

# Unrestricted Document Pack

APOLOGIES Committee Services  
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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

03 February 2017

Dear Councillor

You are summoned to attend the meeting of the;

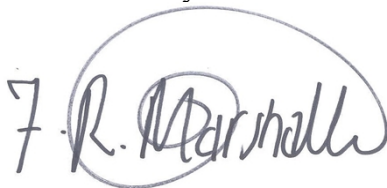
## **SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 13 FEBRUARY 2017 at 7.30 pm.**

in the Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor R P F Dewick

#### VICE-CHAIRMAN

Councillor A S Fluker

#### COUNCILLORS

Mrs B F Acevedo  
B S Beale MBE  
R G Boyce MBE, CC  
Mrs P A Channer, CC  
Mrs H E Elliott  
P G L Elliott  
M W Helm  
R Pratt  
N R Pudney

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**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**MONDAY 13 FEBRUARY 2017**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 16 January 2017, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Members' Briefing**

To receive an Officer led presentation.

6. **OUT/MAL/16/00224 - Whitecap Mushroom Farm, Mill Road, Mayland** (Pages 21 - 52)

To consider the planning application and recommendations of the Interim Head of Planning Services, (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/16/01129 - Fisheries Laboratory, Remembrance Avenue, Burnham-on-Crouch** (Pages 53 - 64)

To consider the planning application and recommendations of the Interim Head of Planning Services, (copy enclosed, Members' Update to be circulated)\*.

8. **OUT/MAL/16/01357 - Land West of The Hollies, Stoney Hills, Burnham-on-Crouch** (Pages 65 - 76)

To consider the planning application and recommendations of the Interim Head of Planning Services, (copy enclosed, Members' Update to be circulated)\*.

9. **RES/MAL/16/01423 - Land at Junction of Steeple Road and Mill Road, Mayland** (Pages 77 - 84)

To consider the planning application and recommendations of the Interim Head of Planning Services, (copy enclosed, Members' Update to be circulated)\*.

10. **FUL/MAL/16/01441 and ADV/MAL/16/01442 164 Station Road, Burnham-on-Crouch** (Pages 85 - 92)

To consider the planning application and recommendations of the Interim Head of Planning Services, (copy enclosed, Members' Update to be circulated)\*.

11. **Other Area Planning and Related Matters** (Pages 93 - 94)

To consider the report of the Interim Head of Planning Services on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

12. **Delegated Planning Applications**

To receive and note a list of decisions on planning applications taken by the Interim Head of Planning Services.

13. **Any other items of business that the Chairman of the Committee decides are urgent**

**Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 6 – 10.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

**NOTICES**

**Fire**

In event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.



## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) and Technical Guidance
  - Planning Practice Guidance (PPG)
  - Planning policy for traveler sites
  - Planning practice guidance for renewable and low carbon energy
  - Relevant government circulars
- ii) Essex County Council
  - Essex Design Guide 1997
- iii) Maldon District Council
  - Submission Local Development Plan (April 2014) (as amended)
  - Five Year Housing Land Supply Statement 2014/15
  - Planning Policy Advice Note v.4 (October 2015)
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015)
  - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JANUARY 2017**

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**PRESENT**

Chairman	Cllr R P F Dewick
Vice-Chairman	Cllr A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, CC, Mrs P A Channer, CC, Mrs H E Elliott, M W Helm, R Pratt and N R Pudney

**868. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

The Chairman drew attention to the list of notices published on the back of the agenda.

**869. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor P G L Elliott.

**870. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 5 December 2016 be received.

**Minute 782 – FUL/MAL/16/01114 – AGRICULTURAL BARN, GOLDSANDS ROAD, SOUTHMINSTER**

Councillor A S Fluker advised that it had been agreed at the meeting that the Revenues and Benefits Department would be contacted to ensure that the Applicant was registered to pay non-domestic rates.

**RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the meeting of the Committee held on 5 December 2016, be approved.

**871. DISCLOSURE OF INTEREST**

Councillor R G Boyce MBE, CC declared a non-pecuniary interest in relation to:

- Agenda Item 10 – OUT/MAL/16/01246 – Land to rear of 60A Maldon Road, Burnham-on-Crouch, as the application site was in close-proximity to that in Agenda Item 12; and

- Agenda Item 12 – OUT/MAL/16/013547 – Land Adjacent 35A Maldon Road, Burnham-on-Crouch, as he was a close relative of the Applicant.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in relation to all items insofar as they related to Essex County Council as she was also a Member of Essex County Council who was consulted on highways, footpaths, education and other matters. She also declared a non-pecuniary interest in relation to:

- Agenda Item 6 – OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland, as she knew some of the supporters;
- Agenda Item 7 – FUL/MAL/16/00511 – St. Lawrence Caravan Site, Main Road, St. Lawrence – as she knew the applicant;
- Agenda Item 9 – FUL/MAL/16/01188 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, as she knew someone that lived in Stoney Hills;
- Agenda Item 11- OUT/MAL/16/01294 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, as she knew someone that lived in Stoney Hills; and
- Agenda Item 12 – OUT/MAL/16/01347 – Land Adjacent 35A Maldon Road, Burnham-on-Crouch – as she knew the Applicant.

Councillor Mrs H E Elliott declared a non-pecuniary interest in relation to Agenda Item 7 - FUL/MAL/16/00511 – St. Lawrence Caravan Site, Main Road, St. Lawrence, as she knew the Applicant.

Councillor N R Pudney declared a non-pecuniary interest in relation to the following:

- Agenda Item 9 - FUL/MAL/16/01188 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, as his in-laws lived in Stoney Hills; and
- Agenda Item 11 - OUT/MAL/16/01294 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, as his in-laws lived in Stoney Hills.

Councillor R P F Dewick declared an interest in the following:

- Agenda Item 10 - OUT/MAL/16/01246 – Land to rear of 60A Maldon Road, Burnham-on-Crouch, as he had worked for the Applicant;
- Agenda Item 12 - OUT/MAL/16/01347 – Land Adjacent 35A Maldon Road, Burnham-on-Crouch, as he had worked for the Applicant and he would leave the Chamber for this item; and
- Agenda Item 13 – FUL/MAL/16/01432 – Hereford Farm Grange Road, Tillingham, as he knew the Applicant.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in relation to Agenda Item 6 - OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland, as she knew the Applicant.

Councillor A S Fluker declared in the interests of openness and transparency in relation to:

- Agenda Item 6 - OUT/MAL/16/00224 – Whitecap Mushroom Farm, Mill Road, Mayland, that he knew some of the Supporters;
- Agenda Item 7 - FUL/MAL/16/00511 – St. Lawrence Caravan Site, Main Road, St. Lawrence, that he knew the Applicant;
- Agenda Item 9 - FUL/MAL/16/01188 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, that he knew some of the Objectors;
- Agenda Item 10 - OUT/MAL/16/01246 – Land to rear of 60A Maldon Road, Burnham-on-Crouch, that he knew some of the Objectors;
- Agenda Item 11 - OUT/MAL/16/01294 – Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch, that he knew some of the Objectors;
- Agenda Item 12 - OUT/MAL/16/01347 – Land Adjacent 35A Maldon Road, Burnham-on-Crouch, that he knew the Applicant; and
- Agenda Item 13 - FUL/MAL/16/01432 – Hereford Farm Grange Road, Tillingham, that he knew the Applicant and the Agent.

At this point the Interim Head of Planning Services advised Members of the Committee that Agenda Item 12 - OUT/MAL/16/01347 – Land Adjacent 35A Maldon Road, Burnham-on-Crouch had been withdrawn by the Agent. As a result of this Councillor R G Boyce MBE, CC advised that his declaration in relation to Agenda Item 10 - OUT/MAL/16/01246 – Land to rear of 60A Maldon Road, Burnham-on-Crouch – would still stand.

## **872. MEMBERS' BRIEFING**

The Group Manager for Planning Services gave a presentation on Material Considerations, during which he outlined the various material considerations but advised Members of the Committee that this list was not exhaustive.

The Interim Head of Planning Services pointed out to Members that loss of a private view was not a material consideration, whereas loss of a public view could be considered a material consideration. The difference to be considered was whether the view related to the community at large or whether it related to an individual.

Members requested that a copy of the presentation and the accompanying notes be circulated to them. The Interim Head of Planning Services advised that this would be included in the planning handbook which would be issued within the next few weeks.

The Committee considered the reports of the Interim Head of Planning Services Regulatory Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those items listed on the Members' Update circulated at the meeting.

**873. OUT/MAL/16/00224 - WHITECAP MUSHROOM FARM, MILL ROAD, MAYLAND**

<b>Application Number</b>	<b>OUT/MAL/16/00224</b>
<b>Location</b>	Whitecap Mushroom Farm Mill Road Mayland Essex
<b>Proposal</b>	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
<b>Applicant</b>	Mr Alen Powl
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker LLP
<b>Target Decision Date</b>	27 June 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Major Application Previous Committee Decision

Following the Officer's presentation of the report, Councillor P Spires, from Mayland Parish Council and Mr A Butcher, the Agent, both addressed the Committee.

In response to a question regarding affordable housing, the Group Manager for Planning Services advised that whereas there was some viability for affordable housing, the question was whether the shortfall in the amount of affordable housing to be provided was outweighed by the benefits of the proposed scheme.

Members debated this application in detail and requested guidance from Officers. The Interim Head of Planning Services advised that whilst each application must be treated on its own merit, conversely Members must also aim for consistency. There were changes that had occurred since this application was last refused and these changes should be taken into consideration. However, emerging policies should not be over-relied upon.

A discussion ensued regarding the lack of affordable housing and the developer's assertion that part of the site was not viable. There was a suggestion that if a site was found to be not viable for affordable housing, then an alternative site that could support the required affordable housing element should be considered in its place. The Group Manager for Planning Services advised Members that Maldon District Council's policy did provide for sites with viability to be considered preferentially.

Members requested sight of the viability study that related to this application and the Interim Head of Planning Services agreed that this did form part of the decision making process.

A question was asked as to whether it was premature to try to determine this application due to matters to be considered at the forthcoming Planning and Licensing Committee and by Council. In response, the Interim Head of Planning Services advised Members that they should exercise caution when considering that an application was "premature". The Local Development Plan was close to its final hurdle and did have significant weight attached to it and, once a Neighbourhood Plan reached public consultation, then Planning Inspectors would attach weight to that plan. However, Members must bear in mind that

there was no guarantee that the Planning and Licensing Committee and Council would agree the proposed Neighbourhood Plan.

In response to a question regarding an email to Members that had been circulated by the Agent, but not read by all Members of the Committee prior to the meeting, the Group Manager for Planning Services advised that the site was agricultural and not a brownfield site.

Councillor M W Helm proposed that this application be deferred to enable further information, to include a copy of the viability study, to be brought forward for consideration. This was duly seconded and, upon a vote, the motion was passed.

**RESOLVED** that this application be **DEFERRED** so that further information could be gathered to enable Members to determine this application.

**874. FUL/MAL/16/00511 - ST. LAWRENCE CARAVAN SITE, MAIN ROAD, ST. LAWRENCE**

<b>Application Number</b>	<b>FUL/MAL/16/00511</b>
<b>Location</b>	St Lawrence Caravans Limited St Lawrence Caravan Site Main Road St Lawrence
<b>Proposal</b>	Use of 13 existing static holiday caravans for temporary residential accommodation for workers at Bradwell Power Station
<b>Applicant</b>	Mr Gary Duce - St Lawrence Caravans Ltd
<b>Agent</b>	Mr Philip Jones - Savills (UK) Ltd
<b>Target Decision Date</b>	24 January 2017
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation of the report, Mr P Jones, the Agent, addressed the Committee.

Members debated this application and were concerned that accommodation was needed for power station workers and there was nowhere else in the area for them to go. Consent had been granted for previous applications for caravans and holiday-makers were permitted to use caravans for 10 months of the year. Members considered that the application was not for permanent use of the caravans, merely when the power station workers were on-site. However, the Group Manager for Planning Services pointed out to Members that the additional two months a year were when the weather was at its worst.

In response to a question regarding referral to the Secretary of State, the Group Manager for Planning Services advised Members that the Environment Agency had powers to refer applications to the Secretary of State. By utilising this power, it demonstrated the level of concern that the Environment Agency had about this particular application. Members could not simply approve this application, rather they could refer it to the

Secretary of State advising that they were minded to approve it. The Secretary of State then had the option to either approve it or call the application in.

Councillor A S Fluker proposed that this application be approved contrary to the Officer's recommendation. This was duly seconded and, upon a vote, the motion was carried.

**RESOLVED** that this application be submitted to the Secretary of State for Planning with a recommendation for **APPROVAL** subject to conditions.

**875. OUT/MAL/16/01182 - LAND ADJACENT THE OLD FORGE AND THORNLEY COTTAGE, BURNHAM ROAD, ALTHORNE**

<b>Application Number</b>	<b>OUT/MAL/16/01182</b>
<b>Location</b>	Land Adjacent The Old Forge And Thornley Cottage, Burnham Road, Althorne
<b>Proposal</b>	Construction of 2 bedroom detached residential bungalow (Resubmission)
<b>Applicant</b>	Mr Ryan Thame
<b>Agent</b>	Mr Richard Woodroff - HomeSPACE
<b>Date Valid</b>	2 November 2016
<b>Target Decision Date</b>	28 December 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Councillor R P F Dewick declared an interest in this item as he had worked on this site, albeit not for this Applicant.

Members debated this application and concern was raised about section 5.7.1 of the report which stated that the application site was sustainable, whereas an application site in close proximity was currently the subject of an Appeal where MDC had argued that it was an unsustainable. This could potentially raise issues of conflict in our approach to applications. Concern was also raised regarding all previous applications in Althorne having gone to appeal. Members were of the view that Althorne was unsustainable and that this had been supported by the views of Planning Inspectors.

The Group Manager for Planning Services advised Members that sustainability under the NPPF is tripartite and for a scheme to be considered sustainable it must satisfy all of the criteria.

Councillor A S Fluker, proposed that this application be refused contrary to the Officer's recommendation. This was duly seconded and, upon a vote, the motion was carried.

Councillor A S Fluker was nominated to be the representative Member if this application should go to Appeal.

**RESOLVED** that this application be **REFUSED** for the following reason:



- 1 Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries and to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The site is in a rural location outside of the defined settlement boundary 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 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. The proposal for development outside of the defined settlement boundary of Althorne would fail to enhance the character and appearance of the locality, and would be remote from community facilities, failing to comply with Policy S2 of the Maldon District Replacement Local Plan, and S1 and S8 of the submitted Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

**876. FUL/MAL/16/01188 - LAND OPPOSITE MONKSFIELD, STONEY HILLS, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>FUL/MAL/16/01188</b>
<b>Location</b>	Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch
<b>Proposal</b>	Application for One Dwelling
<b>Applicant</b>	Mr J Moccock
<b>Agent</b>	Mr Russell Forde - Smart Planning Ltd
<b>Date Valid</b>	19 October 2016
<b>Target Decision Date</b>	18 January 2017
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger Previous Committee Decision

Following the Officer's presentation of the report, Mr J Hitcham, an Objector and Mr J Moccock, the Applicant, both addressed the Committee.

Members raised concerns about the general development of Stoney Hills and the Group Manager for Planning Services reminded them that this application was an amendment to a scheme that had already been built out. The Interim Head of Planning Services further reminded Members that they were under a duty to the Council as a whole and to be proactive to get the best possible design for the site, bearing in mind that it had already been approved. Councillor A S Fluker proposed approval in accordance with the Officer's recommendation. This was duly seconded.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings as detailed on this decision notice.
3. No development shall commence until details of the measures to be taken for the disposal surface water shall be submitted to and approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.
4. The hard landscape works shall be carried out in accordance with drawing reference 14.2551/1403 dated 16 Oct 2016 prior to the beneficial occupation of the development hereby approved. The soft landscape works shall be carried out in accordance with drawing reference 14.2551/1403 dated 16 Oct 2016 within the first available planting season (October to March inclusive) following the commencement of the development. 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.
5. The external materials of the dwelling shall be plain clay tiles, red stock facing brickwork, off-white render and weatherboarding to the external walls and dark grey aluminum windows as submitted to the Council on 19 December 2016.

Councillor R P F Dewick left the Chamber for the next item, due to his previously declared interest.

COUNCILLOR A S FLUKER IN THE CHAIR.

**877. OUT/MAL/16/01246 - LAND TO THE REAR OF 60A MALDON ROAD, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>OUT/MAL/16/01246</b>
<b>Location</b>	Land to rear of 60A Maldon Road, Burnham on Crouch
<b>Proposal</b>	Demolition of 58 Maldon Road and erection of 12 residential units of 80 – 240sq m with ancillary works including new vehicular and pedestrian access off Maldon Road on land forming part of rear garden of 60A Maldon Road.
<b>Applicant</b>	Dr Hamid Latif
<b>Agent</b>	Mr David Devries
<b>Date Valid</b>	27 October 2016
<b>Target Decision Date</b>	26 January 2017
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Previous Committee Decision

Following the Officer's presentation of the report, Mrs W Stamp, an Objector, addressed the Committee.

Councillor R G Boyce MBE, CC withdrew his previous declaration of interest.

**RESOLVED** that this application be **REFUSED** for the following reasons:

- 1 The scale of the proposed development would result in a contrived, isolated and backland form of residential development that would not respect the existing pattern of built form or urban grain. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies S2, CC6 and BE1 of the adopted Maldon District Replacement Local Plan and policies D1 and N2 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.
- 2 In the absence of a signed legal agreement the development makes no definite contribution to affordable housing as required by Policy H1 of the Maldon District Local Development Plan and National Planning Policy Framework.

Councillor R P F Dewick returned to the Chamber at this point.

**878. OUT/MAL/16/01294 - LAND OPPOSITE MONKSFIELD, STONEY HILLS, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>OUT/MAL/16/01294</b>
<b>Location</b>	Land Opposite Monksfield, Stoney Hills, Burnham-on-Crouch
<b>Proposal</b>	Outline planning permission for the erection of two detached dwellings
<b>Applicant</b>	Mr J Mocock
<b>Agent</b>	Smart Planning Ltd
<b>Date Valid</b>	11 November 2016
<b>Target Decision Date</b>	06 January 2017
<b>Case Officer</b>	Kara Elliott, Tel: 01621 875860
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Parish Trigger Previous Committee Decision

Following the Officer's presentation of the report, Mr J Mocock, the Applicant, addressed the Committee.

In response to a comment that the Applicant had mentioned that he would put in a new road, the Group Manager for Planning Services advised Members that whilst this had been previously proposed, Officers did not consider that it fell under the requirements necessary for a Section 106 Agreement. At a recent appeal where an Inspector had looked at a similar situation, the Inspector had not considered the provision of a road to be proportionate to the application. If the Applicant wishes to do this separately then that is not for us to comment upon, as it does not form part of the application.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 4 Prior to the commencement of the development 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.
- 5 Prior to the commencement of development, details or samples of the external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 As part of the reserved matters full details of both hard and soft landscape works to be carried out shall be 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.
- 7 No development shall commence until a scheme for the mitigation of impacts on matters of ecological interest as identified in the Phase 1 Habitat Assessment Report prepared by Think Green Constructions Ltd (Ref DFCP 3218) has been submitted to and agreed in writing by the Local planning Authority. The development shall be carried out in accordance with the approved details.

**879. OUT/MAL/16/01347 - LAND ADJACENT 35A MALDON ROAD, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>OUT/MAL/16/01347</b>
<b>Location</b>	Land Adjacent 35A Maldon Road, Burnham on Crouch
<b>Proposal</b>	Outline application for the erection of detached dwelling with access to be determined
<b>Applicant</b>	Mr J Boyce
<b>Agent</b>	Smart Planning Ltd
<b>Date Valid</b>	29 November 2016
<b>Target Decision Date</b>	24 January 2017
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

The Officer advised Members that this application had been withdrawn by the Applicant's Agent.

**880. FUL/MAL/16/01432 - HEREFORD FARM, GRANGE ROAD, TILLINGHAM**

<b>Application Number</b>	<b>FUL/MAL/16/01432</b>
<b>Location</b>	Hereford Farm, Grange Road, Tillingham
<b>Proposal</b>	Removal of condition 1 on approved planning permission FUL/MAL/12/00020 (Permanent retention of a mobile home and cattle shed) (Resubmission)
<b>Applicant</b>	Mr Paul Reeve
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	02 February 2017
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Mr Matthews, from the Agent, addressed the Committee.

Members considered that the Applicant had put in a great deal of work to set up a farming business, which was extremely difficult to achieve in the current economic climate, unless you work for someone else. The costs of farming were enormous and this Applicant had made a success of it, although he did do some contract work which is not unusual as very few farms were self-supporting.

In response to a question, it was confirmed that the application was for a permanent mobile dwelling.

Councillor A S Fluker proposed that this application be approved contrary to the Officer's recommendation and that Members should support people who are working in the rural community. This was duly seconded and upon a vote this application was unanimously approved.

**RESOLVED** that this application be **APPROVED** subject to the following condition:

- 1 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined within the Town & Country Planning Act 1990 (as amended) or in forestry, or a widower of such a person, and to any resident dependants.

## **881. OTHER AREA PLANNING AND RELATED MATTERS**

The Committee considered the report of the Director of Planning and Regulatory Services and Members' Update on the following matters:

(i) Appeals Lodged:

Appeal Start Date: 02/12/2016

**Application Number: OUT/MAL/16/00120 (APP/X1545/W/16/3160991)**

Site: Land To The Rear Of 60A Maldon Road Burnham-On-Crouch

Proposal: Outline planning permission for proposed demolition of No.58

Maldon Road and the erection of 6 No.residential units. with ancillary works including new vehicular and pedestrian access off Maldon Road and Estate Road (Resubmission)

Appeal by: Dr Hamid Latif

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 9 January 2017

**Application Number: HOUSE/MAL/16/00259 (APP/X1545/D/16/3162369)**

Site: 48 Western Road Burnham-On-Crouch

Proposal: 6ft fence around garden replacing existing old fence

Appeal by: Miss Hannah Thomas

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

(ii) Appeal Decisions:

**OUT/MAL/15/00179 (Appeal Ref: APP/X1545/W/15/3139154)**

Proposal: Outline planning permission for a residential development comprising up to 150 residential dwellings (Including 30% affordable housing), structural planting and landscaping, informal public open space and childrens play area, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access.

Address: Nipsells Farm Lodge, Nipsells Chase, Mayland, Essex, CM3 6EJ

Decision Level: Committee as per Officer recommendation to refuse

**APPEAL DISMISSED – 7 December 2016**

**FUL/MAL/16/00055 (Appeal Ref: APP/X1545/W/16/3152606)**

Proposal: Re-siting of an Agricultural Workers Dwelling approved at FUL/MAL/14/01008

Address: Land North West Of Stitches Farm - Lower Chase - Althorne

Decision level: Committee (overturned Officer recommendation to approve)

**APPEAL & COSTS ALLOWED - 21 December 2016**

**FUL/MAL/15/01246 (Appeal Ref: APP/X1545/W/16/3153858)**

Proposal: Demolition of garage and construction of a dwelling

Address: Land Rear Of 10, Crouch Road, Burnham-On-Crouch, Essex

Decision Level: Delegated

**APPEAL DISMISSED – 22 December 2016**

**FUL/MAL/15/01175 (Appeal Ref: APP/X1545/W/16/3157906)**

Proposal: Full planning application for the construction of one detached bungalow following the removal of mobile homes and demolition of existing structures with associated works.

Address: Land North Of Woodyards - Waterside Road - Bradwell On Sea

Decision level: Delegated

**APPEAL ALLOWED – 28 December 2016**

**FUL/MAL/15/00677 (Appeal Ref: APP/X1545/W/16/3150788)**

Proposal: Demolition of redundant agricultural buildings and the erection of 21no. dwellings comprising 4no. detached, 8no. semi detached and 9no. terraced properties (inc. 2 semi detached bungalows) with associated garages, parking areas, gardens, new vehicular and pedestrian access from North Street and associated external works and landscaping.

Address: Tillingham Hall Farm North Street Tillingham

Decision Level: Committee overturned Officer recommendation to approve

**APPEAL DISMISSED – 3 January 2017**

**COSTS REFUSED – 3 January 2017**

**HOUSE/MAL/16/00604 (Appeal Ref: APP/X1545/D/16/3159389)**

Proposal: Two storey rear extension, internal remodelling and insertion of obscured windows to existing first floor side elevations.

Address: Little Foxes, Summerhill, Althorne, Essex, CM3 6BY

Decision Level: Committee overturned Officer recommendation to approve

**APPEAL DISMISSED – 3 January 2017**

**COSTS REFUSED – 3 January 2017**

**ENF/14/00142/BC (Appeal Reference Number: APP/X1545/C/16/3145308)**

Address: Roman Farm - Old Heath Road – Southminster

Appeal against: Without planning permission the unauthorised change of use of part of the agricultural building from an agricultural barn to a residential dwelling.

**APPEAL IS ALLOWED AND THE ENFORCEMENT NOTICE IS QUASHED – 05.01.2017**

**APPELLANT COSTS – ALLOWED**

**LPA COSTS – REFUSED**

## **882. DELEGATED PLANNING APPLICATIONS**

The Committee received and noted the list of decisions on planning applications taken by the Director of Planning and Regulatory Services under delegated powers, circulated prior to the meeting for the period 5 December 2016 – 13 January 2017.

There being no further items of business the Chairman closed the meeting at 9.54 pm

CLLR R P F DEWICK  
CHAIRMAN

(a)  
(b)





**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 FEBRUARY 2016**

<b>Application Number</b>	<b>OUT/MAL/16/00224</b>
<b>Location</b>	Whitecap Mushroom Farm Mill Road Mayland Essex
<b>Proposal</b>	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
<b>Applicant</b>	Mr Alen Powl
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker LLP
<b>Target Decision Date</b>	27 June 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Major Application Previous Committee Decision

**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 6 of this report.

**2. SITE MAP**

Please see overleaf.

**Whitecap Mushroom Farm - Mill Road**  
Mayland OUT/MAL/16/00224



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Committee

Date: 01/02/2017

MSA Number: 100018588

### **3. INTRODUCTION**

- 3.1 This report is provided to explore the affordable housing issues following the decision of the Members of the South Eastern Area Planning Committee to defer the determination of the application at its meeting of 16 January 2017 (Minute No. 873 refers).
- 3.2 A copy of the Officer's original report and recommendation is attached as **APPENDIX 1** to this report.

### **4. AFFORDABLE HOUSING**

- 4.1 The core principles of sustainability as set out within the National Planning Policy Framework (NPPF) are clear that in order to meet the social role planning should support; *“strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”*. Paragraph 173 of the NPPF states that obligations and policy burdens such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable i.e. viable. Planning obligations should only be sought when they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The provision of providing affordable housing in line with the Council's policies enable the development to be acceptable in planning terms and therefore is considered a significant material consideration in the determination of the application.
- 4.2 References have been made by the agent in relation to recent appeal decisions i.e. Tillingham Hall Farm of November 2016 which gave limited weight to the emerging policies of the Local Development Plan (LDP). Paragraph 216 of the NPPF clearly states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given), the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The LDP is considered to have gained significant material weight since the determination of the appeal referred considering it has recently completed Examination in Public (EIP).
- 4.3 Affordable housing is required for eligible households whose needs are unable to be met within the open market. Affordable housing includes: social rent; affordable rent; and intermediate / shared ownership. There is a significant shortage in the availability of affordable housing in the District and increasing the supply of affordable housing is one of the key priorities for the Council and for the District as identified within the Corporate Plan (MDC, 2011c) and the Sustainable Community Strategy (MDLSP,

2011). The inclusion of an up to date policy within the LDP sets out the local requirements for affordable housing provision which will help to boost the supply of affordable homes in the District over the plan period, and start to re-balance the local housing supply, ensuring that local people can access the housing that is urgently required. All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger, will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.

4.4 The affordable housing requirements for each sub-area in the District are as follows:

- **North Heybridge Garden Suburb:**
  - North of Heybridge - S2(d) **25%**
  - North of Holloway Road - S2(e) **40%**
  - West of Broad Street Green Road - S2(f) **40%**
- **South Maldon Garden Suburb 40%**
- **Strategic Allocations at Maldon, Heybridge and Burnham-on-Crouch 40%**
- **All other developments:**
  - Northern Rural, Maldon Central and South and Rural South **40%**
  - Maldon North and Rural South East Higher **30%**
  - Rural South East Lower **25%**

4.5 Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirement will render any development proposals unviable. Affordable housing should be provided on-site, the contribution from developers should comprise of free serviced land to provide the number, size, type and tenure of affordable homes required by the Council's policies in accordance with the Strategic Housing Market Assessment (SHMA), the Council's adopted Affordable Housing Guide, and relevant housing strategies of the Council. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site. The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing Supplementary Planning Document (SPD).

4.6 For affordable housing, the Local Planning Authority (LPA) maintains that policy H1 of the LDP holds significant weight due to its advanced stage of adoption as stated in paragraph 216 of the NPPF as set out above. In this location, Rural South, the LDP policy H1 requires 40% affordable housing to be provided. The scheme of this size would be required to provide 14 affordable units onsite to comply with policy H1. Reason 1 of the previous application refused planning permission as a result of inadequate levels of affordable housing. The previous application proposed 30% affordable housing originally. As part of the current submission no issues with viability were raised. However, during the application a viability statement was submitted which demonstrated that no affordable housing could be achieved through

the development due to viability issues. The reasons for this included exceptional costs in particular for highways which affect the overall financial viability. This application therefore does not comply with the Council's policy (H1) for affordable housing.

- 4.7 The financial appraisal was validated by an independent consultant who did not agree with all the points and assumptions made within the appraisal. However, it was acknowledged that the full level of affordable accommodation, to be policy compliant, could not be provided. It is possible to provide a reduced proportion of affordable housing, subject to there also being a review upon completion into the final cost of highway work which if less than currently anticipated would provide means for an additional financial contribution towards affordable housing in the District. The applicant has agreed a number of points expressed by the independent consultant and has revisited their viability calculations. It is now agreed, taking into account the potential costs of providing an adopted road that the site cannot provide for on-site affordable homes in accordance with Council policy, but can make some contribution.
- 4.8 The applicant is only able to provide a reduced number of affordable homes on site or a financial payment (11.3%, either by four houses on site, or by financial contribution). The Council only considers alternatives to provision on site in exceptional cases, and the applicant has expressed some concern that housing associations may be reluctant to consider acquiring such a small number of homes. However, no evidence has been provided to substantiate this claim and in accordance with the NPPG each application must be dealt with in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding this, there has been in the past a number of smaller developments including rural exception sites which local housing associations have developed and there are several housing associations with stock in the same area.
- 4.9 As stated above, it is a requirement that applications are considered in accordance with the Development Plan unless material considerations indicate otherwise. This application does not comply with the Council's policy (H1) for affordable housing and the affordable housing offer is some ten units short of being policy compliant. The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets therefore there is no demand for the development. Whilst indicative, the housing mix is not in accordance with the District's need for smaller housing units. The significant shortfall in affordable housing weighs heavily against the application.
- 4.10 Whilst the Council acknowledges the viability constraints within the scheme it is considered that there is not a pressing need to allow the development of the site with such a significant shortfall and the minimal benefits of the scheme do not outweigh the harm from the development. Generally, there are not considered to be any material considerations that weigh heavily in favour of the development. This scheme has been refused twice previously and the quantum of development is similar in nature to the most recent application. It is not considered that this proposal overcomes the harm in the decision notice at the time of the last application.
- 4.11 Furthermore, the scheme would provide a level of affordable housing demonstrably and significantly short of the policy requirements. Whilst the viability constraints of the scheme are acknowledged, this is not considered to outweigh the harm caused by

the under-provision of affordable housing. It must be noted that the site is not a strategically allocated site, is not a site highlighted by the Council for redevelopment and the Council is able to demonstrate in excess of five years' worth of housing supply; so there are no obvious or clear material considerations that weigh in favour of the application. The shortfall in affordable housing would not meet the social strand of the NPPF and therefore, when taking in to account the tripartite definition of sustainability provided by the NPPF, the scheme cannot be considered sustainable development.

## 5. **OTHER MATTERS – CORRECTIONS**

5.1 The following paragraphs of **APPENDIX 1** should be corrected as follows:

<b>APPENDIX 1 paragraph reference</b>	<b>Correction</b>
3.1.8	<b>Delete</b> "...to two and a half storeys high."
5.4.11	<b>Delete</b> "...to two and a half..."
	<b>Delete</b> "...with conjoined linked extensions."
	<b>Delete</b> "This application provides an identical proposed and as there are no new material considerations it is not considered that the new supporting information supplied including the revisited LVIA overcomes the previous reasons for objection."  <b>Replace with</b> "Whilst the application provides some minor improvements to the indicative plan, i.e. maximum of two storeys and no conjoined buildings, these are not considered to overcome the previous reasons for objection."
5.7.1	<b>Delete</b> "...Orchard Drive."
	<b>Replace with</b> "Mill Road"
	<b>Delete</b> "...Steeple Road / Nipsells Chase...".  <b>Replace with</b> "Mill Road / Steeple Road."

## 6. **REASONS FOR REFUSAL**

1. The site is in a sensitive rural location outside of the defined settlement boundary for Mayland 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 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. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme

contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

2. The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.



**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JANUARY 2017**

<b>Application Number</b>	<b>OUT/MAL/16/00224</b>
<b>Location</b>	Whitecap Mushroom Farm Mill Road Mayland Essex
<b>Proposal</b>	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
<b>Applicant</b>	Mr Alen Powl
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker LLP
<b>Target Decision Date</b>	27 June 2016
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Major Application Previous Committee Decision

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.





### 3. SUMMARY

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

- 3.1.1 The site is located on the western side of Mill Road outside of the defined development boundary for Mayland village as shown in the Replacement Local Plan (RLP) and Local Development Plan (LDP) Proposals Maps. The site's western boundary backs onto the defined development boundary.
- 3.1.2 The site is a former mushroom farm and comprises of a number of buildings which are located centrally and to the eastern part of the site and are accessed via concrete road from Mill Road. The site appears to be used for storage purposes and also includes stables. The western part of the site is undeveloped. The likely usage of the site would be agricultural and therefore would not fall within the definition of 'previously developed land' as defined in the National Planning Policy Framework (NPPF). The site boundary mainly comprises of hedgerows and trees. The site measures 2.2 hectares and is flat levelled site.
- 3.1.3 Access to the site is achieved via Mill Road which is an unmade road that runs in a north / south direction to its junction with Steeple Road to the southern end of the road. Mill Road is mainly rural in character and with a small number of dwellings located along either side of the road. There are former mushroom farms and former nursery uses located on this road. The areas either side of the road and to the south of Steeple Road comprise the rural countryside.
- 3.1.4 Immediately along Mill Road to the north (no. 5) and south (no. 3) of the site are residential properties and to the east is a former nursery site. There are a small handful of dwellings, a community hall and a former public house, now in use as a restaurant, located along the northern side of Steeple Road to the west of the road junction with Mill Road. To the western boundary is small industrial estate known as the Mayland Industrial Estate which is identified in the current RLP as an existing employment allocation and this allocation has been carried forward and is identified in the submitted LDP. Beyond the employment area to the west is the village.
- 3.1.5 This application represents the second resubmission of previously refused outline planning applications (OUT/MAL/15/00018 refused 14.04.2015 and OUT/MAL/15/00678 refused 22.10.2015). The application seeks outline permission for the demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard.
- 3.1.6 The proposal seeks outline permission for the principle of the development and access. All other matters including layout, scale, appearance and landscaping would form the reserved matters for future consideration. Access to the site would be taken from Mill Road which would involve upgrading Mill Road to an adoptable highway standard up to the entrance of the site with the remainder of the road to the north remaining unadopted. Within the site internal roads would be formed linking to the site's access onto Mill Road.
- 3.1.7 The proposal is for up to 35 dwellings with no housing mix identified at this stage. The proposal includes 0.37 hectares of public open space.

3.1.8 An indicative masterplan plan has been submitted showing a potential layout for the development which would be accessed via a new access road from Mill Road alongside the southern boundary with no. 3 Mill Road. Two areas of public open space are shown to the site's south east and north-west corner. The north western public open space would incorporate a play space. An indicative streetscene plan within the Design and Access statement shows that the dwellings would be two to two and half storeys high.

3.1.9 This application forms a resubmission following the refusal of two previous applications:

- **OUT/MAL/15/00018** - Outline planning permission for demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matter reserved. Refused 14 April 2015 for the following reasons:
  1. The proposed development would not meet the evidenced requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to the guidance and provisions of the National Planning Policy Framework and policies S1 and H1 of the Maldon District Submitted Local Development Plan.
  2. The submitted Flood Risk Assessment does not comply with the requirements set out in Paragraph: 030 Reference ID: 7-030-20140306 of the Planning Guidance to the National Planning Policy Framework, and the Flood Risk Assessment does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted Flood Risk Assessment fails to provide infiltration testing results, provide suitable run-off rates and storage for this site or sufficiently show that the site is not at risk from flooding. Consequently, in the absence of this information the proposed development could give rise potential risks to human life from a flood event that would be detrimental to the future occupiers of the site. The development is therefore contrary to the guidance and advice contained within the National Planning Policy Framework and Planning Practice Guidance, and policy D5 of the Maldon District Local Development Plan Submission.
  3. The indicative layout plan shows that some of the proposed residential properties would be located within close proximity to the existing Mayland Industrial Estate where there are existing light and general industrial uses. However, in the absence of a noise impact assessment it is not possible to fully understand the predicted noise and disturbance issues upon these properties. Consequently future residents of these dwellings could be subject to significant noise and disturbance issues from the existing neighbouring light and general industrial uses. In addition the business operations of the units within the existing Mayland Industrial Estate should also not be subject to unreasonable restrictions put on them which may impact upon their future business

operations. As such the proposal is contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, the guidance and advice contained within the National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan Submission.

4. The submitted Maldon District Local Development Plan is considered to carry substantial weight due to its advanced stage of the Local Plan examination process as paragraph 216 of the National Planning Policy Framework advises. The proposal is a departure and contrary to policy S2 of the submitted Maldon District Local Development Plan as it does not constitute sustainable growth to meet the objectively assessed needs for housing over the next 15 years. The proposal is in advance of the Council's Rural Allocations Development Plan Document, which will identify suitable sites for housing allocations in rural areas over the lifetime of the submitted Maldon District Local Development Plan. The proposal is therefore contrary to policies S2, S7 and S8 submitted Maldon District Local Development Plan, policies S2, CC6 and CC11 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework.

- **OUT/MAL/15/00678** - Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018). Refused 22 October 2015 for the following reason:

1. The site is located in sensitive rural location outside of the defined settlement boundary for Mayland 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 and as this site has not been identified by the Council for development to meet future needs for the District, as it does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan, the proposal would result in an intrusive urbanizing impact upon the site and the surrounding area adversely affecting this rural character and the intrinsic character and beauty of the countryside in this location. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1 and S8 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 7, 14, 17, 216 and having regard to the requirements of Paragraphs 47 to 49.

3.1.10 This appeal decision is currently being appealed. However, the appeal process is currently being held in abeyance due to the applicants change in position on viability.

### 3.2 Conclusion

3.2.1 The site is in a sensitive rural location outside of the defined settlement boundary for Mayland 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 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. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

- 3.2.2 In addition, the proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.

#### **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 including paragraphs:**

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

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CON6 – Contamination
- CC5 – Protection of Wildlife on Development Sites
- CC6 - Landscape Protection
- CC11 – The Coastal Zone
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- BE1 – Design of New Development
- BE3 – Public and private amenity spaces
- BE8 – Lighting
- BE13 – Development in Conservation Areas
- REC3 – Children's Play Space associated with new housing developments and elsewhere in the district
- T1 – Sustainable Transport and Location of New Development

- T2 – Transport Infrastructure in New Developments
- T6 - Improvement to Pedestrian Facilities
- T8 - Vehicle Parking Standards
- PU1 – Provision of Educational Facilities
- PU2 – Recycling Facilities in New Developments

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

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D3 – Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

**4.4 Relevant Planning Guidance / Documents:**

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

**4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

4.5.1 As part of the planning application a draft Heads of Terms has been provided. As part of this document, it has been confirmed that provision will be made for the following;

- A financial contribution towards educational facilities for early years and childcare;
- Costs of carrying out such noise mitigation works.

4.5.2 Matters regarding the Affordable Housing Provision are covered in more detail at section 5.3 of this report.

## 5. MAIN CONSIDERATIONS

### 5.1 **Principle of Development**

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 In relation to this, the site is in a location where policies of restraint apply. RLP Policy S2 states that “outside development boundaries defined in the Local Plan the coast and countryside will be protected for their own sake particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value”. This policy position is reflected in the emerging LDP policy S8 which seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy 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 that policy.
- 5.1.3 The proposal to provide new housing would not fall within any of the categories listed within policy S8. Therefore, the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.
- 5.1.4 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The Pre Submission Local Development Plan through the pre-ambles to policy S1 re-iterates the requirements of the NPPF.
- 5.1.5 The RLP does not define settlement hierarchies but LDP policy S8 does and identifies Mayland as a ‘larger village’ which is defined as a settlement with a limited range of services and opportunities for employment, retail and education, and with a limited local catchment and a lower level of access to public transport.
- 5.1.6 With regard to distance to goods and services the local centre is located 2.5km from the site. In the centre there is a parade of shops comprising a chemist, doctor’s surgery, convenience store, takeaways, bakery, general store, hairdressers and along the waterfront is a public house. On the edge of the village, and closer to the site along Steeple Road, there is a petrol station with a convenience store which is closer than Mayland’s shopping centre. There is public open space in Mayland and footpaths in the area and along the seawall. The Mayland Mill former public house provides a restaurant facility, there is a nearby community hall and the employment land to the west of the site boundary could provide employment opportunities, all these facilities are within close proximity of the site.
- 5.1.7 In terms of transport modes there are bus stops located within 300m of the site along Steeple Road. The local bus service is limited with the most frequent being a two

hourly service during the day along routes to Maldon, Bradwell and Burnham connecting with other villages along the route but this is typical of rural services in the area. The bus service connects to Burnham railway station. The nearer stations of Althorne and North Fambridge depend upon private vehicle access. There is a public footpath along the Steeple Road which connects with other roads linking to Mayland. There are no cycle-ways nearby. The site can be access by private motor vehicles using the existing road network.

- 5.1.8 In assessing the locational requirements there have been two sites in the immediate area that have been subject to appeals for development which have considered in this location.
- 5.1.9 The most recent application was for the erection of six dwellings and garages with a new access at 43 Steeple Road (OUT/MAL/12/00563). This was refused planning permission on 20 August 2012 for reasons of layout, scale and the impact upon a neighbouring listed building. The application was then subject to an appeal that was dismissed on 20 February 2013. This site is 40m to the south of the application site and a further 180m from the application site's front boundary on Mill Road to the front boundary of 43 Steeple Road. This application was considered to be located in a sustainable location and within the defined development boundary for Mayland.
- 5.1.10 Opposite the application site on land adjacent to Mill Road and Steeple Road planning permission was granted planning permission in 2012 for a 60 bed nursing home for dementia patients, reference OUT/MAL/12/00452. This application considered the use of the site to be acceptable in this location having regard to the future users of the care home and the likelihood of only staff and visitors needing to potential travel to the site. This 2012 application followed a previous application in 2008 (pre-NPPF) for 34 extra-care elderly person's bungalows, 60 bed nursing home, 14 affordable housing bungalows for the elderly and community building. That application was subject to an appeal where one of the issues considered the principles of sustainability. The Inspector considered that the site was unsustainable for that proposal, which included a range of different facilities such as dwellings for people over the age of 55 that were still independent and not requiring regular care. It was considered that the users of the proposal would find it difficult to walk the distances involved to reach the centre of Mayland and all its facilities and the appeal was consequently dismissed. The 43 Steeple Road application has since followed these applications and that site is only short distance from the land adjacent to Mill Road and Steeple Road site and the application site. The 43 Steeple Road was considered sustainable with some of the site falling within the existing defined development boundary (RLP policy S2).
- 5.1.11 Considering the above as well as previous decisions which form material consideration in the determination of the application, the application site is considered to benefit from some sustainability credentials. The following sections of the report discuss the material considerations which determine the acceptability of the development in full.

## **5.2 Housing Land Supply Position**

- 5.2.1 The Secretary of State (SoS) has stated that the latest full assessment of housing should be considered and given weight in accordance with the NPPF. The SoS



recognises that the Council has undertaken a comprehensive assessment of housing need and that there is nothing before him to lead him to a contrary view at this stage. This clarification supports the Council in providing significant weight to policies within the Local Development Framework (LDF), and supports the housing target used within the identification of the Council's five year housing supply.

- 5.2.2 The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets. The Council can therefore demonstrate in excess of a five year supply of housing. The Councils Five Year Housing Land Supply Statement 2015 / 16 dated August 2016, and the Councils Advisory Note dated August 2016 clarify this position in full and are available for public viewing on the Council's website.
- 5.2.3 Following the annual monitoring of housing completions undertaken in March 2016, and taking into account comments from Inspectors at recent appeals where the District's five year housing land supply statement (FYHLS) position has been considered, and planning approvals and resolutions to grant planning permission subject to the completion of a section 106 agreement up to 24 August 2016, the Council has recently produce the August 2016 FYHLS Statement.
- 5.2.4 The August 2016 FYHLS Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District's Objectively Assessed Need (OAN) (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 years supply of housing land.
- 5.2.5 Since the Council published the July 2015 FYHLS Statement, in the 16 appeals where the Council's FYHLS position has been considered, 11 appeals concluded that the Council could demonstrate a FYHLS. The August 2016 FYHLS Statement now further strengthens the Council's FYHLS position.

### **5.3 Housing Mix and Affordable Housing**

- 5.3.1 There are no policies in the current Local Plan regarding housing mix but the submitted LDP through policy H2 identifies housing mix as a policy and accords with the requirements of paragraph 50 of the NPPF. The pre-ambles to the policy through the evidence base from the Strategic Housing Market Assessment (SHMA) identifies that the District has an unbalanced high number of large dwellings of three or more bedrooms and for one and two bedroom units there is a less than half the national average. The Council's recently updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units over all housing types. For affordable housing the same need requirements apply, however, for market housing the need is for one, two and three bedroom units with an over provision of four bedroom plus units.
- 5.3.2 In addition, the current SHMA's housing needs are for all age groups but it is recognised that the District has an ageing population both from existing residents and

in-migration. For existing residents there is a need for downsizing from three and four bedroom units in the market sector and therefore new development should provide smaller housing units to provide a suitable housing mix to reflect the LDP policy H2 requirements.

- 5.3.3 There is no housing mix identified for this application, however, a planning condition could be imposed to require the market housing mix to accord with the most up to date SHMA. This is important so that the layout of the development through the reserved matters accords with the most up to date SHMA. For appraisal and viability submission purposes, the assumed dwelling mix, as noted at section 11 of the submitted Viability Assessment, comprises 6 x two-bed houses (4 x terraced @ 818 sq. ft.; 2 x semi-detached @ 821 sq. ft. - i.e. approx. 76 sq. m each), 27 x three-bed houses (14 x semi-detached @ 965 sq. ft.; 13 x detached @ 968 sq. ft. - i.e. approx. 90 sq. m each) and 2 x five-bed houses (detached units @ £1618 sq. ft. - i.e. approx. 150 sq. m each). Whilst indicative, it is considered that this mix would not be reflective of the needs identified within the SHMA.
- 5.3.4 For affordable housing, it is considered that policy H1 of the LDP holds significant weight due to its advanced stage of adoption as stated in paragraph 216 of the NPPF. In this location, Rural South, the LDP policy H1 requires 40% affordable housing to be provided. The scheme of this size would be required to provide 14 affordable units onsite to comply with policy H1. Reason 1 of the previous application refused planning permission as a result of inadequate levels of affordable housing. The previous application proposed 30% affordable housing. As part of the current submission, a viability statement was submitted which demonstrated the reasons why no affordable housing could be achieved. This application does not comply with the Council's policy (H1) for affordable housing; the proposed scheme involves exceptional costs in particular for highways which affect the overall financial viability of the scheme and therefore the contribution that can be made towards meeting the need for affordable housing.
- 5.3.5 A financial appraisal has been provided and validated by an independent consultant who acknowledges that it may only be possible to provide a reduced proportion of affordable housing, subject to there also being a review upon completion into the final cost of highway work which if less than currently anticipated would provide means for an additional financial contribution towards affordable housing in the District. The applicant has agreed a number of points expressed by the independent consultant and has revisited their viability calculations. It is now agreed, taking into account the potential costs of providing an adopted road, that the site cannot provide for on-site affordable homes.
- 5.3.6 The applicant is only able to provide a reduced number of affordable homes on site or a financial payment. The Council only considers alternatives to provision on site in exceptional cases, and the applicant has expressed some concern that housing associations may be reluctant to consider acquiring such a small number of homes. However, no evidence has been provided to substantiate this claim.
- 5.3.7 Notwithstanding this, there has been in the past a number of smaller developments including rural exception sites which local housing associations have developed and there are several housing associations with stock in the same area.

- 5.3.8 This application does not comply with the Council's policy (H1) for affordable housing and the affordable housing offer is some ten units short of being policy compliant. The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets therefore there is no demand for the development. Whilst indicative, the housing mix is not in accordance with the District's need for smaller housing units. The significant shortfall in affordable housing weighs heavily against the application. Whilst the Council acknowledges the viability constraints within the scheme it is considered that there is not a pressing need to allow the development of the site with such a significant shortfall and the minimal benefits of the scheme do not outweigh the harm from the development.

#### 5.4 Design and Impact on the Character of the Area

- 5.4.1 RLP Policy BE1 and D1 of the LDP are applicable to the consideration of design. These, coupled with the NPPF, aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.
- 5.4.2 The site is also within a rural area where RLP policies CC6 and BE1 and S8 and D1 of the LDP aim to protect the countryside, including its natural beauty, quality and tranquillity.
- 5.4.3 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".
- 5.4.4 In addition, the NPPF 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".
- 5.4.5 A revisited Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and recognises that the site entrance is located between two existing residential properties with commercial buildings to the western boundary and residential properties further to the south. The site itself includes derelict former agricultural buildings but is more open and natural to the western part of the site. The site's topography ranges between 4.47m to 7.6m above sea level. Beyond the site the more open landscape areas in this location are to the north, east and southern areas away from the site. Visually the LVIA identifies that the site would be seen in the 'context of Mayland and the housing that already exists in the area' and from higher ground points to the south. The LVIA concludes that the development would not '*negatively impact upon the landscape*' as the positive aspects of the landscape including the field boundary vegetation around the site would be retained.
- 5.4.6 There are no significant landscape features within the site other than the existing hedgerows and trees in and around the site. The existing hedgerows and trees around the boundaries are proposed to be retained and can be conditioned to be retained and enhanced with further details of the proposed landscaping to be subject to the reserved

matters application. Half of the site is covered in hardstanding and buildings some of which are redundant and in a state of disrepair.

- 5.4.7 Due to the outline status of the application the full extent of the visual impact of the development cannot be fully addressed as the layout, appearance, scale and landscaping would be subject to the reserved matters. Nevertheless, the information provided through the planning statement, design and access statement, indicative masterplan and the revisited LVIA assists with this material consideration. Visually the site is generally well screened and only the front part of the site would be seen from Mill Road which is the nearest public vantage point. From further distant views on higher ground to the south the LVIA identifies that the site would be seen in the 'context of Mayland and the housing that already exists in the area'. Elsewhere the surrounding area is flat and the site would not be seen from countryside areas to the north and east due to existing development and landscape features such as hedgerows and woodland areas. It could be considered that the proposal would result in the loss of rural character along Mill Lane which is a rural lane dominated by the landscape with buildings interspersed along the lane.
- 5.4.8 The dilapidated buildings on site are of an agricultural character of which the proposed dwellings would be of an entirely different character. It is accepted that agricultural buildings are sited in rural areas. However, the urbanization of the area would have a demonstrable impact on the character and appearance of the locality. Whilst it is accepted that the application site currently appears derelict and tired, and the introduction of dwellinghouses may give an overall tidier appearance, it would not be a considerable benefit which would outweigh the significant detriment caused to the countryside as a result of the development.
- 5.4.9 Internally within the site none of the land within the site has been used for the growing of crops or for livestock purposes as the former mushroom farm use operated from the buildings on site including greenhouses. In its current state the site would not result in the loss of any high grade agricultural quality land.
- 5.4.10 The application is in outline form with access information submitted. Vehicular access to the application site would be achieved from Mill Road via Steeple Road to the south. Only one access point is proposed entering the site from the eastern site boundary. This access can provide vehicle, pedestrian and cycle access to the site. To reach the access Mill Road is an un-adopted unmade road which is wide enough for two vehicles to pass but has no formal footways for pedestrians. There are no objections raised to this access arrangement and due to the site being landlocked to the northern, southern and western boundaries by private properties there is no scope or potential for permeability through the site.
- 5.4.11 With regard to design and scale the Design and Access Statement shows that the proposed development indicates two to two and half storey properties with conjoined linked extensions. The design also includes properties with four dormers within the front façade roofscape to the properties located centrally within the site which is too urban, too heavy and dominating in the roofscape. The scale is excessive for this rural edge of village location. An indicative masterplan is included and shows an identified housing layout with the access into the site, levels of housing density and open space and landscaping. The previous application raised concerns over the indicative masterplan regarding the conjoined buildings nearest the front entrance to

the site which is too urban in form for this setting but also the estate style layout which would be at odds with the prevailing pattern of development in the locality. This application provides an identical proposed and as there are no new material considerations it is not considered that the new supporting information supplied including the revisited LVIA overcomes the previous reasons for objection.

- 5.4.12 Whilst in outline form, it is considered that the proposed residential development would result in a demonstrable harmful effect on the character and appearance of the area, would extend development into the open countryside, would be prominent from the surrounding area and would result in an urbanising effect on the countryside, appearing incongruous and visually intrusive in this setting.

## **5.5 Housing Density**

- 5.5.1 The NPPF takes precedent as the more up to date policy position than RLP policy H6 which set density levels of between 30-50 dwellings per hectare. However, the NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. In terms of the submitted LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development. The site measures 2.2 hectares and based on 35 dwellings this equates to 16 dwellings per hectare which in numerical terms represents a low density form of development. However, crucial to the acceptability of the development will be the layout and scale of the development over the whole site and how this relates to this area. Such details would be considered through the reserved matters.

## **5.6 Impact on Residential Amenity**

- 5.6.1 In terms of this outline application the built form of the development is only shown as indicative in layout, appearance and scale terms. Nevertheless this can be assessed in regard to the impact upon the nearest residential properties although will be further assessed through the reserved matters once the definitive proposed layout and form of development is shown. The nearest residential properties are located as 1, 3 and 5 Mill Road and are located to either side of the proposed new access into the site. The indicative masterplan of the development shows that plots 1 to 4 would be closest to these dwellings. Plot 1 would be 25m from number 3 and 5 based on building to building distances of the proposed dwelling, the garage block is indicated at being 15m from number 5.
- 5.6.2 Beyond the western boundary is the neighbouring employment land allocation known as the Mayland Industrial Estate where there are light and general industrial uses. The indicative masterplan shows that residential dwellings would be introduced in a much closer location to these industrial units than any existing residences in the area. The indicative masterplan raises concerns for the future amenities of plots 20 to 26 which may be subject to noise and disturbance issues from the neighbouring employment land. The previous application was refused planning permission on the basis of such concerns and in the absence of a noise impact assessment.
- 5.6.3 The current application includes a noise impact assessment which identifies that plant equipment associated with two existing industrial units generate audible noise that would impact upon the site and the future residents of the nearest affected dwellings.

Environmental Health advise that this level of noise would lead to poor living conditions, a low quality of life and impact upon an occupants wellbeing. Environmental Health are also concerned about the residential use of the application site creating a more sensitive environment which could lead to future restrictions placed upon neighbouring employment uses and affect their ability to operate as businesses. The noise impact assessment identifies that sound reductions could be achieved through relocation of the plant equipment or a potential alternative plant. The businesses that operates from neighbouring employment land have stated, in written correspondence attached to the noise impact assessment, that they are willing to reduce, replace or screen/enclose the noise sources at the applicants cost.

5.6.4 The previous application identified issues with possible noise form the neighbouring industrial estate. An Acoustic Consultant was appointed to carry out testing to determine impacts the adjacent industrial estate would have on the proposed housing. The findings indicate that some mitigation will need to be employed to bring levels to a satisfactory level for residents of the new development.

5.6.5 The supplied Heads of Terms state that it is intended that an undertaking will be provided for the costs of carrying out such noise mitigation works as necessary and recommended by the applicant's noise consultant to insulate machinery or buildings in the neighbouring Mayland Industrial Estate prior to the first occupation of any dwelling in the development.

5.6.6 It is considered that provided the works are carried out, following the securement of legal agreement, the development would not result in a demonstrably negative impact in relation to noise. The mitigation measures would need to be implemented prior to the first occupation of any dwelling and that mitigation measures shall remain in existence at all times thereafter.

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

5.7.1 Access is a matter for consideration as part of the current application. The block plan shows that the access would be taken from the south of the application site, from Orchard Drive. The applicant has submitted a robust Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal. The Steeple Road / Nipsells Chase junction has been assessed and will continue to operate well within capacity now and in the future.

5.7.2 Essex County Highways Authority have raised no objection to the proposal, subject to conditions regarding the submission of a Construction Method Statement, access arrangements to be carried out in accordance drawing no.5950/01 Rev A, public rights of way to be maintained free and unobstructed at all times, the requirement of a travel information pack, and to ensure that no discharge surface water shall go onto the highway.

5.7.3 Therefore, the Highways Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

- 5.7.4 In terms of car parking, layout is not a matter for consideration as part of this current application. The application comprises a mix of one bedroom, two bedroom, three bedroom and four bedroom dwellings. The Maldon Vehicle Parking Standards state that for a one bedroom unit, a maximum of one space should be provided, for a two / three bedroom dwelling, a maximum of two car parking spaces should be provided, and for a four bedroom dwelling, a maximum of three spaces should be provided.
- 5.7.5 Whilst layout is not a matter for consideration as part of the current scheme, the site is considered to be large enough to meet the Maldon Vehicle Standards for the mix of dwellings proposed.
- 5.7.6 In light of the above, the proposal, subject to conditions would not result in demonstrable harm to highway safety or the free flow of traffic, in accordance with policy T2 and the NPPF.

## **5.8 Private Amenity Space and Landscaping**

- 5.8.1 The application form states that the proposal would accommodate a mix of one bedroom, two bedroom, three bedroom, and four (or more) bedroom dwellings. The Essex Design Guide states that dwellings containing one or two bedrooms should accommodate a minimum of 50sqm of private amenity space, with dwellings containing more than three bedrooms accommodating 100sqm of private amenity space.
- 5.8.2 In terms of flats, the Essex Design Guide states that communal residents gardens can be provided on the basis of a minimum area of 25sqm per flat. These areas must be screened over eye level, a must contain a sitting out area which receives sunshine during at least one part of the day.
- 5.8.3 Layout is not a matter for considerations as part of the current application. An indicative block plan has been provided as part of the application which shows that private amenity space varies between the plots with the minimum provision of 46sqm and a maximum provision of 340sqm. The building to the north of the site, centrally located provides no amenity space, and it is not evident where communal land is located. Whilst the site is considered to be large enough to accommodate a sufficient level of amenity space to meet the requirements of the Essex Design Guide and policy BE1, the proposal as submitted fails to meet this requirement. This should be considered prior to the reserved matters submission.

## **6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/15/00678** - Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018). Refused - 22 October 2015. This application is currently being appealed. However, the appeal has been held in abeyance whilst the Council considers the new viability position.
- **OUT/MAL/15/00018** - Outline planning permission for demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an

adoptable standard. Access to be taken off Mill Road with some other matter reserved. Refused - 14 April 2015.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	Support: <ul style="list-style-type: none"> <li>- Brownfield land is used and this begins the upgrading of Mill Road.</li> <li>- This recommendation is subject to the additional parking, maximum two-storey building and pedestrian walkways.</li> </ul>	Noted – Parish Trigger.

### 7.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Sustainable Urban Drainage Systems (SUDs)	No objection, subject to conditions.	Acknowledged
Essex County Council (ECC) Education	No objection subject to Section 106.	Acknowledged
Natural England	No objection, subject to conditions.	Acknowledged
Essex County Fire and Rescue	No objection.	Acknowledged
Essex Highways	No objection, subject to conditions / S106.	Section 5.7 of this report.

### 7.3 **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon District Council Housing	Object.	Please see Section 5.3 of this report.
Leisure & Liveability	No objection, subject to conditions.	Acknowledged.
Archaeology	No objection, subject to conditions.	Not applicable (N/A).
Environmental Health	No objection, subject to	Acknowledged.



Name of Internal Consultee	Comment	Officer Response
	mitigation / conditions.	
Policy	Objection.	Please see Section 5 of this report.
Conservation Officer	No objection.	N/A.

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

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

- Mary Butcher - 5 Mill Road, Mayland, Chelmsford, CM3 6EQ
- Alena Fisher - Yeoman farm cottage, 12 Mill Road, Mayland, CM3 6EQ
- Victoria Harris - 7 Mill Road, Mayland, Chelmsford, CM3 6EQ
- Gareth Jenkins - 53 Steeple Road, Mayland, Chelmsford, Essex CM3 6EG
- Brenda Major - Mill House, Steeple Road, Mayland, CM3 6EG (Petition 31 signatures)
- David Shiers - 15 Mill Road, Mayland, CM3 6EQ
- W F Wood - 11 Mill Road, Mayland, CM3 6EQ

Objection Comment	Officer Response
Not in keeping with other properties in Mill Road.	
This development would set a precedent for any future developments in Mill Road.	
All of our 5 bedrooms will be overlooked by 7 of the 35 properties proposed to the side and rear of our property. The current buildings on the site are of single storey.	
The additional trees proposed for the side and rear of our property for screening purposes will block the natural light to our property.	
The additional trees proposed for the side of our property could obscure the vision of mill Road when exiting our driveway.	
Mayland has a limited range of retail shops and schools with the nearest supermarket and secondary schools in Maldon or South Woodham Ferrers.	
Access to public transport currently has only a limited timetable.	
There is no pedestrian route to the pre-school, primary school and doctors surgeries in Maylandsea.	
As most households have at least 2 vehicles this will well over double the amount of traffic using Mill Road and	

# APPENDIX 1

Objection Comment	Officer Response
will put pedestrians and horseriders at risk.	
This is a nice, peaceful and secluded road.	
Concerns that this will be very detrimental to the value of our property.	
Concerns with increasing cars and traffic	
This is not an area younger people will be interested in.	
It will have a direct impact on my property and my livestock.	
The upgrading of Mill Road to a 5.8mtr. type 5 road is impossible without extending the width of the road where it borders my property.	
This application contains no substantive alterations to either of the previous applications made for this site.	
There is nothing special with respect to this one site within a rural lane of similar sized plots.	
The site is currently used for a number of purposes (e.g. B and H Taxis who maintain a 24/7 business usage).	
The district plan is not proving to be robust – there are a number of landholders waiting on the decision for this site to put in further applications for their own land.	
Concerns regarding the width of the road and the nature of the junction with Steeple Road will not be adequate for the proposed traffic, let alone the real road width.	
Concerns with regards to Mayland industrial estate noise.	
According to the Parish Extract, The Maylands, First Review, Mill Road is in a 'Coastal Protection Belt' and therefore no development is allowed except under exceptional circumstances.	
Concerns regarding the proposed demolition of two remaining barns, although not listed must be of historical interest.	
This land should be protected for its landscape and for its historical and recreation value.	
Concerns with regards to some buildings	

Objection Comment	Officer Response
having windows on third floor – which means 3 story building, which is not in keeping with Mayland.	

7.4.2 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:

- Alwynne Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Asa Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- David Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Sam Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Andrew Bennett - 20 Mildmay Road, Burnham On Crouch, CM0 8ED
- Liam Blackie - 4 St Nicholas Road, Tillingham, CM0 7SH
- K E Briton - 52 Second Avenue, Frinton On Sea, CO13 9LX
- Sarah Brown - 59 Bramley Way, Mayland, CM3 6ES
- Vicki Burnett - 36 Southfield, Tillingham, CM0 7FU
- Lauren Charlton - 26 Snoreham Gardens, Latchingdon, CM3 6UN
- Chris Colwill - 66a Imperial Avenue, Mayland, CM3 6AH
- Sean Conn - 17 Wormandy Avenue, Burnham On Crouch, CM0 8JR
- Thomas Connolly - 2 Hawthorne Cottages, Rushes Lane, Asheldham, CM0 2WY
- Karen Coombe - 2 Chestnut way, Tiptree CO5 0NX
- C Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- James Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- K S Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- P A Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- Peter Cooper - 3 Tile Corner Cottages, Marsh Road, Tillingham, CM0 7SZ
- David Lee - 23 St Johns Court, Nipsells Chase, mayland, CM3 6GH
- Aurely de Smith - 16 St Albans Road, Colchester, C03 3JQ
- Diane Lee - 23 St. Johns Court, Nipsells Chase, Mayland, CM3 6GH
- N Dowick - 33 Winstree Road, Stanway, Colchester, CO3 0QG
- Dennis Drape - 52 Wood Road, Heybridge, CM9 4AU
- L Drape - 52 Wood Road, Heybridge, CM9 4AU
- Gary Eakin - 94 Imperial Avenue, Mayland, CM3 6AF
- Ruth Edge - 13 The Avenue, Newmarket, Suffolk, CB8 9AA
- B R Edwards - 21 Wembley Avenue, Mayland, CM3 6AY
- M.B.F Edwards - 56 Station Road, Burnham On Crouch, CM0 8HF
- I L Edwards - 21 Wembley Avenue, Mayland, CM3 6AY
- S Edwards - 7 Western Road, Burnham On Crouch, CM0 8JE
- Ashley Emans - 8 Derby Close, Mayland, CM3 6TB
- Christine Etheridge - 3 Burnham Road, Latchingdon, CM9 6EU
- Ian Etheridge - 3 Burnham Road, Latchingdon, CM9 6EU

- G Evans - 50 West Avenue, Maylandsea, CM3 6AF
- Katie Evans - 9 Teal Avenue, Mayland, CM3 6TU
- Lee Evans - 9 Teal Avenue, Mayland, CM3 6TU
- Lorraine Evers - Mayland House, Smiths Avenue, Mayland, CM0 7RM
- Devon Evers - Mayland House, Smiths Avenue, Mayland, CM3 6AS
- Abigail Eyles - 92 Brockenhurst Way, Bicknacre, CM3 4XW
- D Ford - 58 Lavender Drive, Southminster, CM0 7RX
- Tessa Ford - Little Oaks, Mayland Green, Mayland, CM3 6BD
- Viv Foster - Austral Lodge, Fambridge Road, Althorne, CM3 6BZ
- Julie Fowler - 82 Granger Avenue, Maldon, CM9 6AN
- David Gregg - 1 Katonia Avenue, Mayland, CM3 6AD
- Susan Gregg - 1 Katonia Avenue, Mayland, CM3 6AD
- Victoria Gusterson - 25 Holland Road, Lt Clacton, CO16 9RT
- Kenneth Hand - Crouch View Cottage, Burnham Road, Burnham On Crouch, CM0 8NT
- Oliver Harber - 10 Elsdon Chase, Southminster, CM0 7EX
- Kelly Harbott - 11 Fels Way, Mayland, CM3 6AN
- Nick Harbott - 11 Fels Way, Mayland, CM3 6AN
- B Harrington - 32 Steeple Road, Mayland, CM3 6BB
- V Harrington - 32 Steeple Road, Mayland, CM3 6BB
- J Harris - 60 Falklands Road, Burnham On Crouch, CM0 8SN
- Mark Harvey - 24 Medway, Maldon, CM9 5JR
- Lee Home - Dent Correction, Unit 16, Maylandsea Ind Estate, Steeple Road, Mayland, CM3 6AX
- Jane Hurley - Crystal Cottage, Rectory Lane, Latchingdon, CM3 6HD
- Rob Hurley - Crystal Cottage, Rectory Lane, Latchingdon, CM3 6HD
- Richard Keeble - 29 Ely Close, Southminster, CM0 7AQ
- James Knights - The Granary, Steeple Road, Mayland, CM3 6BE
- Roy Laybourn - Ashtree Farm, Steeple Road, Mayland, CM3 6EG
- Wendy Laybourn - Ashtree Farm, Steeple Road, Mayland, CM3 6EG
- David Lee - 23 St.Johns Court, Nipsells Chase, Mayland, CM3 6GH
- Paul Likeman - 1 Mill Road, Mayland, CM3 6EQ
- Howard Martin - 20 Mariners Way, Maldon, CM9 6YW
- Ruth Martin - 7 Wentworth Meadows, Maldon, CM9 6EH
- Mayland Service Station - 28 Steeple Road, Mayland, CM3 6BB
- Liam McMahon - Panther Projects, Unit 13, Mayland Ind Est, Steeple Road, Mayland, CM3 6AX
- David Meurs - 1 Mayfields, 38 Crouch Road, Burnham On Crouch
- Jane Ogden - 35 Burnham Road, Latchingdon, CM3 6EU
- George Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- Harry Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL

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- Jack Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- Frances Pickton - 14 Essex Road, Burnham On Crouch, CM0 8RX
- Sarah Pickton - 14 Essex Road, Burnham On Crouch, CM0 8RX
- Emma Pollard - 11 Bramley Way, Mayland, CM3 6ER
- Sophie Pollard - Mount Pleasant Lodge, Foxhall Road, Mayland, CM0 7LB
- Keith Powell - 17 Mill Road, Mayland, CM3 6EQ
- Abigail Powl - 3 Mill Road, Mayland, CM3 6EQ
- Sarah Powl - Aerie, The Street, Steeple, CM0 7RM
- C Pragnell - 35 Burnham Road, Latchingdon, CM3 6EU
- G Quinn - 3A Newhaven Way, Harwich, CO12 3NF
- Paul Regan - 63 Bramley Way, Mayland, CM3 6ES
- Vicki Regan - 63 Bramley Way, Mayland, CM3 6ES
- P Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- Toni Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- Hannah Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- T Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- W Stone - Little Oaks, Mayland Green, Mayland, CM3 6BD
- Carly Surry - 2 Fels Way, Mayland, CM3 6AN
- Susan Surry - Cranbrook, Summerhill, ALthorne, CM3 6BY
- The Occupier - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- The Occupier - 14 The Belvedere, Burnham On Crouch, CM0 8AW
- The Occupier - 4 Turnstone End, Longridge, Colchester, CO4 3FS
- The Occupier - 11 Otho Drive, Colchester, CO4 9ES
- The Occupier - 36 Southfields, Tillingham, CM0 7FU
- Peter Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- P Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- The Occupier - Blackwater Farm, New Hall Lane, Mundon, CM9 6PJ
- The Occupier - 1 Mill Road, Mayland, CM3 6EQ
- The Occupier - 2 Hawthorn Cottages, Asheldham, CM0 7NY
- David Tremain - 36 Bramley Avenue, Mayland, CM3 6ER
- Hazel Tremain - 36 Bramley Avenue, Mayland, CM3 6ER
- Allan Wainwright - Aerie, The Street, Steeple, CM0 7RM
- Becky Walker - 25 Cherry Orchard, Southminster, CM0 7HE
- S Wallis - 44 New Road, Burnham On Crouch, CM0 8EH
- Tom Watkins - 26 Snoreham Gardens, Latchingdon, CM3 6UN
- A Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- D Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- S Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- Elaine Winter - 50 Coombe Road, Southminster, CM0 7AH
- Holly Winter - 50 Coombe Road, Southminster, CM0 7AH

- C Wright - 20 Bramley Way, Mayland, CM3 6ER
- James Wright - 2 Fels Way, Mayland, CM3 6AN
- L Wright - 66a Imperial Avenue, Mayland, CM3 6AH
- M Wright - 94 Imperial Avenue, Mayland, CM3 6AF

Supporting Comment	Officer Response
The development is on a brown field site in line with current government recommendations.	
It does not encroach on any green field or rural locations.	
The upgrade of Mill Road is a logical step for the future development of infrastructure in the village.	
The Mushroom Farm had been a disused site for many years and many of the buildings are in bad conditions and could not be effectively refurbished for other uses.	
Further development of The Drive and Nipsells Chase is not viable due to existing traffic flow through the village.	
The sewage problem in the village is not compromised as Mill Road has a substantial sewer from a different system.	
All other services are available in Mill Road.	
The housing density and percentage of affordable housing makes this a good application.	
It would complement the proposed nursing home on the east side of Mill Road.	
It's about time development was allowed to this side of Mayland (Instead of Mayland-Se on green field land).	
The layout designs look really good, giving large space and variety to all house lots, which will not become an eye-sore.	
Beneficial to the Mayland's growth and infrastructure.	
Utilities are available, it is close to a bus route.	
The farm in its current state could potentially be a danger if people trespass onto the property.	
This application I believe that all the negatives against this development have been addressed.	

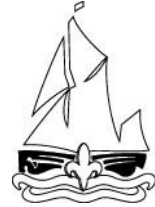
Supporting Comment	Officer Response
The village is in need of new housing for its young people who are having to move out of the village due to lack of housing.	

## 8. **REASONS FOR REFUSAL**

1. The site is in a sensitive rural location outside of the defined settlement boundary for Mayland 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 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. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.
2. The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.

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## **REPORT of INTERIM HEAD OF PLANNING SERVICES**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 FEBRUARY 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01129</b>
<b>Location</b>	Fisheries Laboratory Remembrance Avenue Burnham-On-Crouch Essex
<b>Proposal</b>	Variation of conditions 4 (external materials) and 8 (external joinery) of approved planning application FUL/MAL/15/00019 (Application for variation of Condition 2 Reference Number: FUL/MAL/12/01062) Amendments to scheme to reflect conservation issues relating to the site to include: Painted timber fascias and soffits to traditional eaves in lieu of tall parapets. Amendments to fenestration and detailing of elevations. Windows and doors to be painted timber. Minor amendments to plans to dwellings 08-12 and revisions to plots 13 and 14 to include replacement of round tower and omission of link. Variation of condition 2 to amend the design of plots 08-14 as revised drawings 1420/08-15.) Plots 1 - 7 inclusive shall be carried out in accordance with drawings 1244-012 Rev D.
<b>Applicant</b>	Mr M Hughes - Lynton Homes Ltd
<b>Agent</b>	Mr Richard Bennett - Bennetts(SA)LLP
<b>Target Decision Date</b>	10 April 2017
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger Major Application

### **1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).


### **2. SITE MAP**

Please see overleaf.

# Fisheries Laboratory - Remembrance Avenue

Burnham On Crouch FUL/MAL/16/01129



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Committee
	Date:	02/02/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south of Remembrance Avenue within the town of Burnham-on-Crouch. Approximately 80% of the application site is located within the development boundary for Burnham-on-Crouch with the remaining 20% located outside of the development boundary and within the designated Coastal Zone. The section of the application site located outside of the development boundary is located along the western site boundary. The entire application site is located within Flood Zone 3.
- 3.1.2 To the south of the application site is the Burnham Sailing Club with the sea wall beyond. To the east of the application site is a drainage ditch with Coronation Road and Queens Court beyond. To the west of the site is the Burnham Sailing club car park and boat park with the Mill Fields playing fields beyond. To the north of the application site is the end of Remembrance Avenue which is a residential street accessed off Station Road.
- 3.1.3 The application site is located adjacent to the Conservation Area for Burnham-on-Crouch which extends as far as Burnham Sailing Club as well as Coronation Road and Queens Court to the east of the application site.
- 3.1.4 On 18 December 2013, planning permission was granted for the demolition of the former Cefas (Centre for Environment, Fisheries and Aquaculture Science) Laboratory on the site, and the construction of 7 no. townhouses and 7 no. detached houses. The development approved as part of this application is currently commencing on the site.
- 3.1.5 Permission is sought as part of this application to vary conditions 4 and 8 of approved planning application FUL/MAL/15/00019, to allow for the external weatherboarding to be pre finished feather edged profile board, and windows to be Rehau Heritage UPVC (white). The conditions to be varied are as follows:

##### Condition 4

*The external materials of the development hereby approved shall be carried out in accordance with the submitted report Bennetts (SA)LLP, dated January 2015 and received by the Council on 26 January 2015.*

***REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.*

##### Condition 8

*Notwithstanding details stated within the application all external joinery including the window frames shall be in timber with a painted finish unless otherwise agreed in writing by the Local Planning Authority and shall be retained as such thereafter.*

***REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon*

### **3.2 Conclusion**

- 3.2.1 Given the distance of the development from the conservation area, and public viewpoints, the proposed amendments to external materials are not considered to result in demonstrable visual harm to the conservation area, or the surrounding locality, subject to conditions regarding the development to be carried out in accordance with the details and samples already submitted to the Council. As such, the proposal is considered to be in accordance with the Maldon District Replacement Local Plan, the submitted Local Plan and 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 2012 including paragraphs:**

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

- Policy S1 - Sustainable Development;
- Policy D1 – Design and Quality and Built Environment;
- Policy D3 – Conservation and Heritage Assets;

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

- S1 – Development Boundaries and New Development
- S2 - Development outside development boundaries
- CC6 – Landscape Protection
- CC11 - The Coastal Zone
- BE1 - Design of New Development and Landscaping
- BE13 – Development in Conservation Areas

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of the site accommodating residential development has already been established. The determining factor is whether the proposed amendments to the external materials and windows are acceptable.

- 5.1.2 The reasons for imposing both conditions was *“To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.”*. As such, it must be demonstrated that the proposed external materials, would still meet this requirement.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 While the site falls outside the conservation area, it is immediately adjacent to it and within its setting. The NPPF makes clear that the significance of a heritage asset may be harmed by development within its setting. As such any new materials must safeguard the character and appearance of the locality and the character and appearance of the conservation area.
- 5.2.2 The current proposal is to use plastic windows and cement-fibre cladding instead of painted timber, which is a more traditional material.
- 5.2.3 There generally has been a marked improvement in manmade materials and a growth in building materials that are sensitive to their historic setting. It is considered that the installation of low maintenance windows, but which have a suitably traditional profile and detailing could be acceptable, this has been confirmed by comments from the Conservation Officer.
- 5.2.4 Whilst there are public views into the site from the river wall, the nearest point to any of the proposed dwellings is 35 metres away and viewed obliquely between existing buildings on the river frontage. As such, the alterations to the weatherboarding and window materials are not considered to be noticeably prominent from the conservation area, or from the public viewpoints around the site; provided that they are sympathetic in design, finish and detailing, to the historic character.
- 5.2.5 In addition, the existing conditions on the permission provide limited control over future replacement of windows.
- 5.2.6 Profile detailing of the windows has been submitted with the application, these included a Flush Casement UPVC window sample, Flush Casement window details, James Hardie pre finished weatherboarding to be finished in Cedar (colour white). It is considered that the detailing of the new windows submitted would preserve and enhance the character and appearance of the conservation area.
- 5.2.7 In light of the above and subject to appropriate conditions requiring details of the windows to be in accordance with the submitted information, the proposed alteration to the windows are considered to be acceptable.

## **5.3 Impact on Residential Amenity**

- 5.3.1 No new windows or additional built form are proposed as part of this current application, as such, the proposal is not considered to result in any demonstrable harm by reason of overlooking or loss of light.

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

- 5.4.1 No new access or parking alterations are sought as part of this current application. In addition, no new built form on the site is proposed as part of the current scheme. As such, the proposed is not considered to result in any demonstrable harm by reason of highway safety or free flow of traffic.

## **5.5 Private Amenity Space and Landscaping**

- 5.5.1 No amendments are sought to the layout of the proposal or the provision of amenity space. As such, there is not considered to be any demonstrable harm to the future occupiers of the site, by reason of amenity space provision.

## **5.6 Other considerations**

- 5.6.1 Condition 3 imposed on approved application FUL/MAL/15/00019 stated that *‘Within three months of the date of this permission, a detailed scheme of interim screening shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented in its entirety’*. The reason for imposing this condition was in order to protect local visual amenity in the event of development being delayed once demolition has been completed in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 5.6.2 The Council’s records show that this information was never submitted, as such, it is considered appropriate to reimpose this condition.
- 5.6.3 Condition 11 on the extant planning permission states that *‘Notwithstanding the details shown on the plans all timber boarding to the elevations of the buildings shall be weatherboarding with a feather edged profile’*. Whilst this condition was not to be varied or removed as part of the application, given the details provided as part of the submission it would not be reasonable to still impose this condition.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/12/01062** – Demolition of former Cefas Laboratory and construction of 7 No. townhouses and 7 No. detached houses. Change of use of land to residential. Approved – 18 December 2013.
- **FUL/MAL/14/00036** - Variation on conditions 4, 9, 10, 13, 14, 15, 16 & 19 of approved planning permission FUL/MAL/12/01062. Condition 4 - Samples. Condition 9 - Treatment of boundaries. Condition 10 - Hard & Soft Landscape. Condition 13 - Surface water drainage. Condition 14 - Foul water drainage. Condition 15 - Flood proofing. Condition 16 - Site construction management plan. Condition 19 - Contamination of land or pollution. The variation seeks to change the wording to the conditions to include 'with the exception of demolition no development shall take place until....' to replace 'no development shall commence' and 'prior to the commencement of the development'. Approved – 11 April 2014.
- **FUL/MAL/1400037** - Application for removal of condition 3 in respect of planning permission FUL/MAL/12/01062 (Demolition). Approved 11 April 2014.

- **FUL/MAL/14/00107** - Removal of Conditions 5 (external brickwork) 6 (external joinery) 7 (rainwater goods) 8 (timber boarding) & 20 (asbestos survey) of approved application FUL/MAL/12/01062 (Demolition of former Cefas Laboratory and construction of 7 no. townhouses and 7 no. detached houses. Change of use of land to residential). Refused 14 May 2014.
- **NMA/14/01047** - Application for non-material amendment following grant of Planning Permission FUL/MAL/12/01062 (Demolition of former Cefas Laboratory and construction of 7 no. townhouses and 7 no. detached houses. Change of use of land to residential) Amendment sought: Alterations to the approved 7no. detached dwellings to include: Painted timber fascias and soffits to traditional eaves in lieu of parapet walls. Amendments to fenestration and detailing of elevations. Minor amendments to plans. Amendment to plots 13 and 14 to include omission of round tower and link. Windows and doors to be painted timber. Refused 17 November 2014.
- **FUL/MAL/15/00019** - Application for variation of Condition 2 (Reference Number: FUL/MAL/12/01062) Amendments to scheme to reflect conservation issues relating to the site to include: Painted timber fascias and soffits to traditional eaves in lieu of tall parapets. Amendments to fenestration and detailing of elevations. Windows and doors to be painted timber. Minor amendments to plans to dwellings 08-12 and revisions to plots 13 and 14 to include replacement of round tower and omission of link. Variation of condition 2 to amend the design of plots 08-14 as revised drawings 1420/08-15. Approved 18 June 2016.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	<p>Object - this development has already been approved with suitable materials being used in the development in keeping with its location, on the edge of the Burnham Conservation area.</p> <p>The Town Council sees no reason why the original materials should not be used and sees this as a slow dilution of the original plan for which approval was given.</p>	

## 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection, subject to conditons.	Covered within Officer report.

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

7.3.1 None received at the time of writing.

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby approved for Plots 8 - 14 inclusive shall be carried out in accordance with drawings 1244-001 Rev A, 1240/NMA15 Rev A, 1420/NMA08 Rev A, 1420/NMA09 Rev A, 1420/NMA10 Rev A, 1420/NMA11 Rev A, 1420/NMA12 Rev A, 1420/NMA13 Rev A and 1420/NMA14 Rev A  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The development hereby approved for Plots 1 - 7 inclusive shall be carried out in accordance with drawings 1244-012 Rev D as submitted under grant of permission FUL/MAL/12/01062  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Within three months of the date of this permission, a detailed scheme of interim screening shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented in its entirety  
REASON: In order to protect local visual amenity in the event of development being delayed once demolition has been completed in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 4 The development shall be carried out in accordance with James Hardie pre finished weatherboard (colour white) and the flush casement window details as submitted to the Council on 19 January 2017, and retained as such thereafter.  
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 5 The external materials of the development hereby approved shall be carried out in accordance with the submitted report Bennetts (SA)LLP, dated January 2015 and received by the Council on 26 January 2015, with the exception of the weatherboarding and window details which are to be James Hardie pre finished weatherboard (colour white) and the flush casement window details as submitted to the Council on the 19th January 2017, and retained as such thereafter.  
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the



- adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 6 The boundary treatments of the development hereby approved shall be carried out in accordance with submitted drawing 1420/16 dated January 2015. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.  
REASON: In order to safeguard the amenities of neighbouring residents and to safeguard the character and appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 7 The hard and soft landscaping of the development hereby approved shall be carried out in accordance with submitted drawing 1420/16 Dated January 2015. The hard landscaping scheme shall be carried out prior to the first beneficial occupation of the development. The soft landscaping scheme shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 8 The external brickwork shall be constructed in a Flemish Bond.  
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 9 All new window frames, including sections through the head, jamb, cill and glazing bars shall be carried out in accordance with the Flush Casement details submitted to the Local Planning Authority on 19 January 2017.  
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 10 All rainwater goods shall be of cast metal with a black painted finish unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.  
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 11 There shall be no discharge of surface water from the site onto the public highway.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 12 The surface water drainage scheme shall be carried out in accordance with the details as submitted on drawing reference 1420/18, dated January 2015 and implemented in accordance with the approved scheme prior to completion of the development.  
REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policy CON5 of the Maldon District Replacement Local Plan and the requirements of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 13 The foul drainage scheme shall be carried out in accordance with the details as submitted on drawing 1420/17, dated January 2015 and implemented as approved prior to the first occupation of the development.  
REASON: To prevent environmental and amenity problems arising from flooding in accordance with policy CON5 of the Maldon District Replacement Local Plan and the requirements of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 14 The floor proofing measures shall be carried out in accordance with the details as submitted in report RB January 2015 and prior to the first occupation of the development.  
REASON: To ensure occupiers / owners of the dwellings can achieve safe refuge / evacuation during a flooding event in accordance with the provisions of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 15 The development hereby approved shall be carried out in accordance with the submitted Health and Safety Plan and Method Statement, by Clarke Demolition Co. Ltd ref: 10236 Rev 00 and dated 27 May 2014. The approved measures shall be put in place prior to the commencement of construction on site and all subsequent construction of the development shall be implemented in accordance with the approved details.  
REASON: In the interests of protecting the amenities of adjacent occupiers during construction, having regard to policies CON5 and BE1 of the Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 16 The development hereby approved shall be carried out in accordance with the submitted Ecology Report.  
REASON: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local transport operator. The details shall

be made available for the future occupiers of each dwelling upon first occupation of the buildings hereby approved.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 18 Prior to the first occupation of the dwellings hereby permitted details of biological enhancements throughout the site shall be submitted in writing to and approved by the Local Planning Authority. The details shall be implemented as approved.

REASON: To provide biodiversity opportunities for species in the area in accordance with the guidance and provisions of the National Planning Policy Framework.

- 19 The development hereby approved shall be undertaken in accordance with the Ground Investigation Report dated July 2010. Should any ground conditions or the existence, extent and concentration of any contamination be found that was not previously identified or not considered in the submitted scheme, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 20 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (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 to any of the dwellings within the site without planning permission having been obtained from the Local Planning Authority.

REASON: To protect the amenities of the occupants of existing and future neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 21 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the buildings hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON: To protect the amenities of the occupants of existing and future neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 22 Prior to the first occupation of the buildings hereby permitted, the first, second and third floor windows in the east flank elevation of plot 7 shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight and shall be retained as such thereafter.

REASON: To protect the amenities of the occupants of neighbouring dwellings in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

#### **INFORMATIVES**

- 1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.



**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 FEBRUARY 2017**

<b>Application Number</b>	<b>OUT/MAL/16/01357</b>
<b>Location</b>	Land West Of The Hollies Stoney Hills Burnham-On-Crouch Essex
<b>Proposal</b>	Erection of a two-storey detached dwelling and detached double garage with associated access from Stoney Hills.
<b>Applicant</b>	Mr J Losi & Mr N Cooper - Amex Estates
<b>Agent</b>	Mrs Lisa Skinner - Bidwells
<b>Target Decision Date</b>	15 February 2017
<b>Case Officer</b>	Kara Elliott, TEL: 01621 875860
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Parish Trigger

**1. RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

# **Land West Of The Hollies - Stoney Hills** **Burnham On Crouch OUT/MAL/16/01357**



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	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p>
		<p>Department: Planning Services</p>
		<p>Comments: South East Committee</p>
		<p>Date: 01/02/2017</p>
		<p>MSA Number: 100018588</p>

### **3. SUMMARY**

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

- 3.1.1 Outline planning permission is sought for the construction of a two-storey detached dwelling and detached double garage with associated access from Stoney Hills. The principle of development, access and layout form the only matters for consideration; with specific details regarding appearance, landscaping and scale forming the reserved matters for future consideration.
- 3.1.2 In terms of layout, the dwelling would be sited approximately 9.5 metres from the front boundary, 2 metres from the boundary to the east shared with the host dwelling The Hollies, 11 metres from the boundary to the west shared with Hillcrest and 11.6 metres from the rear boundary. The layout also proposes a 45m<sup>2</sup> detached garage between the dwelling and the west boundary, in line with the front building line of the dwelling. The layout of the proposed dwelling forms a T-shape and would be set centrally within the plot. An access is shown to the southern boundary with an area for vehicular access and parking at the front of the dwelling.
- 3.1.3 The site measures approximately 860m<sup>2</sup> (0.08Ha) and is located to the west of the host property, The Hollies, which contains a two-storey detached house. The subdivision of the plot for The Hollies as a result of the proposed development would see the loss of garage outbuildings, amenity space and the driveway/parking area for The Hollies.
- 3.1.4 Land to the north of the application site, which is also currently curtilage for The Hollies, benefits from extant outline planning permission for the construction of three dwellings.
- 3.1.5 The site is served by Stoney Hills which is a private, unmade, single-width track which extends northward from Mill Lane to the south. Open countryside lies to the north of the site.
- 3.1.6 The application site benefits from extant outline planning permission for a dwelling, granted in June 2015 (Ref. OUT/MAL/15/00269). The extant permission relates to a larger application site than that of the proposed development, due to the granting of outline planning permission for three dwellings at the north of the site.

#### **3.2 Conclusion**

- 3.2.1 Extant planning permission exists at the application site for one dwelling. Therefore, the principle of residential development at the application site is acceptable in principle. The proposed development is not considered to result in demonstrable harm to the character and appearance of the area, would not result in demonstrable harm to the amenities of the neighbouring occupiers and is in accordance with the adopted and emerging Local Plan as well as the National Planning Policy Framework.
- 3.2.2 Furthermore, the proposed development would not result in the reduction of the plot for the host dwelling, The Hollies, to an extent that it would result in demonstrable harm to the character and appearance of the area, the enjoyment of the current and future occupiers as well as the amenities of the neighbouring occupiers. In addition, The Hollies would continue to provide off-street parking and private amenity space

provision in accordance with policy T8 of the adopted Local Plan and well as the emerging Local Development Plan policy T2.

#### **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 including paragraphs:**

- 14, 30, 37, 47, 49, 50, 56, 57, 64

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

- S2 - Development outside Development Boundaries
- H1 - Location of New Housing
- H6 - Housing Density
- BE1 - Design of New Development and Landscaping
- CC6 - Landscape Protection
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- 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
- S7 - Prosperous Rural Communities
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- H2 - Housing Mix
- H4 - Effective Use of Land
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

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

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

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

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

- 5.1.1 Outline planning permission was granted in June 2015 for a dwelling on this site; albeit a larger application site previously, with access from Stoney Hills. The



permission is extant and as such the principle of residential development has already been accepted.

5.1.2 The determining factors are the acceptability of the following material considerations.

## **5.2 Design and Impact on the Character of the Area**

5.2.1 Policy BE1 (a) relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale / bulk / height, materials and visual impact (among other factors). BE1 (c) states that outside of defined development boundaries, development should make a positive contribution to the landscape and open countryside.

5.2.2 Further, paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” and that “Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst others:

- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area”.

5.2.3 Paragraph 64 of the NPPF advises that development that fails to take the opportunities for improving the character and quality of an area should be refused. It is considered that a dwelling on this site would visually encroach on the open character of the predominantly undeveloped countryside. Therefore, it is concluded that the proposed development would visually and adversely harm the character of the rural locality, thus causing material harm to the rural qualities of the surroundings, contrary to Local Plan Policies and paragraph 55 of the NPPF.

5.2.4 Due to the location of the application site in a rural area, Policy CC6 of the adopted Local Plan is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquillity, amenity and traditional quality of the District’s Landscape, and identifies that the local authority could permit development providing the following three criteria are met:

- No harm is caused to the landscape character in the locality, and
- The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and;
- The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.

5.2.5 The application site is currently part of the plot for The Hollies, and contains residential amenity space, garaging and outbuildings and a driveway/access to the host dwelling. As a result of the proposed development which would subdivide the

plot, there would be a noticeable increase in the amount of built development on site. The subdivision of the plot is not considered to result in demonstrable harm to the character and appearance of the area. This is largely pertinent to the generous size of the existing plot as well as the recent shift in character of Stoney Hills from that of a predominately rural character with dwellings set in large plots, sat relatively inconspicuous within their countryside surroundings, to one of a “loose semi suburban character” (The Planning Inspectorate, 21 July 2016; Appeal decisions APP/X1545/W/15/3134072, 3134076, 3134078).

- 5.2.6 This is demonstrated opposite the application site at the recently completed development of five dwellings set within the cul-de-sac, “Murrayfields”, which has resulted in an increased urbanising effect on the character and appearance of the area. Further similar development benefits from planning permission at Mill Farm (five dwellings), Grove Farm (five dwellings) at the south of Stoney Hills and Land rear of Charwood (four dwellings) to the north-east which have and will lead, “...to a less homogeneous appearance across the area.” (The Planning Inspectorate, 27 September 2016; Appeal decision APP/X1545/W/16/3146160).
- 5.2.7 Similarly, a significant consideration must be made to extant planning permission OUT/MAL/16/00849 for the erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills, to the east of The Hollies. This development which was granted planning permission on 11 October 2016 also includes the subdivision of The Hollies, to the north. It is considered that due to the relatively screened site to the rear of The Hollies and the changing character of Stoney Hills in the wider context, there would be no significant harm to the character and appearance of the site and its surroundings as a result of the cumulative effect of the development proposed and the three dwellings to the rear of the site.
- 5.2.8 Scale and design are not matters for consideration in this application. However, the layout proposed is for consideration and consists of the dwelling sited approximately 9.5 metres from the front boundary, 2 metres from the boundary to the east shared with the host dwelling The Hollies, 11 metres from the boundary to the west shared with Hillcrest and 11.6 metres from the rear boundary. The layout also proposes a 45m<sup>2</sup> detached garage between the dwelling and the west boundary, in line with the front building line of the dwelling. The layout of the proposed dwelling forms a T-shape and would be set centrally within the plot. An access is shown to the southern boundary with an area for vehicular access and parking at the front of the dwelling.
- 5.2.9 Hillcrest and The Hollies are both two storey dwellings and to the south of the site, Sunnyside and Fairview are single storey bungalows. The newly built Murrayfield’s development is large two-storey dwellings, as are the dwellings at the rear of the application site which benefit from extant planning permission. As discussed above, the character of Stoney Hills has changed. As such, the proposal for a new dwelling of similar layout to surrounding development is not considered to appear out of character in the street scene.
- 5.2.10 The site is considered capable of accommodating a residential unit that would not appear at odds with the streetscene. The extant planning permission for a dwelling on the application site considered the same indicative plans, but set within a deeper plot. At the time of the previous application it was not considered that a dwelling on the site would result in demonstrable harm to the character and appearance of the rural

locality. As a result, the development is considered to be compliant with policies CC6 and BE1 of the Local Plan. The reduction of the plot size from that of the previously approved application solely reduces the rear amenity space and due to the pattern of development as a result of surrounding development within Stoney Hills discussed above, it is considered to appear appropriate.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The nearest dwelling to the proposed new dwelling would be 'The Hollies', the donor property, located to the east of the site by a distance of 2m. Hillcrest to the west would be located 11 metres from the new dwelling. At the time of the previous application, it was considered that the site is large enough to design a dwelling that would not result in a demonstrable impact upon the amenity of the neighbouring residents, or future occupiers of the proposed new dwelling.
- 5.3.2 Since the previously approved application at the site, planning permission has been granted for the erection of three dwellings on land to the north of The Hollies (OUT/MAL/16/00849). Whilst only outline permission has been granted and no formal details have been approved, the outline permission included layout of the three dwellings. They are to be positioned facing east, in a linear formation from north to south. Therefore, only one dwelling would share a boundary with the rear boundary with the proposed dwelling. The proposed dwelling subject of this application would be located at a distance of approximately 15 metres from the southern dwelling granted outline permission to the north. No part of either of the dwellings would be located directly adjacent to one another.
- 5.3.3 Therefore, it is considered that as a result of the proposed dwelling, there would be no loss to neighbouring residential amenity.

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

- 5.4.1 At the time of the previous application it was not considered that the proposed vehicular access would be to the detriment of highway safety or the free flow of traffic, in accordance with T2 of the Local Plan. There are therefore no objections to the proposed access.
- 5.4.2 The Council's adopted parking standards state that for dwellings containing four plus bedrooms, three off-street parking spaces are required. The gravelled area to the front of the dwelling as well as a detached garage will accommodate off-street parking in excess of three spaces, in accordance with policy T8 of the Local Plan.

### **5.5 Private Amenity Space**

- 5.5.1 The Essex Design Guide has been adopted as guidance by the Council. This states that for a three or more bedroomed dwelling, 100m<sup>2</sup> of rear private amenity space should be provided, including a private sitting out area. This requirement is lowered to a minimum of 50m<sup>2</sup> for one or two bedroom properties. In areas outside of defined settlements, it would be expected that a higher amount of amenity space is provided in the interest of visual amenity and character of the area. The dwelling would accommodate 418m<sup>2</sup> of private amenity space, sufficient to meet the needs of the

future occupiers and the criteria as set out in the Essex Design Guide which recommends a minimum of 100m<sup>2</sup>.

**6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/15/00269** - Construction of 1 dwelling to the west of The Hollies. APPROVED 08.06.2015.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham on Crouch Town Council	Objects. Comments: <i>detrimental back land development, outside the development envelope, further urbanises this rural location, would create an unacceptable increase in vehicular movements in what is an inadequate road for existing residents and road users."</i>	Please see sections 5.1, 5.2 and 5.4 of this report.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection	Noted

**7.3 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objections.	Noted

**7.4 Representations received from Interested Parties**

**7.4.1** No letters of representation have been received.

## 8. PROPOSED CONDITIONS

### Conditions:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, access, scale, appearance and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.  
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application for the approval of the reserved matters (appearance, landscaping, scale), shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 The scheme to be submitted as part of the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.  
REASON: To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.
- 5 Prior to the commencement of the development 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.  
REASON: To ensure appropriate drainage in accordance with policy CON5 of the Maldon District Replacement Local Plan
- 6 Prior to the commencement of development, details or samples of the external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.
- 7 Prior to the commencement of development, details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.
- 8 As part of the reserved matters full details of both hard and soft landscape works to be carried out shall be 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 protect the rural character of the area in accordance with policy BE1 and CC6 of the Maldon District Replacement Local Plan.

- 9 No hedges within the site shall be removed, cut back in any way, or damaged, unless or otherwise first agreed in writing with the local planning authority. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the local planning authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To protect the character and appearance of the locality in accordance with policy CC6 and BE1 of the Maldon District Replacement Local Plan

### **INFORMATIVES**

1. In accordance with Annexe 2 of Planning Policy Statement 23 where contamination is known or likely the applicant should submit a phase 1 risk assessment including a desk top study, site walkover and preliminary risk assessment. This will allow the applicant and Local Planning Authority to assess whether the site can be made suitable for use and if further intrusive investigation is necessary. Further investigation and remediation works can be conditions as part of a permission.

2. 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.
3. Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.

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**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 FEBRUARY 2017**

<b>Application Number</b>	<b>RES/MAL/16/01423</b>
<b>Location</b>	Land At Junction Of Steeple Road And Mill Road Mayland Essex
<b>Proposal</b>	Reserved matters application for the approval of layout on approved planning application OUT/MAL/12/00452 (Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia)
<b>Applicant</b>	Mr Daniel Wylie - Autumn Care Part Of Aldanat Group
<b>Agent</b>	Mr Christopher Mathews - Mathews Serjeant Architects
<b>Target Decision Date</b>	7 March 2017
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

**APPROVE** subject to the conditions detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

# Land At Junction Of Steeple Road And Mill Road

Mayland RES/MAL/16/01423



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Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Committee

Date: 02/02/2017

MSA Number: 100018588

Agenda Item no. 9

### **3. SUMMARY**

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

- 3.1.1 The application site is roughly rectangular with an area of 1.89 hectares and with frontages onto both Steeple Road and Mill Road. Although the site is linked to the main part of Mayland village by frontage development along Steeple Road, it lies outside the defined development boundary. The site supports two areas of large dilapidated glasshouses and associated buildings which are low rise structures and are largely screened from outside the site by overgrown hedges and trees.
- 3.1.2 Outline planning permission was granted under application OUT/MAL/12/00452 for a 60 bed carehome for the elderly in later stages of dementia on the site. The principle of development and new access from Steeple Road was determined as part of the outline application.
- 3.1.3 The current application seeks the layout to be determined. The submitted plans show that the carehome would take the form of a 'U' shape, which would be located to the north of the site. Parking would be located to the north east of the site, either side of the approved access road.
- 3.1.4 Whilst landscaping is not a matter for consideration as part of the current scheme, landscape courtyards are proposed to the centre of the 'U' shaped building.
- 3.1.5 The plans show that to the south of the application site 'extra-care bungalows' are proposed. Planning permission has not been approved for this development, and this scheme does not form part of the current application. As such, this element is given no weight in determining the current scheme.

#### **3.2 Conclusion**

- 3.2.1 The layout of the proposed development is not considered to result in any demonstrable harm to the character or appearance of the locality. As such the development is considered to accord with the Maldon District Replacement Local Plan, the emerging Local Plan and the National Planning Policy Framework.

### **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 including paragraphs:**

- Chapter 8
- Paragraph 17

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

- **S2 - Development outside development boundaries** - Outside the defined development boundaries the coast and countryside will be protected for their own sake.

- **CON5 - Pollution Prevention** - Development having an adverse impact on the environment by means of pollution will be refused.
- **CON6 - Contaminated Land** - Consideration must be given towards issues arising from contaminated or potentially contaminated land.
- **CC5 – Protection of Wildlife at Risk on Development Sites** – Identifies that permission will not be granted for any development that would be liable to cause harm to species or animals.
- **CC6 - Landscape Protection** - The natural beauty and quality of the landscape shall be protected, conserved and enhanced.
- **CC11 - The Coastal Zone** - Development will only be permitted if it requires a coastal location and its impact upon the rural open character is minimal.
- **H1 - Location of New Housing** - Will not be allowed outside development boundaries unless required in accordance with other policies.
- **BE1 - Design of new development and landscaping** - Development will only be permitted if it is compatible with its surroundings and meets defined criteria.
- **BE8 - Lighting Schemes** – Shall be the minimum levels of lighting required, be designed to minimise spillage, visual impact and not present highway safety issues.
- **T1 - Sustainable Transport and Location of New Development** - The location of new development should be located within defined development boundaries and contribute towards sustainable transport objectives.
- **T2 - Transport Infrastructure in New Developments** – New development will be expected to achieve sustainability and highway safety throughout.
- **T6 - Improvement to Pedestrian Facilities** – Will require improvements to footways adjacent to the site.
- **T8 - Vehicle Parking Standards** - New development will be expected to meet the adopted parking standards.
- **PU6 - Renewable Energy** – Development of renewable energy facilities will be permitted provided subject to a number of considerations such as landscape and visual impact, noise, traffic, ecology, and adjoining properties.

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

- D1 - Design Quality and Built Environment
- S1 - Sustainable Development
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services

#### **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 principle of the site accommodating a 60 bed carehome has already been established under approved application OUT/MAL/12/00452. The determining factor as part of this current application is whether the proposed layout would result in demonstrable harm to the character and appearance of the locality, to the amenity of neighbouring properties, or would result in demonstrable harm to highway safety or the free flow of traffic.

### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 Policy BE1 (a) relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale/bulk/height, materials and visual impact (among other factors). BE1 (c) states that outside of defined development boundaries, development should make a positive contribution to the landscape and open countryside.
- 5.2.2 Policy CC6 states that the natural beauty, tranquility, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that:
- a) No harm is caused to the landscape character in the locality, and
  - b) The location, siting and design are appropriate for the landscape in which the development is proposed,
  - c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.
- 5.2.3 The proposed layout shows that the built form would be located to the north of the site. Whilst the site is currently undeveloped to the south, built form is evident to the north of the site, which comprises ancillary buildings which were used in association with the previous nursery on the site which is now redundant. As such, the location of the carehome to the north of the site, within the footprint of existing built form, is considered to result in minimal harm to character and appearance of the locality.
- 5.2.4 Whilst the footprint of the development is excessive, it is acknowledged that the outline planning permission approved a '60 bed carehome' and as such, the footprint shown on the submitted plans is considered to be reflective of a '60 bed carehome'. In light of this, no objection is raised to the proposed scale of the development.
- 5.2.5 In terms of bulk, height and design, these would be considered in the subsequent reserved matters planning application where 'appearance' is a matter for consideration. However, in light of the layout proposed as part of the current scheme, it is considered possible to design a scheme that would be acceptable in terms of its bulk, height and design.

- 5.2.6 In light of the above assessment, the proposed layout is considered to be acceptable and compliant with policies BE1 and CC6 of the Maldon District Replacement Local Plan, the submitted Local Plan and the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Appearance is not a matter for consideration as part of this application, as such a full assessment of the impact of the development on the amenity of the neighbouring occupiers cannot be carried out. However, given the distance of the proposed development from the neighbouring properties, it is considered that a scheme can be designed around the proposed layout which would not result in demonstrable harm to the amenity of these neighbouring occupiers.

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

- 5.4.1 The Maldon Vehicle Parking Standards state that for a carehome, there should be a maximum of one space per resident staff + 1 space per three bed spaces / dwelling units. Whilst floor plans have not been provided as part of the scheme, on the basis of the description stating that the carehome would have 60 beds, 20 spaces would be required for the number of beds, which leaves ten spaces for staff. Details have not been provided as part of this application to confirm how many staff would be on site. However, it is acknowledged that the requirements as set out in the Maldon Vehicle Parking Standards are maximum requirements. On this basis, the proposed 30 vehicle parking spaces are considered to be acceptable.
- 5.4.2 Condition 14 of the outline application states that *‘The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the Parking Standards in the adopted Maldon Vehicle Parking Standards unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces’*. Whilst the parking arrangement has been shown as part of the current submission, dimensions and details of how these are to be laid have not been provided as part of this application. As such, the applicants should ensure that this condition is met.
- 5.4.3 In terms of access, the proposed new access point is located in the same position as approved within the outline planning application. As such, the principal of the site accommodating a new access in this position has already been established.

### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Landscaping is not a matter for consideration as part of this current scheme. However, the submitted plans show a courtyard area of both hard and soft landscaping to the west of the application site. This area includes a sensory garden, a kitchen garden, terrace areas and footpaths. In addition, hardstanding is located to the east of the application site in the form of the access, the car parking areas and a turning circle.
- 5.5.2 The proposed landscaping is considered to appear manicured, and at odds with the more verdant and natural nature of the site. Notwithstanding this, the proposed landscaping is functional to the use of the site as a carehome, and is not considered to result in demonstrable harm to the area. As a result, whilst not a matter for

consideration as part of this current scheme, there is no objection to the proposed landscaping.

## **5.6 Other considerations**

5.6.1 Condition 5 on the outline application stated that *‘The development through the reserved matters application shall accord with the details stated within the Design and Access Statement, unless otherwise agreed in writing by the Local Planning Authority’.*

5.6.2 In terms of layout it was stated that:

*‘The care home is located to the back of the site for several reasons, primarily because this is the least visible part of the site and therefore preserves intact the rural character of Steeple Road, the home will generate low vehicular movements as the residents require privacy and quiet. The effectiveness of this approach becomes apparent when a computer generated model is superimposed onto photographs it is apparent that the scheme will not be visible at all. The care home is carefully planned with the smallest and quieter element of the building facing Mill Lane in order to minimise the buildings impact on the residents living in Mill Lane. The well established and dense hedgerow also helps to obscure views, even from first floor of the two storey houses in Mill Lane, any views of the development they get will be of the landscaped garden. The service areas, parking areas, access drive and staff administrator areas, which are likely to generate the most noise, are on the opposite side of the site, 86m away and shielded by the building, and will therefore not be seen or heard resulting in no loss of amenity or disturbance to neighbours.’*

5.6.3 In this regard, the layout of the carehome is considered to accord with the requirements as set out in the design and access statement.

## **6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/06/1415** - Extra care bungalows, nursing home and community building. Refused 20 March 2007.
- **OUT/MAL/08/00087** - Outline application for 34 extra-care elderly persons bungalows, 60 bed nursing home, 14 affordable housing bungalows for the elderly and community building. Refused on 21 May 2008, dismissed at appeal.
- **OUT/MAL/12/00452** – Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia. Approved, subject to a Section 106 19 December 2013.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object - Concerns regarding the road layout	The access shown is that approved under the outline application.

### 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	

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

7.3.1 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:

- T W Lee 19A Imperial Avenue Mayland Chelmsford

Supporting Comment	Officer Response
To have such a development, particularly being single storey for the given use would be a he benefit to the district.	The scale is not know at this stage.
The proposed site appears to be the best possible position for this development.	Covered in section 5 of the officer report.

## 8. PROPOSED CONDITIONS

### Conditions:

1. The development hereby permitted shall be begun before the expiration of two 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 the approved drawings specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.





## **REPORT of INTERIM HEAD OF PLANNING SERVICES**

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**13 FEBRUARY 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01441</b>
<b>Location</b>	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
<b>Proposal</b>	Change of use from A1 to A2, with alterations to shop front and side elevation. Demolition of rear ground floor extension.
<b>Applicant</b>	Mr B Levy
<b>Agent</b>	Miss Kate Palmer - Arcady Architects Ltd
<b>Target Decision Date</b>	8 February 2017
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

<b>Application Number</b>	<b>ADV/MAL/16/01442</b>
<b>Location</b>	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
<b>Proposal</b>	Display of two non illuminated fascia signs
<b>Applicant</b>	Mr B Levy
<b>Agent</b>	Miss Kate Palmer - Arcady Architects Ltd
<b>Target Decision Date</b>	3 February 2017
<b>Case Officer</b>	Nigel Hebden, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Parish Trigger

### **1. RECOMMENDATION**

FUL/MAL/16/01441:

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

ADV/MAL/16/01442:

**GRANT ADVERTISEMENT CONSENT** subject to the conditions detailed in Section 8 of this report.

### **2. SITE MAP**

Please see overleaf.

# 164 Station Road

Burnham On Crouch FUL/MAL/16/01441 & ADV/MAL/16/01442



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MALDON DISTRICT COUNCIL

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Committee

Date: 01/02/2017

MSA Number: 100018588

Agenda Item no. 10

### **3. SUMMARY**

#### **3.1 Site Description**

- 3.1.1 The site comprises a two storey brick building with a vacant sports shop unit within the ground floor and residential flat above. There is a private drive to the north which gives access to a small yard to the rear and the service areas for neighbouring properties. The site is within the main shopping area of the town with commercial units opposite and to the north. However, to the south there is a recent residential development. The site is within the Burnham-on-Crouch Conservation Area.

#### **3.2 Proposal**

- 3.2.1 It is proposed that the retail unit is changed from A1 (retail) to A2 (financial and professional service) use and an additional shop front be formed in the return elevation. A single storey extension to the rear is to be demolished to provide additional parking. A separate application has been submitted for advertisement consent for the display of two fascia signs.

#### **3.3 Conclusion**

- 3.3.1 The application site is within a core retail frontage where the policy is generally to retain A1 retail units and secure the vitality and viability of the town centre. However, all the units within the immediate parades are relatively small in terms of modern retail requirements and changes of use to non-retail uses have been permitted in the past, including the redevelopment of the adjacent site for entirely residential purposes. As such it would be hard to justify a refusal in this case.

### **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 including paragraphs:**

- Paragraph 19 - Supports sustainable economic growth
- Paragraph 23 – Ensure the vitality of town centres by defining their extent based upon defined primary and secondary retail frontages
- Paragraph 56 – Promote good design
- Paragraph 126 – Conserve and enhance the historic environment

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

- SH1 - Core Retail Areas
- SH2 - Protection of the retail function of town and district centres
- BE1 - Design of new development and landscaping
- BE 7 - Design of shop fronts
- BE13 - Development in conservation areas
- BE9 - Advertisements on buildings

- BE11 - Advertisements within conservation areas and affecting listed buildings

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

- S1 - Sustainable development
- D1 - Design quality and built environment
- D3 - Conservation and Heritage assets
- D6 - Advertisements
- E2 - Retail provision

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The application site is within one of the primary shopping frontages of Burnham Town Centre as defined by both the Replacement Local Plan (RLP) and the Local Development Plan (LDP). The change of use of the ground floor to an A2 (financial and professional services) use needs to be considered in the context of RLP policy SH1 and LDP policy E2.
- 5.1.2 The existing frontage to the north currently comprises two retail units (Use Class A1), a hot food takeaway (Use Class A5) and an estate agent (Use Class A2). Immediately to the east of the site (and still designated as SH1 retail frontage) is a recent residential development. On the opposite side of the road there are six retail units (Use Class A1), a laundrette, vets, dog groomers and two restaurants/takes aways (Use Class A3/A5) and estate agents.
- 5.1.3 RLP policy SH1 states that within Maldon and Burnham-on-Crouch Town Centres changes of use of ground floor retail units to any use other than D1(a) will be resisted. LDP policy E2 states that primary retail frontages will be protected and other uses will be resisted unless it can be shown that they:
- will not have a detrimental impact on the function, vitality or viability of the primary retail frontage;
  - will not create a new continuous frontage of three or more units of non-A1 uses.
- 5.1.4 No retail impact assessment has been submitted with the application. However, in the context of the current mix of uses that have been permitted and in particular, the redevelopment of the site to the east for residential purposes, it would be hard to justify the refusal of an A2 use in this location. The retail units are generally small and are occupied by specialist retailers; there are for example no food retailers. The use would provide local services that are generally found within or on the fringes of shopping centres as well as creating employment.
- 5.1.5 Overall, taking into consideration the location of the site within the retail area and the adjoining uses, it is not considered that the proposed development would have a demonstrable impact on the vitality and viability of the retail area.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The existing building dates from the late 20th century and has no particular architectural merit. Within the context of the conservation area the building would probably be regarded as having a negative impact. The existing shopfront and signage is possibly unauthorised as no consent for the existing fascia board can be identified. It is proposed to create an additional shopfront in the front part of the flank elevation. Following comments made by the conservation office an amended plan has been submitted which indicates a height of 60cm (reduced from 1.2 metres) for the fascia boards which will reduce the impact. The additional shopfront forming one side of an alley will not be prominent in the street scene or harm the character or appearance of the conservation area.
- 5.2.2 It is also proposed to demolish a single storey flat roofed extension at the rear of the shop. The existing building has no particular merit and an additional car parking space will be created.

## **5.3 Impact on Residential Amenity**

- 5.3.1 The proposed use would have no additional impact than an A1 use and therefore, no objection is raised to the proposed development.

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

- 5.4.1 The proposal would result in the provision of an additional parking space at the rear. There are currently waiting restrictions in the street outside the property and the adopted standard for parking in respect of A2 units is lower than that for retail (A1) uses. A representation has been received that argues that the additional space would increase the likelihood of accidents being caused by users. The driveway only serves the application site and the property next door which has a small yard. Therefore, the total number of movements is relatively low as are any risks of conflict.
- 5.4.2 It is not therefore considered that an objection on highways safety or car parking could be sustained at appeal.

## **5.5 Advertising Signs**

- 5.5.1 The proposed signs are non-illuminated and have been reduced in height in response to an objection from the conservation officer. RLP Policy BE9 requires that advertisement signs on buildings should be well designed and should relate to the scale and design of the building to which they relate. In this case the signs are proposed to be located within the existing and proposed fascia boards which are an entirely appropriate location. The existing fascia sign is over scaled and possibly unauthorised. It is now proposed to reduce the height of the sign by half and there are no other signs on the building.
- 5.5.2 RLP policy BE11 relates to advertising signs within conservation areas which have additional requirements in that signs should not be internally illuminated and there are detailed requirements regarding the materials and lettering. It has already been established that the sign will not be illuminated and as the occupier has yet to be identified because the change of use has yet to be determined it is not possible to

establish the detailed design. However, this aspect can be secured by the imposition of conditions.

- 5.5.3 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.5.4 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals, or the visibility of drivers is impaired, an application may be refused.
- 5.5.5 It has already been established that the sign will not be illuminated and as the occupier has yet to be identified it is not possible to establish the detailed design at the current time. However, this aspect can be secured by the imposition of conditions. It is considered likely that an advertisement of a nature which is simple, clear and legible could be designed which would be unlikely to result in the confusion or delay of passing traffic to the detriment of public safety.
- 5.5.6 The positioning of the advertisement, which is visible from the highway, is not considered to result in the confusion or delay of passing traffic to the detriment of public safety.
- 5.5.7 Therefore, no conflict is considered to arise with policy T2 of the RLP or submitted policy T2 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

- **FULF/MAL/90/00821** - Change of use to sandwich bar/cafeteria/tea rooms. Approved (5 years only) 24/10/90.
- **FUL/MAL/ 10/00271/FUL** - Single storey rear extension to shop. Withdrawn.
- **FUL/MAL/10/00504** - Single storey rear extension. Approved 10/08/10.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham Town Council (FUL/MAL/16/01441)	Support	Noted
Burnham Town Council (ADV/MAL/16/01442)	Object: Is within conservation area; unable to support until know what the sign will look like.	Area of sign has been reduced. No planning control over detailed wording of sign.

## 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Objects to size of fascia box and sign	Fascia box and sign has been reduced to half its height.

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

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

- Simon Putnam Church & Hawes 156 Station Road Burnham-On-Crouch Essex
- J Bennett 6 Chandlers Burnham-On-Crouch Essex

Objection Comment	Officer Response
Town needs to retain its retail units as many have closed.	See report.
Will be needed when new homes built	See report.
Retail units will never be replaced if converted to A2	Change from A2 to A1 is permitted development.
Rear of property should not be demolished to provide parking as other units only benefit from on street parking	Not a material planning consideration.

## 8. **PROPOSED CONDITIONS**

### **FUL/MAL/16/01441:**

#### **Conditions:**

1. The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 16/26/01, 16/26/02 and 16/26/03 Rev A.  
REASON: To ensure that the details are acceptable in accordance with the requirements of policies BE1 and BE13 of the Maldon District Replacement Local Plan.

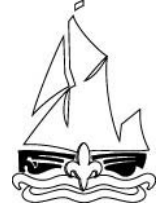
### **ADV/MAL/16/01442:**

#### **Conditions:**

1. The express consent hereby granted shall be for a period of five years beginning from the date hereof.

- REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
3. No advertisement shall be sited or displayed so as to:
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); or
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.  
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.  
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
7. Prior to the display of the advertisements hereby approved details of the materials and lettering to be used shall first be submitted to and approved by the local planning authority and the signage displayed in accordance with the details so approved.  
REASON: To ensure that the signage does not adversely affect the appearance or character of the Burnham-on-Crouch Conservation Area as required by policy BE13 of the Maldon District Replacement Local Plan.





**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
13 FEBRUARY 2017**

**OTHER AREA PLANNING AND RELATED MATTERS**

**ITEM 1      APPEALS LODGED**

**ITEM 2      APPEAL DECISIONS**

## ITEM 1      APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged:

Appeal Start Date: 01.02.2017

**Application Number: FUL/MAL/16/00331 (APP/X1545/W/16/3165484)**

Site: Land Adjacent The Bungalow, Southminster Road, Asheldham

Proposal: Proposed construction of two chalet style houses and carport

Appeal by: Mrs Mary Anderson

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 02/02/2017

**Application Number: OUT/MAL/16/00418 (APP/X1545/W/16/3164833)**

Site: Sunnyside, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA

Proposal: Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills.

Appeal by: Mr & Mrs K Levins

Appeal against: Refusal

Appeal procedure requested: Written Representations

## ITEM 2      APPEAL DECISIONS

Notification has been received from the Planning Inspectorate of the follow appeal decisions.

**FUL/MAL/16/00388 (Appeal Ref: APP/X1545/W/16/3158007)**

Proposal: Variation of condition 6 and 7, and removal of condition 8 on planning permission FUL/MAL/07/00842 (development of 12 new houses with workshops) allowed on appeal APP/X1545/A/08/2064100

Address: Drinkwater Farm, Maldon Road, Bradwell-On-Sea, Essex

Decision Level: Delegated

**APPEAL DISMISSED – 19 January 2017**

**APPLICATION FOR FULL AWARD OF COSTS MADE BY LPA REFUSED – 19 January 2017**

**APPLICARION FOR FULL AWARD OF COSTS MADE BY APPELLANT REFUSED – 19 January 2017**

**OUT/MAL/15/00610 (Appeal Ref: APP/X1545/W/16/3153141)**

Proposal: Development of land for 50 new dwellings, new vehicular access onto Orchard Drive, internal roads, footways and cycle links, open space, and landscaping.

Address: Land South West Of Riversleigh, Nipsells Chase, Mayland, Essex

Decision Level: Delegated

**APPEAL DISMISSED – 19 January 2017**