



**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**  
**to**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**6 February 2017**

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<b>Application Number</b>	<b>OUT/MAL/16/01490</b>
<b>Location</b>	Land Adjacent 18 Totham Hill Green, Great Totham
<b>Proposal</b>	Erect detached bungalow with integral garage, and layout parking and amenity areas.
<b>Applicant</b>	Mr & Mrs L And R De Belligny
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Date Valid</b>	22 December 2016
<b>Target Decision Date</b>	16 February 2017
<b>Case Officer</b>	Emily Hall, TEL: 01621 875744
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Land Adjacent 18 Totham Hill Green, Great Totham**  
**OUT/MAL/16/01490**



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 Maldon District Council 100018588 2014

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee -16/01490/OUT
Date:	24/01/2017
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site sits on the west side of Totham Hill Green, south of a pair of listed semi-detached dwellings. A fairly continuous line of built development runs north from these cottages. To the south of the site is Croft Cottage, a listed detached dwelling, beyond which is open agricultural land. The site is roughly square and measures some 45m along its road frontage. This frontage is marked by a substantial hedge. The site accommodates a field access and some modest agricultural style buildings and there is some evidence of low key open storage. Otherwise it is free of built development and its character has more in common with an agricultural holding than with the residential development to the north.
- 3.1.2 The application site is outside of the defined settlement boundary of Great Totham.
- 3.1.3 Outline planning permission is sought for the erection of a detached bungalow with integral garage, amenity space and parking. Access and layout are matters for consideration at the current time but all other matters are reserved for consideration at a future date.
- 3.1.4 The submitted block plan details that the existing three barns / structures on the site would be removed. The proposed dwelling would have an irregular footprint and would be set back from the highway by between 14 and 18 metres.
- 3.1.5 The application is a resubmission of a previously withdrawn scheme. The alignment of the hedge at the eastern boundary has been set back from the highway to allow for a 2.4 metre wide parallel band visibility splay to be formed as requested by the Highway Authority in relation to the previous application 16/01034/OUT which was withdrawn.

#### **3.2 Conclusion**

- 3.2.1 The application site is in a rural location outside of the defined settlement boundary of Great Totham where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site application site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District.
- 3.2.2 The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area. Furthermore, the gradual transition from built up area to countryside within the vicinity of the site would be undermined by the construction of a new dwelling and associated domestic paraphernalia within the application site harming the character and appearance of the area. The visual intrusion of a residential dwelling, vehicle access and parking area, along with associated domestic paraphernalia, is considered to result in an urban style development with significant detrimental impacts upon the character and appearance of the countryside location.

#### **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**

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

- S2 Development outside Development Boundaries
- BE1 Design of New Development and Landscaping
- CC6 Landscape Protection
- T1 Sustainable Transport and Location of New Development
- T8 Vehicle Parking Standards

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

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

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan 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 Policies S1 and S2 of the RLP provide the strategic position for the District through defined development boundaries for villages/urban areas and seek to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S2 of the RLP, as well as policies CC6 and H1, indicate that outside defined settlements housing will not normally be allowed and the landscape be protected for its own sake. Any proposal should be assessed in accordance with policy BE1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.

5.1.3 The LDP, as submitted, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable

development encompassing the three dimensions identified in the NPPF. Policy S8 of the LDP states 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 the development is for one of the development types listed within Policy S8.

- 5.1.4 The site is in a location where policies of restraint apply and for the purposes of planning policy is located within the countryside. The proposed development would not fall within any of the categories listed within policy S8 and is outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations. Therefore, the principle of development is unacceptable.
- 5.1.5 Outline planning permission has been granted for the erection of a dwelling at a site on the east side of Totham Hill Green at Land south of Wesley Cottage, planning reference 16/00534/OUT. This site is opposite the southern end of the application site. The application site for 16/00534/OUT is located within the defined settlement boundary of Great Totham, where the principle of development is acceptable. The material planning considerations between the two sites are vastly different and the unsuitability of the current application site for residential development has been confirmed by the planning inspector's decision which dismissed the appeal lodged in relation to 14/00411/OUT.

## **5.2 Housing Land Supply and Need**

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is now able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as "unknown" on the application form. However, submitted block plan and design and access statement refer to a "three/four bedroom bungalow". The proposal is considered to make a limited contribution to the identified housing needs within the district.

### **5.3 Impact on the character and appearance of the area and design**

- 5.3.1 The application site is located outside of the settlement boundary of Great Totham. Policy CC6 of the RLP seeks to maintain the attractive and varied landscape present within the District and the Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District. The Landscape Character Assessment and is relevant for the determination of this application.
- 5.3.2 The application site is located within the Totham Woodham Farmland Area, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area covers the wooded eastern hills and slopes above the River Blackwater, which stretches from the sparsely settled Kelvedon Hall Farm area in the north, through Great Braxted and to the Eastern Wood and Captain's Wood in the south. The landform is rolling hills with some steep ridges and the field pattern is irregular, usually following the topography of the land. The scale varies from intimate and enclosed on the higher thickly wooded slopes and ridges, to medium scale on the lower southern slopes where hedges and hedgerow trees predominate as field boundaries.
- 5.3.3 The application is outline in nature with the matters of layout and access for consideration.
- 5.3.4 The application site sits on the west side of Totham Hill Green, south of a pair of listed semi-detached dwellings. A fairly continuous line of built development runs north from these cottages. To the south of the site is Croft Cottage, a listed detached dwelling, beyond which is open agricultural land. This frontage is marked by a substantial hedge. The site accommodates a field access and some modest agricultural style buildings and there is some evidence of low key open storage. Otherwise it is free of built development and its character has more in common with an agricultural holding than with the residential development to the north.
- 5.3.5 By virtue of its size and character the site creates a substantial gap between Croft Cottage and the cottages to the north. As such, the proposed development would amount to an extension of the built up area, rather than infilling within an otherwise built up frontage. There is built development opposite, and to the south of, the site on the east side of Totham Hill Green. However, these properties are fairly widely spaced and are set back from the road behind a greensward which increases in depth towards its southern end. This section of the road also becomes more rural in character, not least due to the substantial hedge along the appeal site frontage. This gradual transition from built up area to countryside contributes positively to the character of the area. It would be undermined by the construction of a new dwelling and associated domestic paraphernalia at the appeal site. The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area.
- 5.3.6 This view is consistent with the dismissed appeal on the site, planning application reference FUL/MAL/14/00411 and there are no new material considerations that would alter this stance.

- 5.3.7 As highlighted previously the application is outline in nature with the matters of layout and access to be determined within the current application. Because access is a matter for consideration the highways authority has been consulted who have no objection to the proposal subject to conditions. One of the proposed conditions relates to the facilitation of a 2.4 metre wide parallel band visibility splay across the entire sites frontage to Totham Hill Green which must be maintained free from obstruction clear to ground in perpetuity the alignment of the existing hedge has been proposed on the block plan to accommodate this condition. Whilst the hedge could be replanted/ re-sited, a new a hedge in a new position behind the visibility area would dilute the existing rural character of the road.
- 5.3.8 This view is consistent with the dismissed appeal on the site, planning application reference FUL/MAL/14/00411 and there are no new material considerations that would alter this stance.

#### **5.4 Impact upon Historic Interest of Listed Building**

- 5.4.1 The site is located between listed buildings, Croft Cottage to the south and Bean Cottage and Walnut Tree Cottage to the north. All are Grade II Listed. Croft Cottage is located outside of the settlement boundary and is a post medieval timber-framed cross-wing dwelling with exposed timber frame, an unusual feature in the district. This dwelling is set in an attractively landscaped garden and is relatively isolated. The dwellings to the north (Bean and Walnut Tree Cottage) are late Georgian with timber frame and painted brick face. Its design with a gambrel roof is a distinct feature in the district. The dwellings are less isolated than Croft Cottage and more integrated with the village due to their location within the defined development boundary.
- 5.4.2 Whilst policy BE16 relates to development in the curtilage of a listed building, it is considered a relevant policy in assessing the proposal's impact on the adjacent heritage assets. The policy states that permission would not be granted for development that would harm the setting of a listed building.
- 5.4.3 The Conservation Officer has raised no objection to the current proposal subject to conditions. These conditions are considered necessary and reasonable to protect the character and setting of the two adjacent listed buildings.

#### **5.5 Effect on Neighbouring Residential Occupiers**

- 5.5.1 Policy BE1 requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan (LDP) similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.5.2 Layout is a matter for consideration and whilst the arrangement of fenestration is not known at this stage the proposal is for a single storey dwelling.
- 5.5.3 The proposed dwelling would be set back from the northern boundary by 9.9 metres, the eastern boundary by 18 metres, the southern boundary by 17.9 metres and the western boundary by 10.4 metres.

- 5.5.4 The application site is located in a semi-rural setting. There are residential dwellings to the north, east and south of the site.
- 5.5.5 The proposal is for a single storey dwelling; given its single storey nature the dwelling is unlikely to give rise to issues of overlooking. However, this will be further considered at reserved matters stage.
- 5.5.6 In addition, given the distance of the proposal from the neighbouring properties, it is not considered to represent an unneighbourly or oppressive form of development. However, this will be further considered as reserved matters stage.

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

- 5.6.1 It is proposed to utilise the existing access to the site at the eastern boundary. Totham Hill Green is a classified road. The highways authority has been consulted and raises no objection to the proposal on highways safety terms subject to the imposition of suitable planning conditions.
- 5.6.2 One of the proposed conditions relates to the facilitation of a 2.4 metre wide parallel band visibility splay across the entire sites frontage to Totham Hill Green which must be maintained free from obstruction clear to ground in perpetuity. The alignment of the hedge at the eastern boundary of the site has been amended to comply with this condition.
- 5.6.3 The proposal complies with policies T8 of the RLP and D1 and T2 of the LDP and guidance contained within the NPPF.
- 5.6.4 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as “unknown” on the application form. However, submitted block plan and design and access statement refer to a “three/four bedroom bungalow”.
- 5.6.5 The Council’s Vehicle Parking Standards requires dwellings of with three bedrooms to provide a maximum of two parking spaces and a dwelling with four or more bedrooms to provide a maximum of three parking spaces.
- 5.6.6 Layout is a matter to be considered within the scope of the current application. The block plan details a dwelling that would be located centrally within the plot with an integral double garage and hard standing in the north east corner of the site. Parking for at least four vehicles would be provided within the site in compliance with the Council’s Vehicle Parking Standards.

## **5.7 Provision of Amenity Space and Landscaping**

- 5.7.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development.
- 5.7.2 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as “unknown” on the application form. However, submitted block plan and design and access statement refer to a “three/four bedroom bungalow”.



- 5.7.3 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>.
- 5.7.4 Layout is a matter to be considered within the scope of the current application. The block plan details a dwelling that would be located centrally within the plot with amenity space surrounding the dwelling. The private amenity space, set back from and to the rear of the dwelling measures approximately 900m<sup>2</sup> which is in excess of the guidance contained within the Essex Design Guide.
- 5.7.5 Landscaping is not a matter for consideration within the scope of the current application. However, the block plan details that the existing hedges and trees at the boundary are to be retained but reduced in height to 1 metre at the eastern boundary of the site adjacent to Totham Hill Green. Concerns about highways safety have previously been highlighted in respect of this. To ensure that adequate visibility is provided with respect to accessing the site the existing hedge would need to be removed. The existing hedge makes a valuable contribution to the character and appearance of the area, and a new a hedge in a new position behind the visibility area would dilute the existing rural character of the road.

## **5.8 Sustainability**

- 5.8.1 Sustainability does not relate solely to the location of the development but is tripartite, relating to economic, social and environmental aspects which are explained in paragraph 7 of the NPPF.
- 5.8.2 The application site adjoins established residential development but is outside of the defined settlement boundary of Great Totham. It is some 640m from the nearest local facilities and bus stops. The route is along a lane which is, for the most part unlit and without footpaths. It would not, therefore, be attractive for pedestrians and would be unlikely to encourage cycling, particularly after dark or during inclement weather.
- 5.8.3 Moreover, the facilities available comprise a public house, florist and a church, which are unlikely to provide for the majority of day to day needs of future occupiers. The bus stops near these facilities provide services to Great Totham South as well as Heybridge, Tiptree and Colchester where greater ranges of facilities are available. However, the need to catch a bus, together with the shortcomings of the route to the bus stop, would not be an attractive option for future residents and that they would be more likely to use a car to travel for their day to day needs. Therefore, even taking into account that that NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, it is considered that the proposal would not contribute to sustainable travel patterns.
- 5.8.4 In terms of the social dimension of sustainability, the Council is in a position where it can demonstrate a five year housing land supply and the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability.
- 5.8.5 The application site would not be isolated from the established community. However, in view of its harmful effect on the character and appearance of the area, the proposal

would have a negative impact of the natural and built environment and would not contribute to environmental sustainability.

- 5.8.6 The proposal would create jobs during the construction of the dwelling and this would contribute to the economic dimension of sustainability, albeit for a limited period. Future residents could also be expected to help to support the limited range of local facilities.
- 5.8.7 Nevertheless, taking into account the concerns over the proposals harmful effects on the character and appearance of the area and travel patterns, it is concluded that its adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, amount to a sustainable form of development. Nor would it accord with the aims of RLP policy T1 or emerging LDP policies S1, T1 and T2.

## 6. ANY RELEVANT SITE HISTORY

### Application site

- 14/00411/FUL - Erection of one detached dwelling. Refused: 11 September 2014. Appeal dismissed: 19 February 2015.
- 13/00126/FUL - Demolition of ancillary buildings and proposed 4 new 2 bedroom semi-detached dwellings with associated parking. Refused: 12 April 2013.

### Other sites within the vicinity of the application site

- 16/01034/OUT - Erect detached bungalow with integral garage, and lay out parking and amenity areas. Withdrawn.
- 14/01218/OUT - Erection of 2no. bungalows and 2no. chalet bungalows. Refused: 30 March 2015.
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## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted – conditions should be imposed if planning permission is granted.

### 7.2 Representations received from Interested Parties (*summarised*)

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

- Mr & Mrs D. Harris, 19 Totham Hill Green, Great Totham

Objection Comment	Officer Response
Application site is outside of the settlement boundary	Noted
Development would harm the character of the area	Noted

<b>Objection Comment</b>	<b>Officer Response</b>
Site is remote from community and transport services	Noted
Worried about future applications	Noted
Concern about highways safety	Noted

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

- Mrs Lockett, 11 Staplers Heath, Great Totham
- Mr Goodchild, 10A Totham Hill Green, Great Totham
- Mr & Mrs J. Gregan, Winwoof Lodge, Totham Hill Green, Great Totham
- Mr & Mrs Whitney, 31 Totham Hill Green, Great Totham
- Mr Wakelin, 2 Jepcracks Farms, Church Road, Great Totham
- Mr Reynolds, Longfield, Plains Road, Great Totham
- Mr Frost, Perrins, Colchester Road, Great Totham
- Mr & Mrs Gregan, Winwoof Lodge, Totham Hill Green, Great Totham
- M. J. Phillis, Godfreys Farmhouse, Sheepcoates Lane, Great Totham
- Mr P. Whitnall, 19 Totham Hill Green, Great Totham

<b>Supporting Comment</b>	<b>Officer Response</b>
Proposal will tidy up the plot and round off the development in the area	Noted
Design of dwelling in keeping	Noted
Development would not harm the character of the area	Noted
Development would not harm the amenities of neighbouring occupiers	Noted

## **8. REASON FOR REFUSAL**

1. The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area. Furthermore, the gradual transition from built up area to countryside within the vicinity of the site would be undermined by the construction of a new dwelling and associated domestic paraphernalia within the application site harming the character and appearance of the area contrary to policies CC6 and BE1 of the Maldon District Replacement Plan and D1 of the Maldon District Local Development Plan as well as guidance within the National Planning Policy Framework.