



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
1 OCTOBER 2018**

Application Number	FUL/MAL/18/00632
Location	OS Field 6251, Colchester Road, Great Totham
Proposal	Application for new field access and associated hardstanding
Applicant	Mr. W Draper
Agent	Mr. T Sharman – Smart Planning Ltd
Target Decision Date	02/10/2018
Case Officer	Emma Worby
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Application – site size over 1 hectare (ha) Member Call In – Councillor J V Keyes – further information to discuss

1. REASON FOR DEFERRAL

- 1.1 This item was deferred from the North Western Area Planning Committee meeting of 3 September 2018 in order for clarification to be provided in respect of a number of matters.
- 1.2 Firstly, it was requested that options were explored in relation to removing permitted development rights from the site in relation to the erection of additional building. This was either through the imposition of a condition or through the serving of an Article 4 direction. Permitted developments rights that apply to agricultural development are different for sites of less than 5 hectares and sites of more than 5 hectares. The application site measures some 3.41 hectares in size and as such it is noted that Class B of Part 6 of Schedule 2 of the Town and Country Planning Order (General Permitted Development) Order 2015 (as amended) does not allow for the erection of buildings. As such there are not permitted development rights for the erection of new buildings at the site that could be removed. Permitted development rights would only enable the creation of hardstanding, private ways, the installation of plant, machinery, sewer pipework, cables or fish farming works where the works are required for agricultural trade or business, permitted development rights also allow for the erection of fences. Permitted development rights could be removed for these works through the imposition of a condition if considered acceptable taking into account the six tests of a planning condition (necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects). The opinion of officers is that this is not the case in this instance.
- 1.3 As the site is in agricultural use, the site does not benefit from other permitted development rights. Planning permission would be required for other forms of development to those highlighted above.

- 1.4 Secondly, clarification was sought in relation to the existence of an existing access that was mentioned by a speaker at the Area Planning Committee, but there was no other evidence to support this suggestion. The agent has confirmed that there is an existence of a historic field gate to the north of the proposed access, but this is completely subsumed by the hedgerow and therefore is not a useable access or visible from Colchester Road. The reintroduction of this access is likely to require formal planning permission.

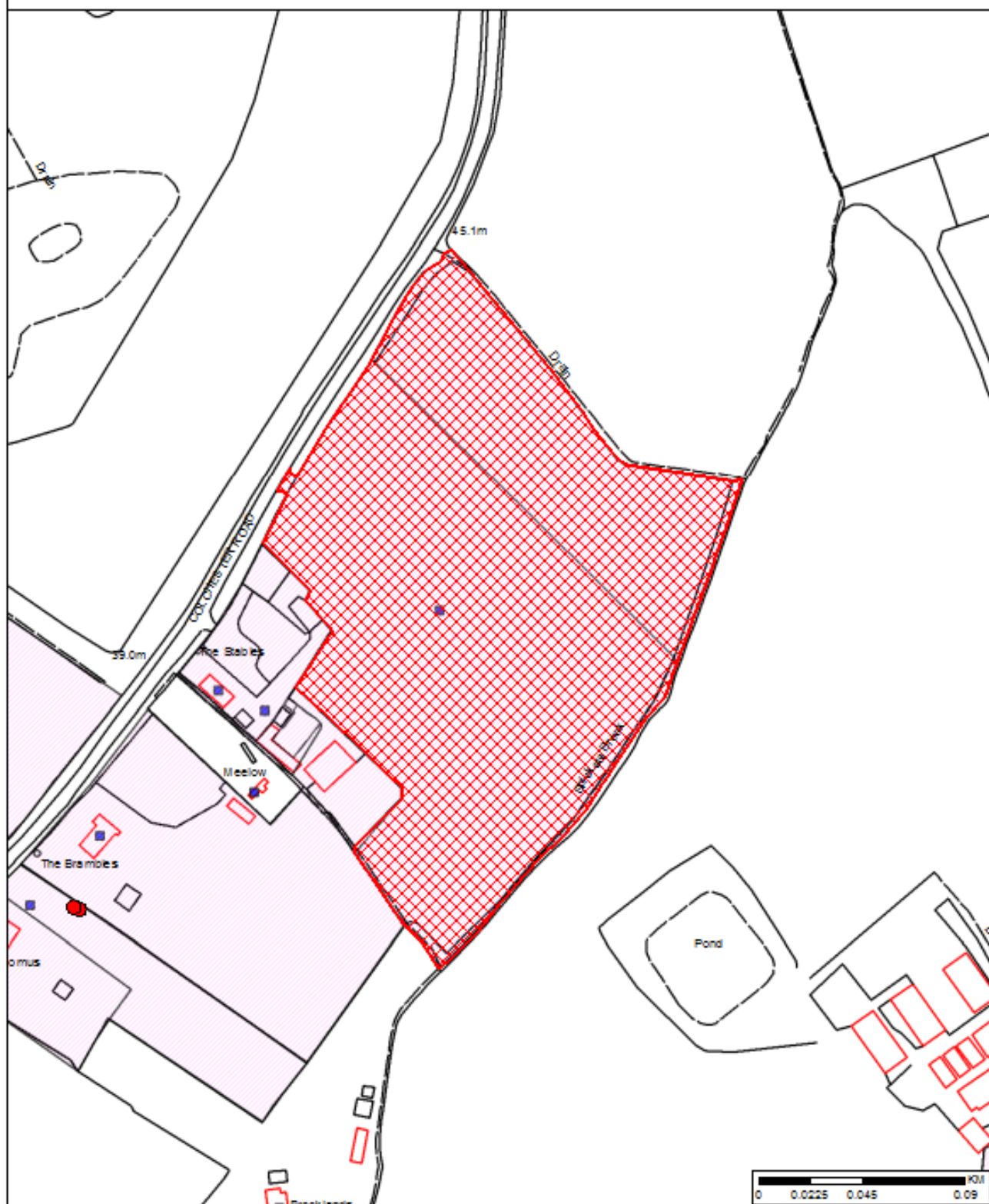
2. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 9 of this report).

3. SITE MAP

Please see overleaf.

18/00632/FUL



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4. SUMMARY

4.1 Proposal / brief overview, including any relevant background information

- 4.1.1 The application site is located on the eastern side of Colchester Road outside of any defined settlement boundary. The site consists of a 3.41 ha smallholding which is not currently occupied by any existing buildings, hardstanding or access. The surrounding area is rural in nature with very few residential neighbours.
- 4.1.2 Also under the ownership of the applicant, in the southernmost part of the site, is a dwelling and several large agricultural buildings, known as 'The Stables'. The Stables does not form part of this application.
- 4.1.3 Planning permission is sought for a new access from the field onto Colchester Road and associated hardstanding required to provide this. The hardstanding would have a depth of 12 metres and a width of 6 metres and would be constructed of a semi-permeable bound surface. To accommodate the access an area of existing hedging would need to be removed and a section faced back to increase the visibility splays in both direction.
- 4.1.4 The area of land providing access onto the highway is not owned by the applicant, however notice has been served on the owners, Essex County Council.
- 4.1.5 A letter from the agent dated 25 May 2018 and submitted alongside the application states that 'the new access will be gated to provide security for the field'. However as this was not included within the development proposal on the application form and no plans have been provided, no gates or fence will be considered as part of this application.

4.2 Conclusion

- 4.2.1 It is considered that the proposed development, by reason of its scale and location would not harm the appearance, character of the locality and, due to the rural nature of the site, the proposed development is not considered to result in any undue harm to residential amenity. In addition the proposed development does not detrimentally impact the highway safety through the introduction of a new access. It is therefore considered that the proposed development is in accordance with policies D1, S1, S8 and T2 of the approved Local Development Plan (LDP).

5. MAIN RELEVANT POLICIES

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

5.1 National Planning Policy Framework 2018 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 124-132 Achieving well designed places

5.2 Maldon District Local Development Plan approved by the Secretary of State:

- E4 Agricultural and rural diversification
- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- D1 Design quality and built environment
- H4 Effective use of land
- T2 Accessibility

5.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Essex Design Guide

6. MAIN CONSIDERATIONS

6.1 Principle of Development

6.1.1 The site is located outside of any defined settlement boundary. Policy S8 of the LDP sets out aim to protect the intrinsic character and beauty of the countryside. This states that outside of defined settlement boundaries, the Garden Suburbs and 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 it is for either:

- Additional development as identified in adopted neighbourhood plans (in accordance with Policies S1 and S7);
- Employment generating proposals (in accordance with Policy E1);
- Community services and facilities to meet local need (in accordance with Policy E3);
- Agriculture and forestry and related development (in accordance with Policy E4);
- The re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3);
- Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5);
- Agricultural and essential workers' accommodation (in accordance with Policy H7);
- Rural exception sites for affordable housing (in accordance with Policy H5);
- Travellers and Travelling Showpeople accommodation (in accordance with Policy H6);
- Green infrastructure, open space and sports facilities (in accordance with Policies N1, N2 and N3);
- Utility and highway infrastructure (in accordance with Policies D4, T1, T2, I1 and I2);

- l) Mixed use development proposals that enable the delivery of a new Community Hospital or a similar healthcare facility (in accordance with Policy I2); and
 - m) Other development proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 6.1.2 It is considered that the proposed development would fall under section (d) and therefore would be in accordance with policy S8 of the LDP. The impact of the proposed development on the intrinsic character and beauty of the countryside is discussed in section 6.2.
- 6.1.3 It is considered that the principle of providing an access to agricultural land is acceptable in accordance with policies E4 and S8 of the LDP as the site has an existing use as agricultural land in the form of a smallholding.

6.2 Design and Impact on the Character of the Area

- 6.2.1 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.
- 6.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

- 6.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.

- 6.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 6.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 6.2.6 The proposed development would result in the loss of 6 metres of existing hedgerow with the remaining hedgerow to the faced back to provide the visibility splays required for vehicles exiting the site. However, it is considered that the amount of hedge to be removed is minimal and there would still be a significant amount of hedgerow remaining between the site and Colchester Road. Therefore the proposed access is not considered to have a significant impact on the character of the area or the overall streetscene.
- 6.2.7 The proposal includes an area of hardstanding associated with the access, which would be constructed of a semi-permeable bound surface. This would result in the loss of a grass verge adjacent to the highway and a small section of the agricultural site. However, in comparison to the size of the site and the remaining green space, the proposed hardstanding is considered to be a minor change and would not justify a reason for refusal.
- 6.2.8 Therefore, it is considered that the development, by reasons of its scale and location would not result in a demonstrable harm to the character and appearance of the existing site and the locality in accordance with policies D1 and H4 of the LDP.

6.3 Impact on Residential Amenity

- 6.3.1 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 Maldon District Design Guide (2017).
- 6.3.2 The application site, within the red line boundary, does not have any residential neighbouring properties. The only neighbouring property would be The Stables on Colchester Road, to the south west of the site which is currently under the ownership of the applicant.
- 6.3.3 A cover letter provided with the application states that this property is to be sold independently of the field. However, it is not considered that the proposed access and hardstanding would have an overbearing impact on The Stables or result in a loss of privacy to this neighbouring property.
- 6.3.4 Therefore, it is not considered that the development would represent an uneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

6.4 Access, Parking and Highway Safety

- 6.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 6.4.2 The Council's adopted Vehicle Parking Standards Supplementary Planning Document (SPD) contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 6.4.3 The proposed development would result in an additional access point onto Colchester Road with a width of 6 metres and constructed of a semi-permeable bound surface. Essex County Council Highways Authority was consulted on the proposals and had no objections subject to the inclusion of three conditions. Therefore, it is considered that the proposals would be acceptable with regard to access and highway safety.
- 6.4.4 The Parish Council has expressed concerns regarding the safety of a new access onto Colchester Road however as the Highways Authority has not objected to the proposal and is satisfied that the new access would be safe, it is not considered that this would justify a reason for refusal.
- 6.4.5 The site does not propose any formal parking. However, there are no specific requirements and therefore there are no objections with regard to this.

7. ANY RELEVANT SITE HISTORY

- 7.1 OS Field 6251, Colchester Road, Great Totham:
- **FUL/MAL/90/01033** - Stables and hay store – approved.
 - **OUT/MAL/93/00300** – Erection of three bedroom bungalow with attached double garage – Refused.
 - **OUT/MAL/93/00615** – Three bedroom bungalow with attached double garage – Refused.
 - **FUL/MAL/00/00100** – Proposed re-siting of approved stable. Revised site plans and forms.
- 7.2 The Stables, Colchester Road, Great Totham:
- **FUL/MAL/02/00410** - Tarmac existing gravel hardstanding area – Refused.
 - **FUL/MAL/06/01085** – Erection of a new barn – Refused.
 - **FUL/MAL/07/00366** – Erection of agricultural barn – Refused and allowed at appeal.
 - **FUL/MAL/09/00385** – Siting of additional mobile home for family use – Approved.

- **FUL/MAL/12/00332** – Replacement of mobile home with bungalow on a like for like basis – Refused.
- **LDE/MAL/13/00911** – Claim for Certificate of Lawfulness: Creation of a permanent dwellinghouse – Approved.
- **FUL/MAL/14/00644** – Replacement dwelling – Refused.
- **FUL/MAL/15/00025** – Replacement dwelling – Approved.
- **HOUSE/MAL/16/01507** – Proposed replacement garage – Approved.

8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	The Council is concerned about the endangering effect on the public of a further access in this location on a busy distributor road with a 60mph limit. The Highway advice is specific to the very limited use of a farming operation but the application does not cite any information of the farm holding to which the land is connected. The Council believes the proposal constitutes unsustainable development and recommends refusal.	Comments noted and discussed in section 6.4 above.

8.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways Authority	From a highways and transportation perspective the impact of the proposal is acceptable to Highways Authority subject to the inclusion of three conditions and one informative.	Comments noted and conditions included.

8.3 Representations received from Interested Parties

8.3.1 No letters of representation have been received.

9. PROPOSED CONDITIONS

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 accordance with the following approved plans and documents: M0001, M0002 Rev B, E101 Rev A, P201 Rev A, M0003 Rev A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 The proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority, details of which shall first have been submitted to an approved in writing by the Local Planning Authority.
REASON: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy T2 of the Local Development Plan.
- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Local Development Plan.
- 6 Prior to the proposed access being brought into use, the vehicular visibility splays as shown on DRAWING NUMBER 17.4969/P201/REV.A shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.
REASON: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy T2 of the Local Development Plan.
- 7 No gates should be erected within 6 metres of the back edge of the carriageway.
REASON: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy T2 of the Local Development Plan.

INFORMATIVES

- 1 Please note that no gates are approved by the planning permission hereby granted.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot
Colchester Road
Chelmsford
CM2 5PU