



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

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

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

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 16/00191
	Date:	22/03/2016
www.maldon.gov.uk	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 east side of Church Corner outside of the defined settlement boundary of Woodham Walter. The plot is currently used as private amenity space by No. 7 Church Corner which is one of three pairs of two storey semi-detached properties facing onto Herbage Park Road. There are three more pairs of semi-detached houses to the east of the application site facing Oak Farm Road, a bungalow to the north and Church Cottage amongst this group of houses.
- 3.1.2 The site is located close to the village of Woodham Walter and is less than a five minute walk away from recreation facilities and community uses, including the church, primary school, village hall, public open space, and public houses.
- 3.1.3 Planning permission was granted in 2013 by application FUL/MAL/13/00101 for the demolition of a detached garage/workshop, to construct a single-storey dwelling and to widen the existing vehicular access point. This planning permission will expire on the 8 April 2016.
- 3.1.4 Planning permission is sought for the erection of a two bedroom detached bungalow with associated parking on the land adjacent to No. 7 Church Corner.
- 3.1.5 The proposed dwelling would be single storey at a length of approximately 10.75 metres, a depth of 9 metres and height of 5.92 metres with 2.32 metres to the eaves. The property would comprise of a hall, kitchen, living room, bathroom and two bedrooms. It would be constructed using render and facing bricks for the walls and plain tiles for the roof. It is proposed to install uPVC windows and doors.
- 3.1.6 Currently, the area subject of this application is used as access and parking area to No. 7 Church Corner. The proposal is to extend the existing dropped kerbs and to extend the parking area into the front of No. 7 Church Corner to provide off road parking for that dwelling. The proposed bungalow would benefit from having two car parking spaces to the north western boundary of the application site, one of which is designed to meet the requirements of disabled parking standards. Appropriate turning space would be provided so that each vehicle can leave in a forward gear.
- 3.1.7 It is proposed to erect a new 1 metre high picket fence to the front of the application site with a new hedge behind to introduce some greenery to the road frontage. Additionally, a new timber fence would be erected on the shared boundary between No. 7 Church Corner and the proposed dwelling.
- 3.1.8 The proposal will be the same as the previous approval FUL/MAL/13/00101 and no changes have been made to the external design, appearance and the siting of the development.

#### **3.2 Conclusion**

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

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

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

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

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

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

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

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

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

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

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

- National Planning Policy Guidance (NPPG)

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

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

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

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

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

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

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

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

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

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

## **5.5 Other Material Considerations**

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

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

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

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

### 7.2 Representations received from Interested Parties

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

## 8. PROPOSED CONDITIONS

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

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

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

- 5 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

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

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

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

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

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

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

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

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

### **INFORMATIVES**

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

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

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

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

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

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

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

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

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

### **POSITIVE AND PROACTIVE STATEMENT**

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

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

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