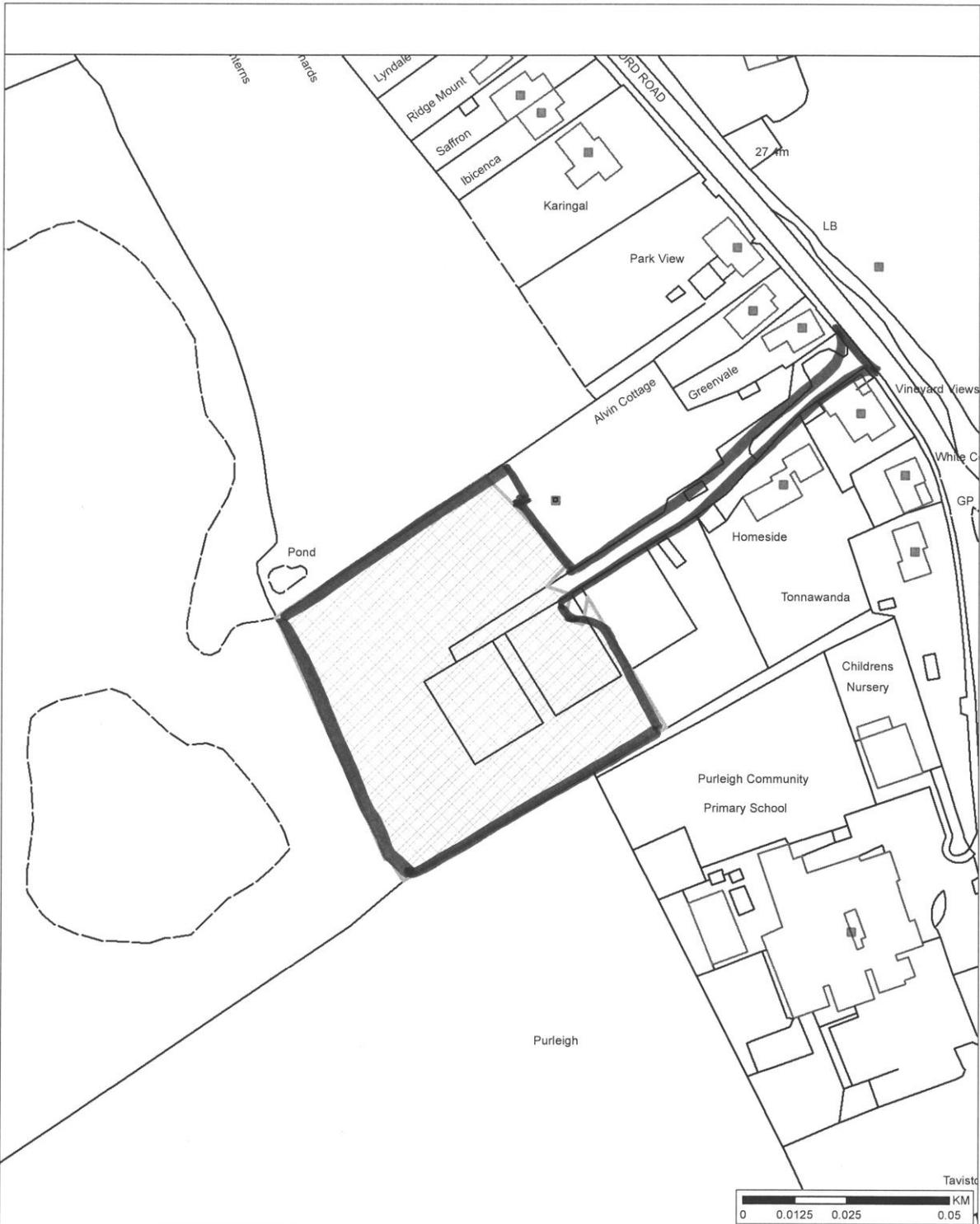
<b>Application Number</b>	<b>FUL/MAL/15/1340</b>
<b>Location</b>	Land Rear Of Greenvale, Chelmsford Road, Purleigh, Essex
<b>Proposal</b>	Sub-division to Plot 3, incorporating minor amendments to approved property design from approved application planning application APP/X1545/A/132194523 + FUL/MAL/12/00929,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

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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

### **3. SUMMARY**

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

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

#### **3.2 Conclusion**

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

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

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

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

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

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

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

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

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

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

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

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

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

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

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

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

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

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

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

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

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

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

## **5.6 Affordable Housing**

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

## **5.7 Other Material Considerations**

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

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

## 6. ANY RELEVANT SITE HISTORY

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

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

### 7.2 Statutory Consultees and Other Organisations

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

### 7.3 Internal Consultees

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

### 7.4 Representations received from Interested Parties

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

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

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

## 8. PROPOSED CONDITIONS

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

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

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

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

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

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

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

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

- 6 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

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

### **INFORMATIVES**

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

**POSITIVE AND PROACTIVE STATEMENT**

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

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