



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JANUARY 2021**

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| Application Number | 20/00902/FUL |
| Location | Wayside Main Road Mundon |
| Proposal | Proposed replacement of existing outbuildings and erection of new fencing and gates to property entrance. |
| Applicant | Miss S Cooper |
| Agent | Mr Colin Stone - Stone Me Ltd |
| Target Decision Date | 05.01.2021 EOT requested |
| Case Officer | Hannah Bowles |
| Parish | MUNDON |
| Reason for Referral to the Committee / Council | Major Application |


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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| | | <p>Organisation: Maldon District Council</p> |
| | | <p>Department: Planning Services</p> |
| | | <p>Comments: Not Set</p> |
| | | <p>Date: 05/01/2021</p> |
| | | <p>MSA Number: 100018588</p> |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located in a rural area, outside of a defined settlement boundary. The site forms a parcel of land which measures 1.95 hectares. The site accommodates a residential dwelling and its residential curtilage, a cluster of outbuildings used for equestrian purposes and a ménage, which are located beyond the residential curtilage of the dwelling, and an open and undeveloped paddock accommodates the western section of the site. The area surrounding the site is rural in nature with a mix of commercial and residential development present within the immediate vicinity of the site.
- 3.1.2 Planning permission is sought for the replacement of four of the existing outbuildings, together with the erection of new fencing and gates to the property entrance.
- 3.1.3 The cluster of outbuildings are located within the south east corner of the site. There are six existing outbuildings labelled A-F on the existing and proposed plans. Outbuilding A would not be altered. Outbuildings C, D, E and F would be replaced with buildings of a similar scale, located on the footprint of the existing buildings. Whilst outbuilding B will be altered including enclosing the sides of the existing structure.
- 3.1.4 Outbuilding C would be replaced by a building which is slightly smaller in terms of footprint, it would measure 11.6m by 20.2m with a ridge height of 4.8m.
- 3.1.5 Outbuilding D would be replaced by a building with the same footprint and a ridge height around 1m higher than the existing. The replacement building would measure 9.8m by 6.5m with a ridge height of 3.9m.
- 3.1.6 Outbuilding E is an unusual shaped building and would be replaced with a slightly larger, rectangular building measuring 5.7m by 13.1m with a ridge height of 3.6m.
- 3.1.7 Outbuilding F would be replaced by a building with the same footprint of 9.9m by 2.3m, the existing building has a flat roof form and the proposed building has a pitched roof form, which increases the overall ridge height of the building from 2.2m to 2.8m.
- 3.1.8 The outbuildings are currently and would continue to be used for equestrian purposes in association with the main dwelling at the site, and it is specified that building F would be used to house chickens.
- 3.1.9 The proposed fencing and entrance gate would be located along the front (north) boundary of the application site. 1.2m high post and rail fencing would be erected to the front of the vegetation which currently forms part of the front boundary of the application site. The proposed field gate would be set 6m back from the public highway and would have a maximum height of 1.6m.

3.2 Conclusion

- 3.2.1 The proposed development relates to the erection of a fence and gate at the property entrance and the replacement of four outbuildings which are currently used for equestrian/agricultural purposes ancillary to the main dwelling at the site. The use is not proposed to be altered or intensified except for the introduction of the housing of chickens. The proposed development is considered to have an acceptable visual impact on the site and surrounding area, would not detrimentally impact the residential amenity of the neighbouring occupiers, and would not impact the provision of private amenity space or parking provision. Therefore, the proposal is considered to be in compliance with policies S8, D1, and H4 of the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 184 – 202 Conserving and enhancing the historic environment
- 117 – 123 Making effective use of land
- 80 – 84 Building a strong, competitive economy

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide.(MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its LDP unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The proposal is for the replacement of existing outbuilding used for equestrian and agricultural purposes in association with the main dwelling at the site and for the erection of a fencing and gates to the property entrance.
- 5.1.3 The proposed development would be located outside of any defined development boundary, it is considered that the principle of replacing existing outbuildings, which will continue to be used within an equestrian and agricultural use, would be commensurate with the rural character of the locality and is objected to in principle. Further, it is noted that the proposed development would be used ancillary to the main dwelling on the site and along with the principle of the new fencing and gates, the principle of providing facilities in association with residential accommodation is considered acceptable in line with policies D1 and H4 of the approved LDP and the core planning principles contained within the NPPF. However, all other material planning considerations must be taken into account. These matters are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.2.3 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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The cluster of outbuildings are located within the south east corner of the application site set back from Burnham Road by a minimum of 130m and set back from Main Road by a minimum of 52m, given the distance from the public highway and existing development at the site, the six existing outbuildings are not highly visible from within the public realm.
- 5.2.6 As set out above outbuildings A would not be altered whilst outbuilding B would be altered slightly through being partially enclosed. Outbuildings C, D, E and F would be replaced with buildings of a similar scale, located on the footprint of the existing buildings.
- 5.2.7 The alterations to outbuilding B are considered to be minor. The partial enclosure of the current open bays with timber cladding is considered to have a neutral visual impact.
- 5.2.8 Existing outbuilding C measures 16.4m by 21.5m with a ridge height 4.8m and is proposed to be replaced by a building which would measure 11.6m by 20.2m with a ridge height of 4.8m.
- 5.2.9 Existing outbuilding D measures 9.8m by 6.5m with a ridge height of 2.9m. The replacement building would measure 9.8m by 6.5m with a ridge height of 3.9m.
- 5.2.10 Existing outbuilding E is an unusual shaped building with a width of 13.1m, maximum depth of 4.6m and ridge height of 2.8m. The replacement building would be a rectangular building measuring 5.7m by 13.1m with a ridge height of 3.6m.
- 5.2.11 Outbuilding F would be replaced by a building with the same footprint of 9.9m by 2.3m, the existing building has a flat roof form and the proposed building has a pitched roof form, which increases the overall ridge height of the building from 2.2m to 2.8m.
- 5.2.12 Overall the replacement of the existing building will result in a reduction in the overall built form at the application site, whilst some of the outbuildings would be marginally larger than the existing, the visual impact is considered to be neutral. In terms of appearance the existing outbuildings, whilst appearing structurally sound, are tired in appearance and in need of attention, the replacement outbuildings would

appear as traditional agricultural / equestrian buildings and are considered to result in a visual improvement to the existing site.

- 5.2.13 It is specified within the submitted design and access statement that materials such as timber cladding with matching timber soffit and fascias, plain clay tiles and steel sheet roofing, would be used for the proposed development. The proposed materials are considered to be acceptable. However, given the lack of specific detail, a condition to ensure full details are submitted to the Local Planning Authority (LPA) for approval, is recommended.
- 5.2.14 The proposed fencing and entrance gate would be located along the front (north) boundary of the application site. The post and rail fence and field gate are considered to respect the rural area in which they would be set and therefore, no concerns in relation to the visual impact of this element of the proposal is raised.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site has two adjacent neighbouring properties 'Homefield Bungalow' which is located to the east of the site and set a minimum of 22m from the closest outbuilding and 'The Grove' located to the south of the site and is around 95m from the closest outbuilding.
- 5.3.3 The proposal to replace four of the existing outbuildings is not considered to result in a loss of amenity to 'The Grove' considering the distance from the proposed development. 'Homefield Bungalow' is located around 22m from outbuilding E, which is proposed to be replaced. Given the separation distance and that the scale of the replacement building is only marginally larger in width, depth and height, the replacement building E is not considered to result in a loss of residential amenity in terms of overlooking, a loss of light or an overbearing impact. The remainder of the replacement outbuildings are sited further from 'Homefield Bungalow', would be sited over the footprints of the existing buildings and are of a similar scale. Therefore, it is not considered they would result in any adverse impacts in terms residential amenity.
- 5.3.4 Given the siting and nature of the proposed fencing and gate this element of the proposal would not result in an overbearing impact, loss of light or overlooking that would detrimentally impact the amenity of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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.

- 5.4.2 The proposed development includes the erection of new fencing and entrance gates to the existing entrance to the property. Initially the proposed gate was set only 3m back from the public highway. Following concerns raised by the Highways Authority, this element of the proposal was amended, and the gate has been re-sited 6m back from Main Road, which will allow for safe ingress and egress from the site and overcomes the concerns raised.
- 5.4.3 The proposal would not impact the parking provision or existing access point provided at the application site.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposal would not impact the level of private amenity space provided at the application site.
- 5.5.3 It has been confirmed within the application documents that the existing hard and soft landscaping will remain as existing. Given the nature of the proposed works and taking into account that the proposal results in an overall reduction of the built form at the site, it is considered that this is acceptable. It is recommended that a condition, to ensure the retention of the existing soft landscaping along the front boundary of the site, is imposed should the application be approved.

5.6 Other Material Considerations

- 5.6.1 The application site is currently in equestrian use and the replacement outbuildings would be used in association with the existing equestrian use. There are currently two existing stable buildings at the application site, outbuilding C and outbuilding F, together they provide eight bays. Replacement building C would be used as a stable block providing eight bays (replacement building F is proposed be used to house chickens). Therefore, there would be no intensification of the use.
- 5.6.2 Consideration is required to be given to the welfare of the horses and whether the proposed facilities and land area would be compliant with the Department for Environment Food and Rural Affairs (DEFRA) Code of practice. The code of practice states that as a general rule, each horse would require approximately 0.5-1.0 hectares of grazing of a suitable quality if no supplementary feeding is provided.
- 5.6.3 Given that there are eight proposed stable blocks, the requirement would be a minimum 4ha of suitable quality grazing land. The paddock land to the west of the site is approximately 0.5ha, which falls significantly below the recommendation. The code of practice states that a smaller area may be adequate where a horse is principally housed, and grazing areas are used only for occasional turnout. It is clear

that storage for hay would be provided within the replacement outbuilding C suggesting that supplementary feeding will take place. However, there has been no information provided to demonstrate that the store area will be adequately sized to store the required amount of feed. Whilst this would generally form a reason to refuse an application of this nature, given that the use is existing and is not proposed to be intensified and that there is sufficient space on the site for the storage of feed, given the six outbuildings, it is considered that it would be unjustifiable to refuse the application on these grounds.

- 5.6.4 The code of practice also advises that a minimum of 3.65m x 3.65m stable size is required per horse. The proposed stables would provide accommodation for the horses in line with the requirement.

6. **ANY RELEVANT SITE HISTORY**

- **02/00924/FUL** - Re-use of redundant farm buildings for B1 - light industrial, B2 - general industrial and B8 - storage and distribution - **Refused**
- **03/00051/OUT** - Proposed chalet style dwelling house - **Refused**
- **04/01071/FUL** - Demolition of existing single storey flat roof extension and erection of two storey extension - **Approved**
- **09/01021/FUL** - Alterations to roof form over existing building projection - **Approved**
- **10/00777/HOUSE** - Alterations to roof form over existing building projection. Amendments to approved application HOUSE/MAL/09/01021 - **Approved**

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|---|--|
| Mundon | They need to be set back at least 6 metres and according to the submitted plan, there is a maximum set back of around 3 metres. Therefore, from a highway's perspective, this would be a recommendation of refusal. | Noted and addressed within section 5.4 of the Officers report. |

7.2 **Statutory Consultees and Other Organisations**

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---|
| County Highways | Initial objection as the gates were not set back the required 6m from the public highway. | Following the receipt of the objection an amended plan which shows the relocated gate 6m from Main Road, has been |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|----------------|--|
| | | submitted and overcomes the concerns raised. |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|--|-------------------------|
| Environmental Health | No objection, subject to a condition in relation to the external illumination of the site. | Noted and recommended. |

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 accordance with the following approved plans: 1894 01A, 1894 02A, 1894 03A, 1894 04A, 1894 05A, 1894 06A, 1894 07A, 1894 08A, 1894 09A, 1894 10C, 1894 11A, 1894 12.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No works above ground level shall occur until full details or samples of the materials to be used for the external finish of the outbuildings hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as 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 No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority.
REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.
- 5 Outbuildings C, D and E (as referenced on the proposed plans) hereby approved shall be used solely for the equestrian uses ancillary to the main dwelling at 'Wayside Main Road Mundon' and shall not be used for business or commercial use including for the purposes of livery or any riding school activity.
REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.
- 6 Outbuildings F (as referenced on the proposed plans) hereby approved shall be used ancillary to the main dwelling at 'Wayside Main Road Mundon'.

REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.

- 7 The gate hereby approved at the existing vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway boundary and retained as such thereafter.

REASON To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy D1 of the Local Development Plan.

- 8 The soft landscaping along the front boundary of the application site (north) shall be retained in perpetuity.

REASON To protect the rural character of the area in accordance with policies S1, S8 and D1 of the Local Development Plan.

INFORMATIVES

1. The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessment and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. It will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.

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

2. The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar.

Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturates soils.

3. 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.

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

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

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

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

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