



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

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

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

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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

### **3. SUMMARY**

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

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

#### **3.2 Conclusion**

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

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

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

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

- 14, 49 and 59

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

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

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

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

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

- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

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

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

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

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

- (a) The use has not been abandoned

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

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

## **5.2 Replacement Dwellings**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.7 Other Material Considerations

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

## 6. ANY RELEVANT SITE HISTORY

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

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

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

## 7.2 Statutory Consultees and Other Organisations

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

## 7.3 Internal Consultees

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

## 7.4 Representations received from Interested Parties

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

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

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

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

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

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

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

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

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

## **8. PROPOSED CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

## **INFORMATIVES**

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

## **POSITIVE AND PROACTIVE STATEMENT**

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

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