



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
3 NOVEMBER 2021**

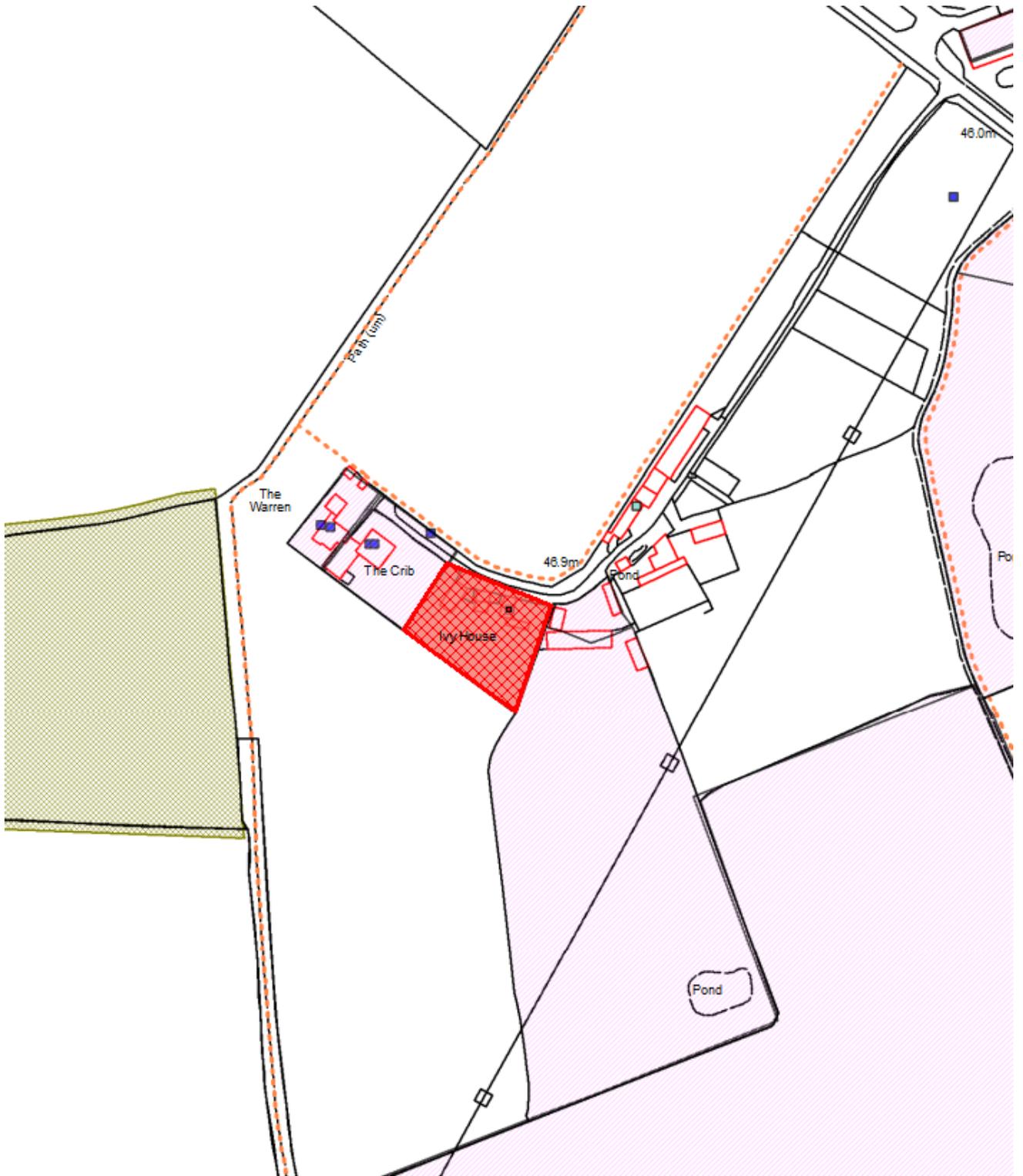
<b>Application Number</b>	<b>21/00797/FUL</b>
<b>Location</b>	Ivy House, Hackmans Lane, Purleigh, CM3 6RJ
<b>Proposal</b>	Demolition of the existing dwelling and erection of a two storey dwelling with attached gym and garage
<b>Applicant</b>	Mr Omar Ashamari
<b>Agent</b>	Miss Nicole Bushell - Arcady Architects
<b>Target Decision Date</b>	12.10.2021 EOT 05.11.2021
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor S White Reason: Sustainability

1. **RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8.

2. **SITE MAP**

Please see below.



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south west of Hackmans Lane, down a long private and gated access track which extends in excess of 400m from its junction with Hackmans Lane, a public footpath runs parallel with the access track. The track provides access to a cluster of farm buildings, Ivy House, which is the site subject of this application and neighbouring properties; The Crib and associated annexe and The Warren and associated mobile home. The area surrounding this small cluster of development is rural in nature, made up exclusively of open and undeveloped countryside.
- 3.1.2 The application site is currently occupied by a modest, single storey dwelling and an associated detached garage building.
- 3.1.3 Planning permission is sought to demolish the existing dwelling and garage and for the erection of a two storey dwelling with rooms within the roof space and an attached gym and garage.
- 3.1.4 The proposed main dwelling building would measure 15m wide, 10m deep, it would extend 4.9m to eaves and 8.4m to the ridge. The proposed gym and garage would be provided in the form of an attached single storey element of a rough 'T' shape which would project from western side elevation of the main dwelling, linked by the proposed utility room. The link / utility room would measure 4.4m wide, 4.2m deep, it would extend 2.4m to eaves and 4.4m to the ridge. The proposed gym and garage element would measure 6.6m wide, 11.2m deep, it would extend 2.4m to eaves and 5.2m to the ridge.

#### **3.2 Conclusion**

- 3.2.1 The proposed replacement dwelling is significantly larger than the dwelling which it would replace. However, having regard to context of the site and scale and design of the existing dwellings within the vicinity of the site, it is considered that on balance, the proposal is acceptable. Further, the proposal would not cause harm to the amenities of adjacent neighbouring occupiers and would provide an adequate level of private amenity space and car parking provision in accordance with approved policies S1, S8, D1 and H4 of the Local Development Plan (LDP) and the provision and guidance as 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 (NPPF) 2021, 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
- 54-58 Planning conditions and obligations
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-158 Meeting the challenge of climate change, flooding and coastal change

- 174-188 Conserving and enhancing the natural environment
- 189–208 Conserving and enhancing the historic environment

#### 4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D2 Climate Change & Environmental Impact of New Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

#### 4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards (VPS) SPD
- Maldon District Design Guide (MDDG) SPD
- Planning Practice Guidance (PPG)

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The application site lies outside of the defined settlement boundary. However, as the proposal is for a replacement dwelling the principle of a dwelling being located at this site is already established. Policy H4 of the approved LDP states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) *The residential use of the original dwelling has not been abandoned;*
- 2) *The original dwelling is not a temporary or mobile structure;*
- 3) *The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;*
- 4) *The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;*
- 5) *The proposed replacement dwelling is of a design appropriate to its setting;*  
*and*
- 6) *The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.1.3 Having visited the site it is noted that the residential use of the original dwelling has not been abandoned and that it is not a temporary or mobile structure, in accordance with criteria 1 and 2. The existing bungalow on site is not considered to have a particularly strong relationship to the neighbouring dwellings or surrounding area by

way of its design and is considered to be of limited architectural merit. Therefore, the existing dwelling is not considered to be worthy of retention and does not conflict with criterion 3.

- 5.1.4 The assessment of the proposed dwelling in relation to criteria 4 and 5 is undertaken in detail below.
- 5.1.5 The proposal would not result in the loss of any heritage features and no important landscape or ecology interest has been recorded on this site, in compliance with criteria 6.
- 5.1.6 The proposal would therefore accord with Policy H4 (1) (2) (3) and (6) of the LDP, points (4) and (5) are discussed in the report 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*

*“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”.*

- 5.2.3 This principle has been reflected to the approved LDP. 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.*
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.5 The proposal is for a replacement dwelling. Policy H4 seeks to encourage development only if the proposed replacement dwelling is of an appropriate scale and design to the plot and its setting.

- 5.2.6 The existing dwelling which currently occupies the site is a modest rectangular building with a hipped roof form, with two flat roof projections measuring a maximum of 8.7m wide (including side projection), 14.3m deep and 5.2m to the ridge. The existing garage building measures 12.2m wide, 6m deep and 3.3m to the ridge.
- 5.2.7 The replacement dwelling is significantly larger than the existing dwelling, with an additional storey and a larger footprint. Given the scale of the proposed replacement dwelling there would be a greater visual impact than the existing dwelling to the residents of the neighbouring dwellings utilising the private access track and users of the public footpath located directly to the front of the site. However, it is noted that the neighbouring dwelling located adjacent to the west of the site is a large and modern dwelling, of a much greater scale than that proposed under the terms of this application, particularly taking into account the attached two storey annexe building. Therefore, it is not considered that an objection in respect of the scale of the development could be defensible.
- 5.2.8 Further, whilst the dwelling would extend across the majority of the site, it would maintain a distance of 2.55m from the western boundary, 5.58m from the eastern boundary, 11.4m from the front boundary and 18m from the rear boundary of the site. In addition, it would be set back approximately 5 metres further from the highway than the original property and 10 metres further from the highway than the garage building. Therefore, having regard to the size of the site, it is not considered that the proposed dwelling is excessive in terms of scale and it is not considered to appear cramped within its surroundings in compliance with criteria 4 of policy H4.
- 5.2.9 The proposed design represents a modern take on a farmhouse style property. Whilst it is not particularly reflective of the two dwellings present within the vicinity of the site, they are both of individual designs which are not particularly reflective of each other. The Crib is a large modern dwelling, which is rendered with a high level of glazing within the front elevation and The Warren is a traditional rendered dwelling with a gambrel roof form. Therefore, the design of the dwelling is considered to be in keeping to an acceptable degree given the context of the site. Therefore, it is considered that the proposed replacement dwelling is of a design appropriate to its setting in compliance with criteria 4 of policy H4.
- 5.2.10 Although the dwelling would be located within a rural area, the residential use of the site has already been established and the proposed replacement dwelling is not considered to result in a significant detrimental visual impact upon the character and appearance of the area to warrant refusal of the scheme.
- 5.2.11 The new two storey dwelling would have a larger impact on the streetscene, when compared to the current bungalow. However, it is not considered that the proposed dwelling is excessive in size and, due to the size of the site, it is not considered to appear cramped within its surroundings.
- 5.2.12 The proposed materials have been specified as render and brick for the walls, no other details have been submitted and therefore a condition to secure the details prior to their use in the development has been recommended.
- 5.2.13 Therefore, on balance, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing site or the locality in accordance with policies D1 and H4 of the LDP.

### **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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The application site has one adjacent neighbouring property 'The Crib' which is located to the west of the site. The single storey garage and gym element would be located 2.55m from the shared boundary with a separation distance of approximately 26.7m dwelling to dwelling. The main two storey dwelling would be sited around 38m from the neighbouring dwelling.
- 5.3.3 Given the separation distance it is not considered that the proposal would result in an overbearing impact or overshadowing to the detriment of the neighbouring occupiers. Further, there are no windows proposed within the side elevations that would result in undue overlooking.
- 5.3.4 There are no other properties within the vicinity of the site that would be unduly impacted by the proposal.
- 5.3.5 Therefore, is not considered that the replacement dwelling would form an unneighbourly form of development, in accordance with the stipulations of D1 of the LDP.

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

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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 Council's adopted VPS 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.
- 5.4.3 The replacement dwelling would result in a potential six bedroom property, and therefore would require parking provision for three vehicles. the proposed attached garage would provide space to park two cars and the further parking could be accommodated to the front of the dwelling. Therefore, there is no objection with regards to car parking.
- 5.4.4 The existing access for the site is to remain. The Highways Authority have been consulted and there is no objection to the scheme in terms of highway safety.

## 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 MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.5.2 The replacement dwelling would have a larger footprint than the existing dwelling and therefore the amount of private amenity space would be reduced. However, the garden size would still be provided in excess 800sqm which is vastly in excess of the requirement in the SPD. Therefore, there are no objections with regards to private amenity space.
- 5.5.3 Limited details have been provided in respect of hard and soft landscaping. Therefore, a condition has been recommended to ensure that the details are submitted for approval.

## 6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant site history.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object: The application does not contain any information about drainage or sewerage disposal, which Members believe is a very important consideration when assessing the suitability of new development. Flood prevention and the protection of the environment being increasingly important, as reflected in Policies D1 and H4 of the Local Development Plan 2014 - 2029 and guidance contained in the National Planning Policy Framework.	Conditions in respect of the drainage and sewerage disposal have been recommended. Should the application be approved the applicant would be required to provide the details to the LPA for approval.

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection.	Noted.
Ecology – Place services	No objection subject to conditions.	Noted and conditions recommended.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted and conditions recommended.

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received from interested parties.

## 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: 21/23/01, 21/23/02, 21/23/03, 21/23/04, 21/23/05 and 21/23/07.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use in the development hereby approved, details of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.  
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 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 dwellinghouse hereby approved is a replacement for that which exists in accordance with policy H4 of the Local Development Plan.
- 5 No development works above ground level shall occur until details of the surface water 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. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 6 No development works above ground level shall occur until details of the 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 that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 7 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 D1 of the Local Development Plan.

- 8 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 policy D1 of the Local Development Plan.

- 9 Prior to any works above ground level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Local Development Plan and the guidance contained within the NPPF.

- 10 Prior to the occupation of the dwelling hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To enhance and protect the habitat for any bats within the area which are Protected and Priority Species, in accordance with policy N2 of the Local Development Plan and the guidance contained within the NPPF.