



**REPORT of
CHIEF EXECUTIVE**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
06 November 2017

Application Number	FUL/MAL/17/00860
Location	Barn Little Ashtree Farm Steeple Road Mayland
Proposal	Conversion of barn to residential. Alterations to existing openings, together with insertion of new windows and rooflights. Replacement of external wall and roof cladding.
Applicant	Mr Wiffen
Agent	Andy Hall - Tyburn Consulting Limited
Target Decision Date	1 November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	STEEPLE
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In

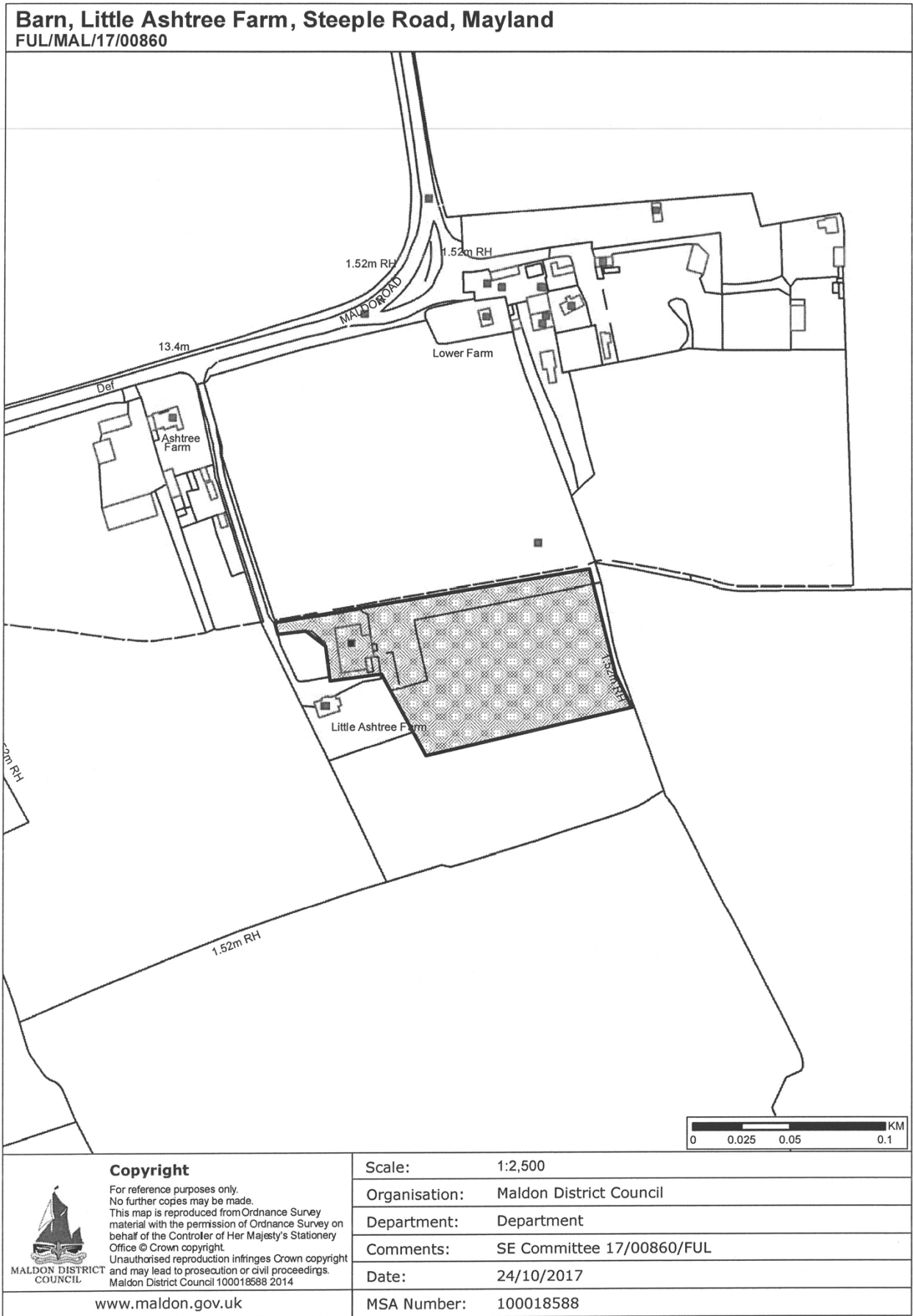
1. EXECUTIVE SUMMARY

- 1 Following the receipt of a letter submitted by a neighbour, a couple of hours prior to the last South Eastern Area Planning Committee meeting on 9 October 2017, raising concerns regarding the accuracy of the location plan submitted. A land registry search confirmed that the application site shown by the location plan submitted included an area outside the ownership of the applicant and the incorrect certificate was submitted. On that basis the application was invalid.*
- 2 Amended plans outlining the land within the applicant's ownership have been submitted and on that basis the application is now considered to be valid.*
- 3 Together with the amended location plans, amended floor plans and elevations have been submitted showing the relocation of the two bedroom windows on the south elevation being repositioned to the east and west elevations.*
- 4 The application is therefore assessed below on the basis of the amended plans. The plans are currently the subject of public consultation. Any correspondence received will be provided within the Members' Update.*

2. RECOMMENDATION

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

3. SITE MAP



4. SUMMARY

4.1 Proposal / brief overview, including any relevant background information

4.1.1 Site description

4.1.1.1 The site is located beyond the defined settlement boundary for Mayland or Steeple. The access to the site is provided via Steeple Road linked to a private track to the south of Steeple Road. The land surrounding the site is agricultural in character with a residential dwelling to the southwest of the application site.

4.1.1.2 The site currently comprises an existing agricultural outbuilding with a main east to west gabled roof, with asymmetrical mono-pitched projections to the north and south. The main entrance is adjacent to the existing vehicular entrance to the dwelling known as Little Ashtree Farm. Externally the building is clad in concrete profiled sheeting and to the south is finished with close boarded timber cladding. The building currently has limited fenestration.

4.1.1.3 The building sits within an area slightly smaller than one hectare (9540sqm) and it has a footprint of 404sqm.

4.1.2 Description of proposal

4.1.2.1 Planning permission is sought to convert an existing detached agricultural building to a residential dwelling and alter its external elevations to install windows and rooflights and replacement wall and roof cladding.

4.1.2.2 New openings are proposed to be installed at all elevations and roof lights would be installed to the north and south elevations.

4.1.2.3 Externally the building is proposed to be finished in cedar lap weatherboard (Marley) cladding, MetaSlate profile space cladding roof and timber framed windows and doors.

4.1.2.4 Internally the building would measure 420sqm and it would accommodate a living area, a kitchen / dining area, a utility, four en-suite bedrooms, a boot room and a WC at ground floor and a TV lounge at first floor.

4.1.2.5 The alterations incorporated to the current proposal in relation to the previously approved prior approval application include the following:

- Two additional windows have been introduced to the front (west) elevation.
- The windows to the rear (east) elevation have been repositioned and an additional window has been introduced.
- The full-height glazed doors to the north side elevation have been reduced in size altered in design terms.
- A number of rooflights have been introduced to the roof.

4.1.3 Background of the application

4.1.3.1 It is noted that applications (Ref. nos: FUL/MAL/12/00249 and FUL/MAL/15/00976) to convert the existing barn to a dwelling were refused, by reason of the location of the proposed dwelling outside the defined settlement boundary. A prior approval application (Ref. no.: COUPA/MAL/16/00308) was then submitted to convert the agricultural building to a dwellinghouse. The application assessed against the government legislation and it was found to be acceptable subject to conditions. The current application has been submitted to the Council given that the development is proposed to be carried out not in accordance with the plans previously submitted and approved.

4.2 **Conclusion**

4.2.1 The proposed development is located outside the settlement boundary for Steeple or Mayland and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the conversion of the agricultural building to a residential dwelling was recently approved under prior approval (COUPA/MAL/16/00308). Therefore, on the basis of the previous decision, it is considered that the principle of a residential use in this location has been set and the proposal would not result in additional detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The development would be acceptable in terms of design, impact on the residential amenity of the neighbours and the future occupiers. The development would not have detrimental impact on the highway network and safety. Therefore, the development subject to appropriate conditions is considered to be acceptable.

5. **MAIN RELEVANT POLICIES**

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

5.1 **National Planning Policy Framework 2012 including paragraphs:**

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

5.2 **Maldon District Local Development Plan approved by the Secretary of State in July 2017:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside

- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

5.3 Relevant Planning Guidance / Documents:

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

6. MAIN CONSIDERATIONS

6.1 Principle of Development

- 6.1.1 The application site lies beyond the development boundaries of Steeple or Mayland. The site is located within the open countryside, approximately 600m away from the settlement boundary of Mayland which is the closest village to the application site.
- 6.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, 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.
- 6.1.3 Although the proposed development would be contrary to the abovementioned policies of the LDP, as noted above, a prior approval application for the conversion of the barn to a dwellinghouse was previously approved and therefore, the principle of the use of the agricultural building as a residential unit has been allowed. In this particular instance, whilst there are still concerns regarding the unsuitable location of the application site to be used as residential dwelling, it is not considered reasonable for the application to be refused in principle.
- 6.1.4 The sole difference between the current development and the previously approved prior approval application (with the exception of the alteration to the external elevations) is the size of the application site, which now includes a significantly larger area to the rear of the application site. Although the application site would go further out towards the countryside than the previously approved application, given that the built form would not be extended, the proposed development would not have a material difference from the previous application, such as to warrant refusal on the grounds of principle of the development.

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 sought 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 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*”.
- 6.2.3 Paragraph 64 also states that “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”.
- 6.2.4 This principle of good quality design is 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.*
- 6.2.5 The external alterations proposed to the previously approved application are limited and not materially harmful to the appearance of the existing barn. The introduction of some additional fenestration to the building is considered to add some architectural interest and is preferred in design terms, given that the development would not result in large areas of blank walls. There appears to be consistency in the configuration and proportions of the windows and thus, overall the revised external appearance of the building is considered acceptable.
- 6.2.6 With regard to the proposed external finishing materials, although they would not match the used materials of the adjacent dwellings, given that the appearance of the dwelling when finished would be significantly better from the current appearance of the barn as existing, on balance, no objection is raised to the use of different type of materials.
- 6.2.7 The refuse store has been shown to be located to the north of the building in line with the principle elevation of the proposed dwelling. In order to avoid unsightly views of

refuse to the front of a building, it is good practice for the bin store to be sited to the rear of the properties. An informative would be added as a reminder for the applicant.

- 6.2.8 In light of the above, it is considered that the development would be acceptable in terms of its design and impact on the character of the wider area.
- 6.2.9 It is noted that the converted property would be significantly large in scale and any extensions of the unit would further and unacceptably enlarge its scale. This would impact on the open character of the countryside and it would lead to a domestication affect. For that reason, it is considered that the permitted development rights for residential properties should be removed from this particular development.

6.3 Impact on Residential Amenity

- 6.3.1 Policies D1 and H4 of the approved LDP seek 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.
- 6.3.2 No extensions are proposed to the existing building, which will be of the same dimensions, height and position with the current building. As such, the development would not have a detrimental impact on the amenity of the neighbouring dwellings, in terms of loss of light or domination.
- 6.3.3 With regard to overlooking, an approximate 9m distance would be maintained between the bathroom window to the south elevation of the application dwelling and the neighbouring dwelling to the south. This window would be obscure glazed and inward opening. As noted above, two bedroom windows previously shown on the south elevation have been removed from this elevation and therefore, the development would not result in overlooking on the neighbour property to the south.
- 6.3.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of any other nearby neighbour. The impact of the development on the residential amenity is therefore considered acceptable.

6.4 Access, Parking and Highway Safety

- 6.4.1 The access to the application site, as noted above, would be via a private service track linked with Steeple Road. The access to the site has not been amended from the previous proposal, which was assessed and found to be acceptable.
- 6.4.2 Although parking provision has not been shown on the submitted plans, the application site has a long driveway and front hard surfaced frontage, which is capable of accommodating a minimum of four vehicles. Therefore, no objection is raised in terms of off-street car parking provision.
- 6.4.3 The property has an existing established access to vehicles which is wide enough to allow egress and exit from the site without causing obstruction to the private drive.

6.5 Private Amenity Space and Landscaping

- 6.5.1 An approximate 8,550sqm of amenity space would be provided to the future occupiers of the dwelling, which by far exceeds the minimum outdoor amenity space requirements.
- 6.5.2 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with by condition.
- 6.5.3 There is existing hedgerow along the northern boundary of the application site, which is considered to positively contribute to the countryside character of the area and it also provides a good link with other hedgerow networks. For that reason, it is considered necessary to be protected. This will be secured by condition.

7. ANY RELEVANT SITE HISTORY

- **FUL/MAL/12/00249** - Alterations and conversion of existing barn to dwelling. Planning permission granted.
- **FUL/MAL/13/00370** - Demolition of existing barn and erection of new barn style residential dwelling. Planning permission refused.
- **FUL/MAL/15/00976** - Conversion of existing barn to dwelling with associated alterations. Planning permission refused.
- **COUPA/MAL/16/00308** - Conversion of an agricultural building to one new residential dwelling. Prior approval granted.
- **FUL/MAL/17/00419** - Variation of condition 2 on approved application COUPA/MAL/16/00308 (Conversion of an agricultural building to one new residential dwelling). Planning permission refused.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Steeple Parish Council supports the application.	Comment noted.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objections subject to condition in relation to submission of details regarding foul drainage scheme.	Condition added (08).

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	It is also requested that a questionnaire about the previous use of the barn previously sent to the applicant to be return to Environmental Health Services.	

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to condition in relation to submission of details of surface water and foul drainage scheme. It is also noted that a questionnaire about previous use of the barn has been sent to the applicant from the Environmental Health Services, which should be returned.	Comments noted. Condition 9 of the officer's report has been amended to accord with the recommended condition.

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 A letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

- Sandra McClaren, Little Ashtree Frm, Steeple Road, Mayland

Objection Comment	Officer Response
The proposed conversion of the barn is different from that approved in 2012, maintaining the lean to projection. That would result in the building being in close proximity to the shared boundary with the dwelling to the south.	It is noted that no extensions are proposed to be erected to the existing building. Furthermore, an application (COUPA/MAL/16/00308) maintaining the footprint of the existing building was previously approved. As such, the building would not come closer to the shared boundary with Little Ashtree Farm and it would not be dissimilar to the footprint of an already approved application.
The building should be a minimum of 1m away from the boundary.	It is noted that there is no restriction in planning regarding the distance that a building should have from the boundary of the application site.

Objection Comment	Officer Response
The erection of a 1.8m high fence would not allow windows to open outwards and would impact on the living conditions of the future occupiers.	The bathroom window to the south elevation would be inward opening and the previously proposed bedroom windows would now be located to the west and east elevations. Thus, there is no need for the erection of a fence along the shared boundary and the bedroom would benefit from adequate outlook, ventilation and light.
Overlooking from the windows and loss of private amenity.	Please refer to paragraph 5.3.3.
Works have commenced on site.	It is noted that the application has extant permission to be converted to a dwellinghouse (COUPA/MAL/16/00308). As long as the works comply with this permission, there is no breach in planning. Internal works that require building regulations are not a planning matter.
The applicant has opened a window to the elevation facing Steeple Road.	It is noted that this window is shown on the proposed elevation of application reference COUPA/MAL/16/00308 and as noted above, this permission is still extant. Furthermore, there is no planning law preventing works being applied for retrospectively as the proposals must still be considered on their merits.
There are inconsistencies between the plans and elevations. In particular a window to bedroom 4 is shown on the floor plan and not on the rear elevation.	This comment was made for the previously submitted plans, which however, had no inaccuracies.
The existing hedgerow to the north of the barn should remain.	A condition is recommended to be imposed (06) to retain the existing hedgerow along the northern boundary.
The plans submitted show an inaccurate site area.	As noted above the plans submitted show a revised location plan outlining correctly the land within the applicant's ownership.
The officer gives significant weight to the prior approval application (COUPA/MAL/16/00308) and not the application (FUL/MAL/15/00976) that was refused prior to the submission of the prior approval application. The prior approval was not assessed against	Significant weight is given to the prior approval application as it has extant permission to convert the barn to a dwelling. This sets a precedent of acceptable development.

Objection Comment	Officer Response
planning policy.	
<p>The proposed landscaping and boundary treatment proposed by the Council cannot be implemented, given that there is no gap between the south elevation of the barn and the boundary. The applicant would need to reduce the size of the barn in order to be able to accommodate landscaping.</p>	<p>The comment was noted and amended plans have been submitted showing no gap between the elevation and boundary line. The bedroom windows have been repositioned and there would be no need for the imposition of a condition in relation to landscaping and boundary treatment along the south elevation of the site.</p>

8.4.2 Following publication of the previous Officers Report, Mr A Hall (agent of the applicant) responded to the comments raised by the objector, as follows:

- The current submission seeks to amend details forming part of the ‘prior approval’ application (COUPA/MAL/16/00308), which shows the existing building being retained in its current position and would be unaltered.
- It is acknowledged that one elevation of the existing building is located on the property boundary. As such, there are technical issues that will need to be addressed as part of the Building Regulations process, however, we do not feel that this is a material planning issue.
- Concerning the issue of overlooking, it should be noted that the current proposals are not dissimilar to those contained within the ‘prior approval’ consent. The extant scheme shows two bedrooms with windows on the South elevation and the current scheme contains three, one of which is a bathroom window and it would be glazed in obscure glass. **[Officer comment: However, it is noted that this has been amended.]**
- The objection states that a new opening has been created for benefit the current application. I confirm that this is an existing opening. The applicant exposed the aperture whilst undertaking preparatory works in relation to the ‘prior approval’ scheme.
- The applicant have commenced with preliminary works which they are entitled to undertake under the extant consent (COUPA/MAL/16/00308).
- For the avoidance of doubt, the metal tank referred to within the objection is a foul water treatment unit (a septic tank).
- The objection makes reference to new windows being shown on the plans, but not on the elevation drawings. This is not the case.
- Reference is made to the existing hedge, which will not be affected by the current application.

9. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 10.84/001 Rev B (existing floor and roof plans), 10.84/002 Rev A (existing elevations and section), 10.84/103 Rev B (block plan), 10.84/102 Rev C (proposed elevations and section) & 10.84/101 Rev B (proposed floor and roof plans).
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 4 No development shall take place until details of the boundary treatment 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 be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 5 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

- 6 The existing hedgerow along the northern boundary of the application site shall be retained in perpetuity, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure the external appearance of the development is appropriate to the locality and to protect the natural environment in accordance with the National Planning Policy Framework and policies D1 and N2 of the approved Maldon District Local Development Plan.
- 7 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.
- 8 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 9 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

INFORMATIVES

- 1 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.
- 2 **Waste Management**
 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site

road is constructed to accommodate the size and weight of the Council's collection vehicles.

You are also advised that refuse store should be stored to the rear of the property rather than the front.

- 3 You are advised that three off-street parking spaces shall be provided for the proposed dwelling.