

# Unrestricted Document Pack

APOLOGIES Committee Services  
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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

01 September 2017

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 11 SEPTEMBER 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 black ink, appearing to read 'Fiona Marshall', enclosed within a 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  
Mrs P A Channer, CC  
Mrs H E Elliott  
P G L Elliott  
M W Helm  
R Pratt, CC  
N R Pudney

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**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**MONDAY 11 SEPTEMBER 2017**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 22)

To confirm the Minutes of the meeting of the Committee held on 14 August 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. **FUL/MAL/17/00275 - Land Between Station Road and Canute Hall, Fambridge Road, Althorne, Essex** (Pages 23 - 38)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

6. **FUL/MAL/17/00574 - Creeksea Place Farm House, Ferry Road, Burnham-on-Crouch, Essex** (Pages 39 - 46)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/17/00650 and LBC/MAL/17/00651 - 14 High Street, Southminster, Essex, CM0 7AA** (Pages 47 - 56)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

8. **HOUSE/MAL/17/00686 - 16 Beauchamps, Burnham-on-Crouch, Essex, CM0 8PR** (Pages 57 - 62)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

9. **FUL/MAL/17/00736 - Land North of Riversleigh, Nipsells Chase, Mayland, Essex**  
(Pages 63 - 76)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

10. **FUL/MAL/17/00738 - Land Adjacent High Steppers, Batts Road, Steeple, Essex**  
(Pages 77 - 92)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

11. **OUT/MAL/17/00752 - Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex** (Pages 93 - 108)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

12. **FUL/MAL/17/00761 - Land Adjacent Theedhams Farm, Steeple Road, Southminster, Essex** (Pages 109 - 116)

To consider the planning application and recommendations of the Chief Executive, (copy enclosed, Members' Update to be circulated)\*.

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

14. **Other Area Planning and Related Matters**

To receive the notification from the Planning Inspectorate of the following:

- (i) Appeals Lodged – None.
- (ii) Appeal Decisions – None.

15. **Delegated Planning Applications** (To Be Tabled)

To receive and note the list of decisions on Planning Applications taken by the Chief Executive (to be circulated at the meeting).

16. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

17. **Enforcement Update** (Pages 117 - 210)

To receive and note the report of the Chief Executive, (copy enclosed).

**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. 5 – 12.
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 Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-on-Crouch Neighbourhood Development Plan (2017)\*

\*Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

### **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

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**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
14 AUGUST 2017**

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**PRESENT**

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, Mrs P A Channer, CC, Mrs H E Elliott, P G L Elliott, M W Helm and R Pratt, CC

**311. CHAIRMAN'S NOTICES**

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

**312. APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor N R Pudney.

**313. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 17 July 2017 be approved and confirmed.

**314. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer CC declared:

- a non-pecuniary interest as she was also a Member of Essex County Council who was involved in matters such as highways, access etc.;
- a non-pecuniary interest in relation to Agenda Item 10 – HOUSE/MAL/17/00682 - Crouch View Fambridge Road Althorne Essex
- as she knew the Agent;
- in relation to Agenda Item 11 – OUT/MAL/17/00735 - Sunnyside Stoney Hills Burnham-On-Crouch she advised that she would leave the Chamber for the determination of this item. Councillor Mrs Channer had attended an event at a property directly next door to the application property and did not wish to take any part in the decision-making.

Councillor Mrs B E Acevedo declared a non-pecuniary interest in relation to Agenda Item 5- RES/MAL/17/00224 - Land South of 53 Burnham Road, Latchingdon and Agenda Item 6 – RES/MAL/17/00225 - Land East of 53 Burnham Road, Latchingdon as she knew the applicants.

Councillor B S Beale MBE declared that in relation to Agenda Item 11 - OUT/MAL/17/00735 - Sunnyside Stoney Hills Burnham-On-Crouch – he knew the Applicant.

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

- In relation to Agenda Item 5 - RES/MAL/17/00224 - Land South of 53 Burnham Road, Latchingdon – he knew the Applicant;
- In relation to Agenda Item 6 - RES/MAL/17/00225 - Land East of 53 Burnham Road, Latchingdon – he knew the Applicant;
- In relation to Agenda Item 9 – FUL/MAL/17/00649 – High Street, Burnham-on-Crouch - he owned a property nearby; and
- In relation to Agenda Item 10 - HOUSE/MAL/17/00682 - Crouch View Fambridge Road Althorne Essex – he knew the Agent.

Councillor R Pratt CC declared a non-pecuniary interest as he was also a Member of Essex County Council.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

**315. RES/MAL/17/00224 - LAND SOUTH OF 53 BURNHAM ROAD, LATCHINGDON**

<b>Application Number</b>	<b>RES/MAL/17/00224</b>
<b>Location</b>	Land South of 53 Burnham Road, Latchingdon
<b>Proposal</b>	Reserved Matters application consisting access, layout, landscape, appearance & scale following outline planning approval OUT/MAL/13/00679 (Outline planning application with all matters reserved for the construction of 10 dwellings with associated off-street parking).
<b>Applicant</b>	Mr Robin Levy
<b>Agent</b>	Mr C Wragg - Arcady Architects Ltd
<b>Target Decision Date</b>	30.05.17 (E.O.T agreed until 18.08.17)
<b>Case Officer</b>	Julia Sargeant, TEL: 01621 875851
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Officer presented the report for both this application and for Agenda Item 6 at the same time.

Members expressed surprise that the Highways Authority had not raised any objection to this application as they were of the opinion that the proposed entrance would become a crossroads that may have implications for highways safety. However, it was acknowledged that the Highways Authority were the experts.

There was also some concern regarding the amount of affordable housing and Members were of the opinion that if these applications had been submitted as one application, then there would have been a requirement for more affordable housing.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 2 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 3 Prior to first occupation of the development, the access arrangements as shown in Drawing no 47691/C/23 Rev C shall be fully implemented. This should include the provision of pedestrian dropped kerbs and tactile paving across the bellmouth in line with existing pedestrian desire lines, the exact location details to be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The works shall be carried out in accordance with the details agreed and retained as such thereafter.
- 4 Prior to first occupation of the proposed development, the vehicle parking and turning areas, as indicated on the approved plans, shall be implemented and maintained as such unless otherwise agreed with the local planning authority.
- 5 No development shall commence until fencing/ground protection to protect the trees and hedges/shrubs to be retained (as well as those adjoining the site) has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. 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. If within five years from the completion of the development a retained tree, shrub or hedge within the site is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree, 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.
- 6 Notwithstanding the details submitted no development shall commence until the provision and subsequent retention of soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:
  - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
  - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding

rates, planting methods, mulching, plant protection, staking and/or other support

3) Details of the aftercare and maintenance programme

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 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 Prior to the first occupation of the dwelling on plot 10 hereby permitted, the first floor window(s) in the north facing elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- 8 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) the garages and carports hereby permitted as part of the development shall be used only for the parking of a motor car in connection with the residential use of the properties.
- 9 Prior to any construction on site taking place, with the exception of forming the site entrance, the drainage basin and temporary filter drain shall be installed to capture surface water from the site with surface water from the basin pumped out at no higher than the 1 in 1 greenfield rate. It should be ensured that the basin is working at a maximum optimum level in terms of storage capacity and water quality during and after the construction of the development.
- 10 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The requirements of the Maintenance Plan shall be fully implemented in accordance with the approved details. The applicant or any successor in title must maintain yearly logs of maintenance of the SuDS. These must be available for inspection upon a request by the Local Planning Authority.
- 11 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the local planning authority. Such details shall include ecological enhancements including the provision of mammal/wildlife doors within boundary fencing and bird/bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

**316. RES/MAL/17/00225 - LAND EAST OF 53 BURNHAM ROAD, LATCHINGDON**

<b>Application Number</b>	<b>RES/MAL/17/00225</b>
<b>Location</b>	Land East of 53 Burnham Road, Latchingdon
<b>Proposal</b>	Reserved Matters application consisting access, layout, landscape, appearance & scale following outline approval OUT/MAL/14/01227 (Outline planning application with all matters reserved for residential development).
<b>Applicant</b>	Mr Robin Levy
<b>Agent</b>	Mr C Wragg - Arcady Architects Ltd
<b>Target Decision Date</b>	26.05.17 (E.O.T agreed until 18.08.17)
<b>Case Officer</b>	Julia Sargeant, TEL: 01621 875851
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

This application was considered together with application RES/MAL/17/00224 above.

**RESOLVED** that this application be **APPROVED**, subject to updated legal agreement in relation to Affordable Housing (13 units and commuted sum for £23,600) and subject to the following conditions:

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
2. Prior to first occupation of the development, the access arrangements as shown in Drawing no 47691/C/23 Rev A shall be fully implemented. This should include the provision of pedestrian dropped kerbs and tactile paving across the bellmouth in line with existing pedestrian desire lines, the exact location details to be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The works shall be carried out in accordance with the details agreed and retained as such thereafter.
3. Prior to first occupation of the proposed development, the vehicle parking and turning areas, as indicated on the approved plans, shall be implemented and maintained as such unless otherwise agreed with the local planning authority.
4. No development shall commence until fencing/ground protection to protect the trees and hedges/shrubs to be retained (as well as those adjoining the site) has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. 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. If within five years from the completion of the development a retained tree, shrub or hedge within the site is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree, 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.
5. Notwithstanding the details submitted no development shall commence until the provision and subsequent retention of soft landscape works on the site have been

submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

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 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

6. 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) the garages and carports hereby permitted as part of the development shall be used only for the parking of a motor car in connection with the residential use of the properties.
7. Prior to any construction on site taking place, with the exception of forming the site entrance, the drainage basin and temporary filter drain shall be installed to capture surface water from the site with surface water from the basin pumped out at no higher than the 1 in 1 greenfield rate. It should be ensured that the basin is working at a maximum optimum level in terms of storage capacity and water quality during and after the construction of the development.
8. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The requirements of the Maintenance Plan shall be fully implemented in accordance with the approved details. The applicant or any successor in title must maintain yearly logs of maintenance of the SuDS. These must be available for inspection upon a request by the Local Planning Authority.
9. No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the local planning authority. Such details shall include ecological enhancements including the provision of mammal/wildlife doors within boundary fencing and bird/bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.
10. Notwithstanding the details submitted no development shall commence until details of the proposed Local Area of Play (LAP) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all landscaping, ground surfacing, enclosure of the area, seating, and refuse facilities and safety notices. The LAP shall be implemented and shall be made available for public use in accordance

with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LAP shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

11. The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

**317. HOUSE/MAL/17/00510 - 61 NIPSELLS CHASE, MAYLAND**

<b>Application Number</b>	<b>HOUSE/MAL/17/00510</b>
<b>Location</b>	61 Nipsells Chase Mayland Essex CM3 6EH
<b>Proposal</b>	Single storey side extension
<b>Applicant</b>	Mrs Kerry Prout
<b>Agent</b>	Barry Powell
<b>Target Decision Date</b>	EOT 15.08.2017
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**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 approved drawing: 648/2.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

**318. HOUSE/MAL/17/00549 - 51 MOUNTVIEW CRESCENT , ST LAWRENCE**

<b>Application Number</b>	<b>HOUSE/MAL/17/00549</b>
<b>Location</b>	51 Mountview Crescent St Lawrence Essex CM0 7NT
<b>Proposal</b>	Single storey rear extension
<b>Applicant</b>	Mr M Bedingfield
<b>Agent</b>	Mr Allan Taylor - Blue Door Solutions Ltd
<b>Target Decision Date</b>	EOT: 18.08.2017
<b>Case Officer</b>	Mahsa Kavyani, TEL: 01621 875744
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**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 specifically referenced on this decision notice, S1MC/3/17—2C.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

**319. FUL/MAL/17/00649 - HIGH STREET, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>FUL/MAL/17/00649</b>
<b>Location</b>	High Street, Burnham-On-Crouch
<b>Proposal</b>	Change of use of part of the Burnham On Crouch High Street to a weekly retail market. Every Tuesday until 31 August 2019. Operational times 07.00-15.00.
<b>Applicant</b>	Maldon District Council - Mr Richard Holmes
<b>Target Decision Date</b>	01.08.2017 EOT 16.08.2017
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Maldon District Council Application

Following the Officer’s presentation of the report, Members debated this application and whilst they were in favour of the Market in principle, they did have some concerns regarding noise and rubbish.

In response to questions, the Group Manager for Planning Services advised:

- There was a condition (Condition 3) regarding amplified sound that would address concerns regarding noise;
- Rubbish and parking both fell under different legislation and was not something that could be dealt with by planning.

Members were also concerned that the restriction on stalls at condition 4 did not go far enough and requested if this could be extended to five stalls. The Committee was advised that the request regarding the restriction had come from the Highways Authority who was concerned with vehicle traffic. Any concerns regarding canopies overhanging the footpath should be raised with market officers, as this was not specifically a planning issue.

Councillor B S Beale, MBE proposed that this application be deferred to gain clarity. This proposal was not seconded.

Councillor R G Boyce, MBE then proposed that this application be approved with a rider sent to the Director of Customers and Community that this Committee has concerns regarding issues that could not be controlled by planning, but could be addressed elsewhere.

Councillor B S Beale, MBE requested that his vote against approval of this application be recorded.

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

1. The use hereby permitted shall be discontinued on or before 31 August 2019 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.
2. The Maldon retail market hereby permitted shall operate only between the hours 07:30 to 15:00 on Tuesdays only with no setting up of any stall prior to 07:00. All stalls and related equipment shall be removed from the site prior to 15:30 hours on each day.
3. There shall be no amplified sound used within the market as outlined in red on the location plan which forms part of this permission, or by any stall, stall owner or operator at any time.
4. Notwithstanding the layout of market stalls shown on drawing number ATS/552/02/A, no market stalls shall be erected/sited in the position where the two westernmost stalls are shown on that plan.

**320. HOUSE/MAL/17/00682 - CROUCH VIEW, FAMBRIDGE ROAD, ALTHORNE**

<b>Application Number</b>	<b>HOUSE/MAL/17/00682</b>
<b>Location</b>	Crouch View Fambridge Road Althorne Essex
<b>Proposal</b>	New outbuilding to replace existing pole barn.
<b>Applicant</b>	Mr Leonard Lewis
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	14 August 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Mr L Lewis, the Applicant, addressed the Committee.

Members were of the opinion that the proposed building would have less impact than the barn that is currently in place and would not be seen from the road. The new proposal was attractive and could only be seen by the Applicant from their garden. Also, the footprint would be largely the same as the barn that is currently there.

Councillor Mrs B E Acevedo proposed that this application be approved contrary to the Officer's recommendation and this was duly seconded.

In response to a question, the Officer confirmed that this application was refused under delegated power.

**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 specifically referenced on this decision notice.
3. No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.

4. The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.

**321. OUTMAL1700735 - SUNNYSIDE, STONEY HILLS, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>OUT/MAL/17/00735</b>
<b>Location</b>	Sunnyside Stoney Hills Burnham-On-Crouch
<b>Proposal</b>	Outline planning application for the demolition of existing garage and erection of 2 dwelling houses on land to the west of Sunnyside and associated access from Stoney Hills.
<b>Applicant</b>	Mr & Mrs Levins
<b>Agent</b>	Mrs Lisa Skinner - Bidwells
<b>Target Decision Date</b>	25.08.2017
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Departure from the Local Plan 2005

Following her earlier declaration, Councillor Mrs P A Channer, CC left the Chamber for the determination of this item.

In response to a question, the Group Manager for Planning Services confirmed that this application would have come to Committee if it had not been called in as it was a departure from the Local Plan.

Councillor Mrs H E Elliott, a Ward Member, proposed that this application be approved, even though she did not agree with the development of Stoney Hills, as there was little alternative for Members.

In response to another question, the Group Manager for Planning Services advised Members that “windfall” is a dwelling that is granted planning permission but does not form part of the Local Development Plan (LDP). Furthermore, when considering windfall sites there is a need to demonstrate harm in order to refuse such an application. Monitoring of such sites is carried out annually by the policy team and they take into account what has been built.

Concern was raised about work taking place on sites within Stoney Hills on Saturday afternoons and on Sundays and Bank Holidays. However, the Group Manager for Planning Services advised that Government guidance is that was not a planning issue and should be dealt with by Environmental Health who was better placed to deal with such matters. It was requested that a condition regarding working hours be included.

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

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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.

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.

- 2 The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report which is attached to and forms part of this permission.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 4 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. 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.
- 5 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include 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, 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.

- 6 No equipment, machinery or materials shall be brought to the site for the purposes of the development, until a written statement detailing the retention and protection of trees on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include a survey

- and assessment of all trees on the site and shall identify on a scaled drawing those trees to be retained and where arboricultural work is proposed.
- 7 The scheme to be submitted pursuant to 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.
- 8 Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- 9 Development shall not commencement until details of a foul water drainage scheme to serve the development has been 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.
- 10 No construction works shall occur at the site on Sundays or Bank Holidays. On all other days no construction works shall occur at the site outside of the following times:  
Monday to Friday 07:30 to 18:00  
Saturday 08:00 to 13:00.

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

The Committee received and noted the report of the Chief Executive on the following matters:

(i) Appeals Lodged

Appeal Start Date: 02/08/2017

**Application Number: FUL/MAL/16/00805 (APP/X1545/W/17/3173623)**

Site: Land Adjacent To Bradwell Marina, Waterside Road, Bradwell-On-Sea, Essex

Proposal: Proposed change of use of land associated with Bradwell Marina to a static caravan park for holiday use comprising a total of 70 units, associated office and amenity block, vehicular access and visitor car parking, open space and children's playground with seasonal occupation from 1st March until 31st October each calendar year - RESUBMISSION of application ref:

FUL/MAL/15/00142

Appeal by: Mr A Thurtle – Port Flair Ltd

Appeal against: Refusal

Appeal procedure requested: Informal Hearing

(ii) Appeal Decisions

**FUL/MAL/16/01362 (Appeal Ref: APP/X1545/W/17/3172878)**

Proposal: Demolition of existing dwellinghouse and erection of 3 new dwellings with garages.

Address: Fogs Folly - 289 Esplanade - Mayland

**APPEAL ALLOWED – 26 July 2017**

DECISION LEVEL: Delegated

(iii) Appeals Withdrawn

**OUT/MAL/16/00302 (Appeal Ref: APP/X1545/W/17/3169969)**

Proposal: Residential Development of up to 120 dwellings with associated infrastructure, open spaces and landscaping and community land with access reserved.

Address: Land South Of New Moor Farm And East Of North End,  
Southminster, Essex

**APPEAL WITHDRAWN – 26 July 2017**

A request was made for Members to be provided with a comprehensive list of Section 106 Agreements agreed, those in the pipeline and those that had been delivered. The Chairman advised that such a report was to be presented to the Overview and Scrutiny Committee. Members requested that the report be send to Members of this Committee.

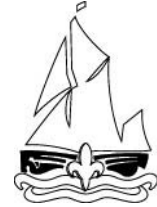
### **323. DELEGATED PLANNING APPLICATIONS**

The Committee received and noted the list of decisions on planning applications taken by the Chief Executive under delegated powers, circulated prior to the meeting for the period 18 July – 11 August 2017.

There being no further items of business the Chairman closed the meeting at 8.28 pm.

R P F DEWICK  
CHAIRMAN

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00275</b>
<b>Location</b>	Land Between Station Road And Canute Hall Fambridge Road Althorne Essex
<b>Proposal</b>	New wine warehouse and visitor facility
<b>Applicant</b>	Mr & Mrs Ross And Samantha Lonergan - Crouch Ridge Vineyard
<b>Agent</b>	Mr Juan Martinez - Inkpen Downie Architecture
<b>Target Decision Date</b>	8 May 2017
<b>Case Officer</b>	Ian Harrison, TEL: 01621 875751
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**Land Between Station Road And Canute Hall, Fambridge Road, Althorne**  
**FUL/MAL/17/00275**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p>	Scale:	1:3,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	29/08/2017
	www.maldon.gov.uk	MSA Number:

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The application site consists of a 5.6 hectare parcel of land located to the south of Fambridge Road and to the east of Station Road to the south of the defined settlement boundary of Althorne.

3.1.1.2 The application seeks planning permission for a part two, part three storey building that would measure 16.3 metres wide at the north elevation, a maximum of 14.3 metres deep at east the elevation and 12.3 metres deep at the west elevation. The proposed building would feature a mono-pitched roof built to a maximum height of 7 metres at the south elevation and a minimum height of 4 metres at the north elevation. The main entrance would be positioned on the east elevation, featuring a pair of doors between two decorative metal panels. A balcony / terrace would be formed at the south east corner of the building to serve the second floor office space. The building would be 'set-in' to the ground with ground levels at and around the site being altered.

3.1.1.3 The proposed building would contain a wine cellar and storage area at lower ground floor level, a bar / tasting area at the main ground floor level and a small office at first floor.

3.1.1.4 To the north of the site is the residential property of Canute Hall which is a two storey dwelling that is located approximately 50 metres from its south boundary. To the east is a string of six holiday lets that are located 13.5 metres to the east of the building that is proposed by this application. The application site includes the vehicle access to Fambridge Road at the north of the site and the parking / courtyard area to the north of Althorne Hall Cottages and west of Althorne Hall Farm.

3.1.1.5 Following discussions during the course of the application, the applicant's agent has advised that they are willing to advance the proposal without any evening events which were originally proposed. The opening hours will therefore be limited to the daytime only.

#### **3.2 Conclusion**

3.2.1.1 The proposed development is located outside the defined development boundary of Althorne. However, the proposed development relates to the land-based activity occurring at the site, would enable the creation of employment opportunities and represent a tourist attraction. As such it is considered that the principle of development can be found acceptable.

3.2.1.2 The proposed development would have a visual impact on the countryside and the use of the site would have some impacts on the amenities of neighbouring residents through additional noise being generated at the site. However, it is considered that the visual impact has been mitigated through the course of the application through the appropriate re-positioning and design of the building and it is considered that conditions can be imposed to limit and mitigate the impact on the amenities of neighbouring residents. Therefore, having regard to all other matters set out below

including the letters of objection that have been received, on balance, it is considered that the proposal can be recommended for approval.

#### **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:**

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 28 - Supporting a prosperous rural economy
- 29-41 - Promoting sustainable transport
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

##### **4.2 Approved Maldon District Local Development Plan (July 2012) Policies:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- 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
- D4 – Renewable and Low Carbon Energy Generation
- D5 – Flood Risk and Coastal Management
- E1 – Employment
- E4 – Agricultural and Rural Diversification
- E5 – Tourism
- N2 – Natural Environment and Biodiversity
- T1 – Sustainable Transport
- T2 – Accessibility

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

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

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

- 5.1.1 The site is located outside the defined settlement boundary of Althorne and is therefore within the countryside which policy S8 requires to be “*protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.*” The policy goes on to state that “*development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for.....b) employment generating proposals (in accordance with policy E1).....d) agriculture and forestry related development....f) rural diversification, recreation and tourism proposals.*”
- 5.1.2 The proposed development would be ancillary to the vineyard use of the site that falls within the statutory definition of agriculture. The application form states that there will be 12 full-time employees at the site and it is also considered that the proposal represents rural diversification and would represent a new tourist attraction. It is therefore considered that the proposal complies with policy S8 and is a development that can be undertaken within the countryside without representing a departure from the local development plan.
- 5.1.3 In addition, policy E4 states that “the Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where 1) There is a justifiable and functional need for the building/activity, 2) The function of the proposed building / activity is directly linked, and ancillary to, the existing use; and 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas”. The proposal entirely meets criteria 2 and it is considered that the unique selling point for the business proposed at the site is to showcase the activities occurring at the site and the produce of the site. It is therefore considered that the proposal also accords with criteria 1 and 3 of policy E4.
- 5.1.4 Policy E5 states that “the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District’s landscape, heritage and built environment”. The policy goes on to state that new tourist attraction, facilities and accommodation will be supported where it is demonstrated that there is an identified need for the proposal, the proposal is well connected to other tourist destinations, there will not be a significant impact on the character of the area and the quality of life of local people and there is not an unacceptably harmful impact on the natural and historic environment.
- 5.1.5 The majority of these matters will be assessed below. It is however relevant to consider the issue of the need for the proposal at this stage. The applicant highlights that *Food and drink services are seen as a key growth sector in the Maldon District Council Economic Strategy 2013-29*” and also states that the performance of the business has recently been commended by the Council, particularly given its potential to contribute to the growth of the Maldon District. Although not policies or actions of the Local Planning Authority, it is considered that these provide some context for the growth of the enterprise at the site which derives a need for ancillary developments to occur. It is also considered that this is relevant to the application of policies E4 and

E5 as this provides support for the development at the site rather than at any other location which would not be inherently linked to the land-based activities occurring at the site.

- 5.1.6 For these reasons and subject to the detailed considerations set out below, it is considered that the principle of the proposed development at the site can be supported.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.
- 5.2.3 Paragraph 64 also states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 5.2.4 This principle of good quality design is reflected to the approved Local Development Plan. The basis of policy D1 seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
  - b) *Height, size, scale, form, massing and proportion;*
  - c) *Landscape setting, townscape setting and skylines;*
  - d) *Layout, orientation, and density;*
  - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
  - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
  - g) *Energy and resource efficiency.*
- 5.2.5 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, and Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness. Moreover policy S1 stats that the intention should be to “*Maintain the rural character of the District without compromising the identity of its individual settlements*”. Despite the references that have been received within the letter of representation, it is noted that the former development plan policies relating to Special Landscape Areas

and the Coastal Zone have not been directly replaced and therefore the assessment of the visual impact should relate primarily to the countryside and the setting of the site.

- 5.2.6 The Althorne Village Design Statement includes the land within ‘The Ridge’ designation and it is noted that the guidance within this document encourages the protection of the Special Landscape Area from damage by development, the conservation of the rural character of the area and the coastal zone, the conservation of panoramic long-distance views, the integration of existing development into the landscape and the sensitive siting and positioning of new farm buildings. Developments that would result in the loss of openness within the ridge are also discouraged.
- 5.2.7 The proposed building would sit on elevated land relative to the land to the south and west and therefore, the proposed building would be prominent and visible in views from the Crouch valley.
- 5.2.8 However, due to its positioning adjacent to other buildings including Canute Hall and Althorne Hall Cottages and the buildings being erected to the east of Althorne Hall Cottages, it is considered that the building would not appear as an isolated development within the countryside and this partially mitigates the impact of the building on the openness and character of the countryside.
- 5.2.9 Moreover, it is noted that the changing ground levels would be utilized to enable the first floor accommodation to be entered from ground level to the north of the site, with the lower ground floor (basement) being set at a level that reflects the ground to the south of the site. This therefore reduces the massing of the building when viewed from the north and also helps the building to sit comfortably within its setting. If approved, it would be appropriate to impose a condition to require details of ground levels to be submitted and agreed prior to the commencement of the development. The upper floor office space with a balcony to the south elevation would take the form of a mezzanine within the roofspace of the building and would therefore not cause the material increase of the size and bulk of the building.
- 5.2.10 The proposed building would be of modern design with a mono-pitched roof and contemporary materials unlike the surrounding buildings. The building would feature extensive glazing to the south and west elevations and therefore would be of visual interest. The elevations with less fenestration would face the neighbouring buildings to the north and in this respect would appear more alike a functional building, which would be reasonably expected in the countryside. Any views of the building from the public domain to the north and north east of the site would be limited due to the presence of the existing buildings between the proposed building and the public highway and where the building would be visible, it is considered that its height and detailing would not help it to appear similar to an agricultural building that would not be out-of-context in this location. Accordingly the visual impact would be acceptable.
- 5.2.11 From this basis, whilst the proposed building would have an impact on the character and appearance of the countryside, it is considered that views of the building would be obscured in some directions by existing buildings and where it would be visible it would be viewed against or adjacent to a backdrop of other buildings which ensures that the development would not be viewed as an isolated intrusion into the openness of the countryside. The design of the building is considered to be of suitable visual

interest when seen in distant views from the south and west, without becoming a dominant addition. For these reasons, it is considered that the impact of the development on the character and openness of the site and the countryside can be found acceptable.

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

- 5.3.1 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposed building would be positioned approximately 50 metres from the south elevation of Canute Hall, but adjacent to the south boundary of that property. Due to the open rear elevation of the neighbouring property, it is apparent that the building would be conspicuous in views from that dwelling and would have an enclosing impact on the south end of the garden. Due to the separation distance from the dwelling, the proposed building would not cause a loss of light or outlook within the dwelling at the site. Furthermore, as there are no windows on the north elevation and dense vegetation and boundary treatments at the side boundary of Canute Hall, it is considered that the use of the building and the access to the building would not cause a loss of privacy or overlooking that would justify the refusal of the application. As there is no 'right to a view' within planning legislation it is considered that the impact of the proposal on the amenities of the property of Canute Hall would not be harmful to an extent that would justify the refusal of the application.
- 5.3.3 The neighbouring buildings to the east are used as holiday-let accommodation and as such the amenity expectations of the occupants of that building would be lowered. The proposed building would be 13.5 metres from the south west corner of that building and would therefore be visible from within that building and have some impact on the outlook from that building. However, due to the separation distance and the design of the building to feature a shallow mono-pitched roof and a single storey height at the north elevation, it is considered that the impact of the proposed development would not be sufficiently harmful by way of causing a loss of light or outlook to justify the refusal of the application on those grounds. The suitable positioning of the windows would also ensure that unacceptable overlooking from the development is not caused.
- 5.3.4 The Council's Environmental Health Officers raised concerns about the potential for noise to be generated at the site to the detriment of the amenities of neighbouring residents. An initial request for a noise assessment has been withdrawn due to it being acknowledged that conditions could be used to limit opening hours and the use of mechanical equipment (air conditioning, ventilation etc.) and to prevent the playing of amplified music. However, concerns have also been raised on the grounds that there is potential for the movement of people and vehicles at the site to cause significant noise to the detriment of the amenities of neighbouring residents.
- 5.3.5 The conventional opening hours of the proposed building would be from 10:00 to 18:00 and during that time there would be more voices, car doors and vehicle movements heard within Canute Hall, Althorne Hall Farm and the properties to the north of Fambridge Road. However, the impact would not be likely to represent a

material increase of noise in comparison to the background noise levels that exist within this area, mostly caused by the close proximity of the busy Fambridge Road to the north of the site. Whilst the initial concerns of the Environmental Health Officers are noted, following further discussion and subject to the imposition of conditions, it has been advised that the daytime use of the site would not be materially harmful to residential amenity.

- 5.3.6 Greater concern was raised in relation to the opening of the premises for ‘evening events’ which the applicant proposed to stage on 26 occasions during the year. Even after suggesting the reduction of this number of events to ten, concerns have still been raised on the grounds that the evening use of the site would have the potential to harm the amenities of neighbouring residents. Having relayed these concerns to the applicant, it has been agreed that no evening events will be proposed as part of this application and this is therefore to be omitted from the proposal.
- 5.3.7 Having discussed these arrangements with the Environmental Health Officer, on balance it is considered that the proposal can be found acceptable. The use of the premises would cause some additional disturbance to nearby residential amenities, but the use can be controlled to a reasonable extent through the imposition of conditions. Therefore, weighing the benefits of supporting economic development against the need to protect the amenities of neighbouring residents, it is considered that the conditions set out below are adequate to ensure that a suitable level of residential amenity would be maintained.

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

- 5.4.1 Policies D1 and T2 of the approved Local Development Plan seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The application site includes a large area of hardstanding at the north of the site. The car parking capacity of this area has not been defined but the applicant states that it will be sufficient to host 16 cars with that car parking area being shared with the holiday letting accommodation. Although this cannot be clarified without the car parking area being formally demarked, it is considered that the area is large enough to accommodate that level of parking.
- 5.4.3 The Council’s parking standards suggest that an A4 use (pubs and restaurants) should be served by parking at a maximum rate of 1 space per 5 square metres of floorspace. This proposal would see the provision of 271 of floorspace and therefore the maximum parking justified by the proposed use is 54 spaces. However, given that this includes the basement cellar and storage area and the first floor office, it is considered relevant to note that the main public area (including the terrace) would measure 164 square metres and therefore the maximum parking requirement associated with the public use would be 32 spaces. In this context it is considered that the provision of 16 spaces to be shared is acceptable as it accords with the maximum parking standards that are set out above.

5.4.4 The proposed use of the site would intensify the use of the existing access onto Fambridge Road. It is noted that this is a busy road and it is noted that concerns have been raised by local residents in relation to the impact of the proposal on highway safety. However, no objection has been raised to the proposal by the Highway Authority and as such it is considered that it would not be reasonable to raise an objection to the proposal on the grounds of highway safety.

## 5.5 Other Material Considerations

### 5.5.1 Ecology

5.5.1.1 Given that the site is currently maintained for agricultural purposes, it is considered that it is unlikely that the site will contain habitats or ecological interests. If any protected species are identified at the site they would be protected under the terms of other legislation and therefore this should not represent a reason for the refusal of this planning application.

### 5.5.2 Other Conditions

5.5.2.1 In addition to those conditions that have been suggested above, it is considered that matters of drainage and lighting can be addressed through the imposition of conditions.

## 6. ANY RELEVANT SITE HISTORY

6.1 An agricultural barn has been approved on land at the west of the application site under the terms of application AGR/MAL/16/00271.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 It should be noted that the re-consultation period of relevance to this application continues until 01 September 2017 which is after the time that this report has been prepared. Any further representations received prior to the committee meeting will be summarised within the Members' Update.

### 7.2 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne Parish Council	It is recommended that the application is refused as views should be preserved. Concerns have been raised regarding highway safety. The design and location are considered to be unsympathetic to the surrounding area. The development is outside the	Comment noted.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	village envelope.	

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) Highway Authority	The existing access is suitable and there are no records of accidents within the past five years. The Highway Authority therefore has no comments to make on the proposal.	Noted.
ECC Senior Development and Flood Risk Officer.	Detailed advice has not been provided as the proposal is considered to be 'minor' for their purposes.	Noted.
Essex County Fire and Rescue Service	Access for fire service vehicles is considered satisfactory.	

### 7.4 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	Initially it was suggested that a noise assessment should be submitted.  Subsequently, an objection was raised on the grounds that the intensive evening and weekend use of the site (with the associated movement of people and vehicles) would be detrimental to residential amenity.  Further discussions and the amendments of the applicant proposal has seen this objection removed subject to the imposition of conditions.	Please refer to section 5.3 of the report
Economic Development Unit	No objection as 12 jobs will be created.	Noted.

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

7.5.1 The proposal has been significantly amended during the course of the consideration of the application with the buildings position and use being amended. Two rounds of public consultation have been undertaken which have derived the responses set out below. Some of the comments made might seem out of place, but it is considered relevant to note that they were made when the proposal was to erect the building on land at the west of the application site.

7.5.2 24 letters were received **objecting** to the application from the following people which object to the application on the grounds listed below:

- Stuart Sowter, Richmond Cottage, Fambridge Road, Althorne, CM3 6BZ
- Dr Christine Collins, Gilder Lodge, Fambridge Road, Althorne, Essex, CM3 6BZ
- Urusla Benjafield, Sunningdale, Fambridge Road, Althorne, CM3 6DB
- Mr T.A. Scott & Mrs D.A. Scott, Hill House, Fambridge Road, Althorne, CM3 6DB
- Mr L. Lewis, Crouch View, Fambridge Road, Althorne, CM3 6DB
- Hayley Noye, Silver Ley, Fambridge Road, Althorne, CM3 6BZ
- Ian Drinkwater and Lorraine Collins, The Old Vicarage, Fambridge Road, Althorne, CM3 6BZ
- Mr T. Inkpen, Althorne House, Station Road, Althorne, CM3 6DG
- Mrs Vera Ann Pickard, 1 Highfield Rise, Althorne, Essex, CM3 6DN
- Mrs P Bunkle, Charlesland, Althorne, CM3 6DA.
- Ms Midori Abrham, Rivendell, Burnham Road, Althorne, CM3 6BU
- Ron Edge, Lilac Cottage, Fambridge Road, Althorne, CM3 6BZ.

<b>Objection Comment</b>	<b>Officer Response</b>
The development of this area is causing increased traffic.	Noted and addressed where required at sections 5.1, 5.2, 5.3 and 5.4 above.
The access onto Fambridge Road would be unsafe.	
Entering Fambridge Road is already difficult due to how busy the road is.	
Fambridge Road is a dangerous road with a history of speeding and accidents.	
The proposals would impinge on views of the valley from Fambridge Road and elsewhere 'uphill' from the site.	
The site is outside the development boundary of Althorne.	
The proposal is contrary to the Althorne Parish Plan and the Althorne Village Design Statement.	
The site is within a designated Coastal Zone and a Special Landscape Area and should be protected accordingly.	

<b>Objection Comment</b>	<b>Officer Response</b>
The proposed building is unattractive and appears as an industrial unit.	
The proposed car parking area would be unsightly.	
There would be little benefit to the residents of Althorne.	
A shop, doctors surgery or pharmacy should be a priority before the proposed use.	
If unsuccessful, an application might be submitted to convert the building to a dwelling.	
The Crouch Valley remains unchanged since a painting of 1919 and this should remain the case.	
The proposal is contrary to the NPPF as the proposal is not in the right place and is therefore not sustainable.	
The building should be located closer to the existing farm buildings.	
The site will not be accessed through sustainable transport measures.	
Other buildings within the site should have been converted in preference to the erection of a new building.	
The use of the access will generate noise to the detriment of neighbouring amenities.	
The use of the proposed building and an adjacent conference centre will cause noise disturbance.	
A recent wine tasting event caused significant noise at the site, with loud music.	
The modern design is out-of-keeping with the architecture of the village.	
The original proposal would have detracted from the adjacent burial ground.	
The proposal would conflict with the Human Rights Act which allows for the enjoyment of property.	
Conditions might not be enforceable.	
The proposals will open the floodgates for further development.	
All south facing glass should be non-reflective.	

7.5.3 Four letters were received **in support** of the application from the following people which support the application on the grounds listed below:

- Michael Bass, Hall Farm Cottages, Fambridge Road, Althorne, CM3 6BZ
- Roy N Martin, Martin's Lane Vineyard, Scarr Cottages, Woodham Road, Stow Maries, CM3 6SB

Comment	Officer Response
The proposal will encourage the use of the adjacent self-catering accommodation.	Noted.
The vineyard is one of a number of vineyards working to promote the industry.	
The proposal will promote tourism.	
The proposal will benefit the community and create jobs in a scenic environment.	

## 8. PROPOSED CONDITIONS

### Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved plans listed above.  
REASON: In order to ensure that the development is carried out in accordance with the approved details.
3. Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the building hereby shall be used as a wine tasting centre and for no other purposes falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987.  
REASON: To clarify the use of the building and ensure that suitable control exists over the future disposal of the building in the interests of protecting the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.
4. Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved materials.  
REASON: In the interests of mitigating the visual impact of the development in accordance with policy D1 of the Maldon District Local Development Plan.
5. No amplified sounds shall be played at the site or within the building hereby approved that is audible from any location outside the application site.  
REASON: In the interests of protecting the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.

6. No plant shall be installed at the site (including air conditioning units, mechanical ventilation / extraction, flues, vents or refrigeration equipment) unless details of the proposals including the siting and appearance of the plant and details of the noise generated by that plant has been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of protecting the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.
7. The premises hereby approved shall only be open to members of the public between 1000 hours and 1800 hours on any day.  
REASON: In the interests of protecting the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.
8. Prior to the commencement of the development hereby approved by visiting members of the public, a plan shall be submitted demonstrating the ability to provide 16 parking spaces within the application site. The submitted plans shall include details for the demarcation of the proposed parking spaces which shall be provided prior to the first use of the building hereby approved and retained in perpetuity solely for use in conjunction with the use of the building hereby approved and the six holiday let units referred to as Althorne Hall Cottages on the plans hereby approved.  
REASON: To ensure the provision of adequate parking in accordance with policy T2 of the Maldon District Local Development Plan.
9. Prior to the commencement of the development hereby approved, details of the existing and proposed ground levels at the application site (as relevant to the development hereby approved) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved ground level details.  
REASON: To clarify the positioning of the building in the interests of mitigating the visual impact of the development in accordance with policy D1 of the Maldon District Local Development Plan.
10. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

11. Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to calculated greenfield rates for the site or 2 litres per second per hectare for a storm event that has a 100% chance of occurring each year (1 in 1 year event)
- The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance
- If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the approved Maldon District Local Development Plan.

12. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

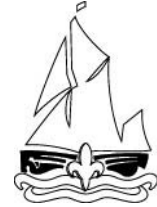
REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

13. Before the development hereby permitted commences, details of all external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residents and the rural character of the site in accordance with policy D1 of the Maldon District Local Development Plan.

14. Prior to the commencement of the development hereby approved details of the provision of refuse storage facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved refuse storage shall be provided prior to the first beneficial use of the building hereby approved and retained at all times thereafter.

REASON: To ensure the provision of adequate refuse storage in the interests pollution control and residential amenity in accordance with policies S1 and D1 of the Maldon District Local Development Plan.



**REPORT of  
CHIEF EXECUTIVE**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00574</b>
<b>Location</b>	Creeksea Place Farm House Ferry Road Burnham-On-Crouch Essex
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/16/01465 (To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation)
<b>Applicant</b>	Mr Harry Wilsdon
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	31 August 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

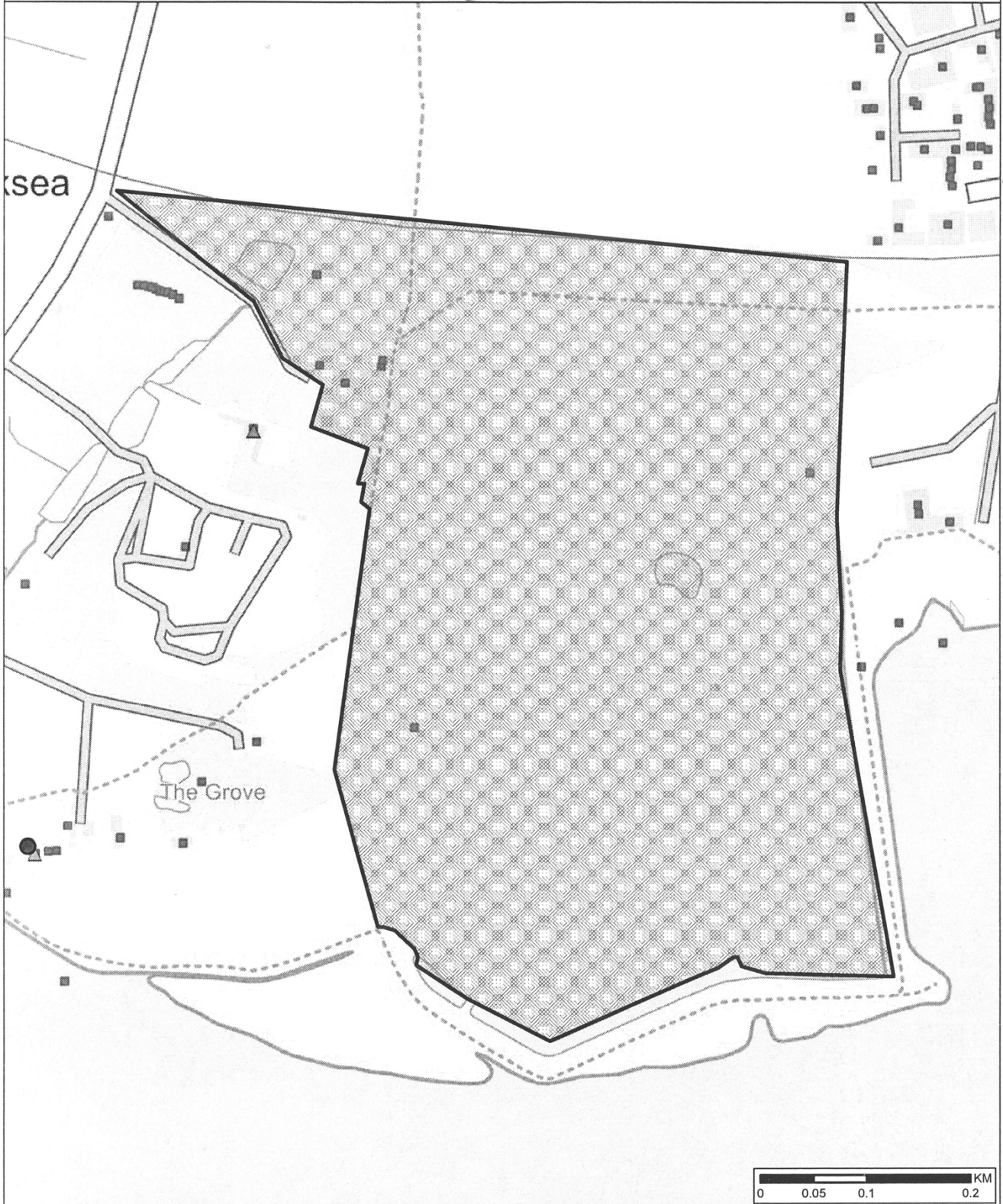
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Creeksea Place Farm House, Ferry Road, Burnham-On-Crouch**  
**FUL/MAL/17/00574**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	30/08/2017
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 The application site is part of a collection of former agricultural buildings set some 250 metres to the east of Ferry Lane and lies to the south of the railway. The barn, the subject of the application, is 13 metres by 8 metres and is close to the northern boundary of the site. The buildings to the east have been converted to holiday let accommodation and the building immediately to the south is used as a cafe. A recent planning consent to convert a barn to a gym / spa has been implemented.

3.1.2 Planning permission was granted in February 2017 to replace the barn, the subject of this application, with a new barn for ancillary use in conjunction with existing commercial operation (planning reference: FUL/MAL/16/01465) and as such the planning application is extant. The current application seeks to amend the design of the barn by replacing barn doors with glazed windows and doors. Additional windows would also be inserted on the gable ends of the barn. The footprint and the height of the barn would be as approved in planning application FUL/MAL/16/01465.

#### **3.2 Conclusion**

3.2.1 The barn is a replacement for an existing structure albeit it will be more substantially constructed. The overall site is used for agricultural purposes mixed with leisure and holiday let accommodation. Provided that the building is used in association with these uses there is no objection to the proposal as the development would accord with policies S1, D1, E4 and E5 of the Maldon District Local Development Plan and Government advice contained within 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:**

- 7, 8, 14, 17, 28

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 - Sustainable development
- D1 - Design quality and built environment
- D3 - Conservation and Heritage Asset
- E4 - Agricultural and rural diversification
- E5 - Tourism

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The barn, the subject of this application, was originally submitted as an agricultural notification (reference: AGR/MAL/16/01232) but was refused on the grounds that the building and site is not used solely for agricultural purposes. Since 2009, the Council has approved the conversion of former agricultural buildings to holiday lets and also the use of other buildings within the site as a café and spa / gym. Therefore the use of the site for holiday / leisure purposes is already well established. In addition, the National Planning Policy Framework (NPPF) supports a prosperous rural economy through sustainable growth and expansion of businesses and enterprise in rural areas through the conversion of existing buildings.
- 5.1.2 As stated in Paragraph 3.1.2, planning permission was granted in February 2017 for the replacement of an existing barn. This planning application will expire on 9 February 2020 and therefore is extant. This is material consideration when determining this planning application.
- 5.1.3 In this case, the proposal is to replace an existing barn which is used for the storage of materials and equipment required for the running of the various enterprises. The existing is also used on occasions for community use such as the Mid-summer festival, Christmas fair, Easter egg hunt. The footprint, scale, bulk and height would be the same as previously approved under application FUL/MAL/16/01465. The only noticeable changes would be the design and appearance of the barn.

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

- 5.2.1 The existing barn as it stands has a blockwork base with corrugated asbestos sheeting above and forming the roof and is in a poor condition. The proposed barn would be of similar dimensions and have a brick plinth, be clad in black painted weatherboarding and a slate roof. The external materials would match those of the adjacent café and other buildings nearby.
- 5.2.2 The site is within the rural area and policy states that any new development in such areas should not adversely affect their character and appearance. In this instance, it is considered that the principle to replace an existing, somewhat dilapidated building, within an established group of rural buildings would not harm the character and appearance of the rural area. In this respect, the proposal would accord with policy D1 of the LDP.
- 5.2.3 In the previous planning application (FUL/MAL/16/01465), two pairs of full height timber doors were proposed to the front and rear elevation of the barn for farm vehicles. In this current application, these full height timber doors would be replaced by full length glazing, doors and sliding doors for pedestrian use only. Further, it is proposed that new triangular windows would be inserted on the gable ends of the barn to provide light in to the building. These alterations are considered to be acceptable.
- 5.2.4 It is noted that there is a Grade II\* listed building Creeksa Place located some 250 metres to the south west of the barn. As there is no direct line of sight between the two buildings, it is considered that the proposal would not affect the setting of this

listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Officer has assessed the proposal and has raised no objection to the proposal. The development is considered to accord with policy D3 of the Local Development Plan.

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

5.3.1 The replacement barn would be located approximately 250 metres away from Creeksea Place. It is not considered that the amended design and appearance of the barn would have an impact on the existing occupiers of that property to warrant refusal. The development is considered to accord with policy D1 of the Local Development Plan.

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

5.4.1 The replacement barn would require no changes to the access point and parking to and from the site. The Highway Authority has assessed the application and has raised no objection to the proposal. The development would therefore accord with policy T2 of the Local Development Plan.

### **5.5 Other Material Considerations**

5.5.1 It is noted that the planning conditions imposed on planning application FUL/MAL/16/01465 have not been discharged. It is therefore considered reasonable for the Council to re-impose those conditions onto this current application.

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

- **FUL/MAL/09/00341** - Change of use of barn to form 3 self-contained holiday units: Approved 17 September 2009.
- **FUL/MAL/10/00558** - Change of use of barn to form 4 self-contained holiday units: Approved 20 April 2011.
- **FUL/MAL/13/00363** - Change of use of barn to form café/reception area: Approved 21 June 2013.
- **FUL/MAL/15/00920** - Change of Use of existing barn to spa/gym in conjunction with the adjoining existing leisure self-catering holiday lets and small local membership. Approved 26 October 2015.
- **AGR/MAL/16/01232** - Prior notification of a replacement dilapidated agricultural barn with a new agricultural barn. Refused – 22 November 2016.
- **FUL/MAL/16/01465** - To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation. Approved: 9 February 2017.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	Compliant proposal.	Noted.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) SUDs Team	The development is considered minor and therefore will not be providing bespoke comments for this site.	Noted in Report.
ECC Highway Authority	No objection to the proposal submitted	Noted in Report.
Environment Agency	No comment received at the time of writing this report	Any comments received will be reported on the Members' Update.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection to this application for variation of Condition 2.	Noted in the Report.
Conservation Officer	No objection.	Noted in the Report.

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

- 7.4.1 No letters of representation received at the time of writing this report. Any comments received will be reported on the Members Update.

## 8. PROPOSED CONDITIONS

### Conditions:

- 1 The development hereby permitted shall be begun before 9 February 2020.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development shall be carried out in complete accordance with the following approved plan: Drawing No 0840/15 Revision B dated October 2016.

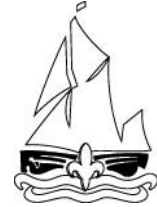
- REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- REASON To ensure that the development is carried out in accordance with the details as approved in accordance with policy D1 of the Maldon District Local Development Plan
- 4 The building hereby approved shall only be used ancillary to the permitted holiday let / leisure uses of the site or the agricultural holding and shall not be used for habitable accommodation.
- REASON To ensure the development is used in accordance with the development applied for in accordance with policy D1 of the Maldon District Local Development Plan

### **INFORMATIVES**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

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**REPORT of  
CHIEF EXECUTIVE**

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00650</b>
<b>Location</b>	14 High Street Southminster Essex CM0 7AA
<b>Proposal</b>	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
<b>Applicant</b>	Mrs S Mackler
<b>Agent</b>	Guy Clark - Gclarkitecture
<b>Target Decision Date</b>	25 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

<b>Application Number</b>	<b>LBC/MAL/17/00651</b>
<b>Location</b>	14 High Street Southminster Essex CM0 7AA
<b>Proposal</b>	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
<b>Applicant</b>	Mrs S Mackler
<b>Agent</b>	Guy Clark - Gclarkitecture
<b>Target Decision Date</b>	7 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

**FUL/MAL/17/00650:**

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

**LBC/MAL/17/00651:**

**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

2. **SITE MAP**

Please see below.



### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for the change of use of the application site from use class A1 (former post office) to a mixed bakery shop (A1) and tea room / coffee shop (A3). The development includes internal and external changes to the Listed Building including changing a window on the front elevation of the Listed Building to a door.
- 3.1.2 The application site is located on the northern side of the High Street within the settlement boundary and conservation area of Southminster. The application relates to a grade II listed, two storey dwelling and the former post office which is a later single storey addition to the listed building. The brick and rendered building is located directly on the High Street. To the west of the old post office is a driveway giving access to a recent development of 6 cottages to the rear (The Hawthorns). To the east there are dwellings and within the surrounding area there are shops, restaurants and takeaways.

#### **3.2 Conclusion**

- 3.2.1 The proposed change of use is considered to contribute to the retail attractiveness, economic viability and vitality of the High Street. The proposed works are not considered to detract from the special architectural or historic interest of the conservation area or the historic significance of the listed building. The site is also in close proximity to public car parks. Therefore, planning permission is recommended to be approved and listed building consent is recommended to be granted.

### **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:**

- 7
- 17
- 47
- 56
- 118

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

- D1 - Design Quality and the Built Environment
- D3 - Conservation and Heritage Assets
- T1 - Sustainable Transport
- E3 - Community Services and Facilities
- S1 - Sustainable Development

#### **4.3 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 District's community services and facilities form an important component of urban life in the District. To many residents they are a vital resource in meeting day to day functions and also maintaining a healthy and social lifestyle. In accordance with the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. There are three mutually dependant dimensions to sustainable development: economic, social and environmental. Given the importance of community facilities to local residents, there is a need to secure and maintain the functions of community services and facilities across the District.

5.1.2 In terms of policy designation, Southminster's high street is regarded a Village Centre. Policy E3 of the Council's Local Plan states that development which will help to improve the provision of community services and facilities in a local area will be encouraged, including the relocation, co-location, modernisation and expansion of existing services.

5.1.3 Similarly, the NPPF encourages economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should;

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5.1.4 It is therefore considered that the principle of the proposed development to provide a mixed A1/A3 use is acceptable as it would support economic vitality and viability in retaining and developing a redundant community facility.

5.1.5 Other material planning considerations are discussed below.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.2.2 The basis of policy D1 of the LDP ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The application site is located within the Southminster Conservation Area. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.
- 5.2.4 The only external change to the building is the replacement of a window with panelled timber French doors. The existing window is located on the front elevation of the Listed Building, on the later single-storey addition attached to the southern end of the dwelling, which was formerly the village post office. The internal changes include the removal of an internal partition and the erection of partitions to form a WC. It is considered that the changes are minor and would not result in the loss of historic fabric to the listed building and is considered to preserve the Conservation Area and Listed Building.

## **5.3 Impact on Residential Amenity**

- 5.3.1 The application site is in a village centre location which is characterised by a range of uses including commercial and residential. The environmental health team have some concerns in relation to noise and odour resulting from the proposed change of use on the neighbouring occupiers.
- 5.3.2 It is proposed to change the use of the site from A1 retail to combined A1 retail/A3 restaurant. The applicant has confirmed that there will be no frying or grilling in relation to supplying hot food and that there are no intentions to include any primary cooking in respect of cooking raw or fresh foods. Whilst it is considered that the minor nature of the café-style operations of the proposed use would not result in a detrimental effect upon the amenities of the neighbouring occupiers, the future loss of amenity arises from the potential use of the site and the possibly of foods with particularly strong odors being cooked. The Council must be satisfied of the appropriateness of the site for a restaurant use considering its lifetime and not solely the interest of the applicant. Therefore, it is considered that an appropriate condition could be attached to any positive decision in order to protect the amenities of the neighbouring occupiers from noise and odours.

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

- 5.4.1 The unit does not benefit from dedicated off road parking; however, it is currently located within close proximity to a public car park. There are good connections to the

site in terms of public transport and therefore, it is not considered that the proposed development would have a detrimental impact on highway safety or the free flow of traffic. Furthermore, the site is currently an A1 use and it is not considered the change to mixed A1/A3 use would increase the traffic to a detrimental level.

## 5.5 Other Material Considerations

- 5.5.1 It should be noted that the applicant has confirmed that the property is connected to the main sewerage system and not a septic tank. Environmental Health has been re-consulted given their suggested condition; which may therefore be redundant. Any response received will be reported on the Members' Update.

## 6. ANY RELEVANT SITE HISTORY

- **16/01170/COUPA** - Conversion of existing former post office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) - Prior Approval Refused - 29.11.2016.

This was refused due to the site being within a conservation area and including a listed building. Permitted development rights are therefore not applicable and accordingly this planning application is required.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Southminster Parish Council	Object Insufficient car parking increased congestion on the High Street. The narrow entrance to the rear of the property and increased use of the septic tank raise concerns.	Addressed within paragraph 5.3 and 5.5 of the Officers Report

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	Given the previous use of the site and its location within the central area of Southminster, from a highway and transportation perspective, the Highway Authority has no objection to the proposal.	Noted

### 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns were raised in relation to the potential odours, noise and increased use of septic tank but were considered to be resolved through the imposition of conditions.	Addressed within paragraph 5.4 and 5.5 of the Officers Report
Conservation Officer	No objection	Noted.

### 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:

- Ms Bedwell & Mr Thomas - 3 The Hawthornes Southminste
- Miss Zara Weston - Shire Cottage 2 The Hawthorns Southminster

Objection Comment	Officer Response
Entrance to The Hawthornes is narrow and has 5 blind spots.	Addressed within paragraph 5.4.
Dispute over parking and ownership of the car park and spaces, customers could park in private spaces.	Evidence of the ownership of the land outlined in red on the submitted location plan has been supplied to the Council.
Where will the rubbish be stored?	A plan showing the proposed refuse storage has been supplied and Environmental Health have been consulted; the response will be reported on the Members' Update.

## 8. PROPOSED CONDITIONS

### FUL/MAL/17/00650:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.  
**REASON:** In order to ensure that the development is carried out in accordance with the approved details.
3. The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless an adequate scheme for ventilation is approved by the Local Planning Authority, except for a toaster, microwave, sandwich press and oven of no more than 60cm wide,

The ventilation scheme as agreed shall then be implemented prior to the beneficial occupation of the site for the approved use and retained as such.

REASON: To protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Maldon District Local Development Plan.

4. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

5. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse facilities are available in accordance with policy D1 of the Maldon District Local Development Plan.

### **LBC/MAL/17/00651:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.

REASON: In order to ensure that the development is carried out in accordance with the approved details.

3. All new joinery shall be constructed of hand-painted timber only and retained as such thereafter.

REASON: To ensure that the details of the development do not detract from the listed building in accordance with policy D1 and D3 of the Maldon District Local Plan.

4. Prior to commencement of the development hereby approved, large scale drawings of the new external doors, illustrating elevations at 1:20 and section profiles through the, head, cills, jambs and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To ensure that the details of the development do not detract from the listed building in accordance with policy D1 and D3 of the Maldon District Local Plan.

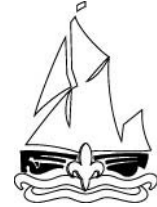
### **INFORMATIVES**

1. Food Hygiene and Health & Safety

The Applicant is advised to consult Environment Services on any requirements we may have regarding Food Safety and Health & Safety matters at the premises. New food business will need to register with Environment Services 28 days before it commences operation and comply with EC Regulation 852/2004.

2. Notwithstanding the information supplied within the application, this permission does not give consent for any means of ventilation. A further application for Planning Permission and Listed Building Consent may be required.

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>HOUSE/MAL/17/00686</b>
<b>Location</b>	16 Beauchamps Burnham-On-Crouch Essex CM0 8PR
<b>Proposal</b>	Single storey extension
<b>Applicant</b>	Mr & Mrs D Stanbury
<b>Agent</b>	Mr Russell Forde - Smart Planning Ltd
<b>Target Decision Date</b>	24 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**16 Beauchamps, Burnham-On-Crouch**  
**HOUSE/MAL/17/00686**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	South East Committee
Date:	29/08/2017
MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 The application site is located on the south side of Beauchamps within the settlement boundary of Burnham-On-Crouch. A detached two storey dwelling with an attached garage currently occupies the site. The surrounding area is residential in nature; the dwellings within the vicinity of the site vary in size and individual design although they are all of a similar architectural finish.

3.1.2 Planning permission is sought for a single storey side extension. The proposed extension would project 4.6m from the western elevation of the existing dwelling, it would be 8m long, 2.2m to the eaves and 5.4m to the ridge. A small part of the existing brick wall which encloses the private rear amenity space would be removed in favour of the proposed extension.

#### **3.2 Conclusion**

3.2.1 It is considered that the proposed development, by reason of its scale and design would not harm the appearance or character of the dwelling and the locality. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies D1, T2 and S1 of the Local Development Plan (LDP).

### **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:**

- 56
- 58
- 59

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- D1 - Design Quality and Built Environment.
- S1 - Sustainable Development
- T2 - Accessibility

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

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

#### **4.4 Burnham-On-Crouch Neighbourhood Plan**

- HO.8 - Housing Design Principles

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of extending the dwelling to provide facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.2.2 The design of the proposed side extension is considered appropriate and its appearance is typical of a residential development. It would be finished with a pitched roof that would reference the pitched roof of the existing garage; with the pitch matching the host dwelling. In terms of its proportions, namely its size, bulk and appearance, the proposed extension does not extend beyond the principle or rear elevation of the existing dwelling and is single storey in nature. Therefore it is not considered to appear dominant in relation to the main dwelling.
- 5.2.3 The proposed extension would be visible from within the public realm, given its location on the side elevation. Although alterations to the front of the dwellings within the vicinity of the site are not common, given the design and setting of the extension, on a spacious corner; it is not considered that the development would appear out of keeping or dominant from within the streetscene. Furthermore, the proposed extension would be constructed of materials that would match the existing dwelling.
- 5.2.4 Therefore, it is not considered that the development would have a detrimental impact upon the host dwelling or streetscene, in accordance with policy D1 of the approved LDP.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The application site is surrounded by residential properties, the closest neighbouring, property to the proposed development is no. 17 which is located to the rear of the host dwelling and is in excess of 10m away.
- 5.3.3 It is not considered that the single storey side extension would result in domination or a loss of light to the detriment of the neighbouring occupiers, given its distance and single storey nature of the proposal.

5.3.4 Furthermore, given the setting of the extension and proposed fenestration the proposed development would not result in overlooking to the detriment of the neighbouring occupiers.

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

5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The proposed development would not impact the parking provision to the front of the site or the existing garage nor would it result in an addition bedroom. Therefore, no concerns in relation to the car parking provision are raised.

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

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m of private amenity space for dwellings with three or more bedrooms.

5.5.2 The existing private amenity space on the site is in excess of the standard contained within the Essex Design Guide, and although the proposed development would result in the loss of some of the garden, the remaining space would still be larger than the standard. Therefore, there is no objection to the proposal in relation to amenity space.

### **6. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-On-Crouch Town Council	Compliant proposal.	Noted.

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

6.2.1 No letters of representation have been received.

### **7. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawing: 16.3494/P201 REV A, 16.3494/P202 REV B, 16.3494/P203 REV A, 16.3494/P204 REV A.  
REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish to match the existing dwelling.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the adopted Maldon District Local Plan.



**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00736</b>
<b>Location</b>	Land North Of Riversleigh Nipsells Chase Mayland Essex
<b>Proposal</b>	Proposed construction of a new detached single storey dwelling
<b>Applicant</b>	Mr Kenny Paton & Ms Sue White
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	25 August 2017 – EOT 15 September 2017
<b>Case Officer</b>	Ian Harrison, TEL: 01621 875751
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

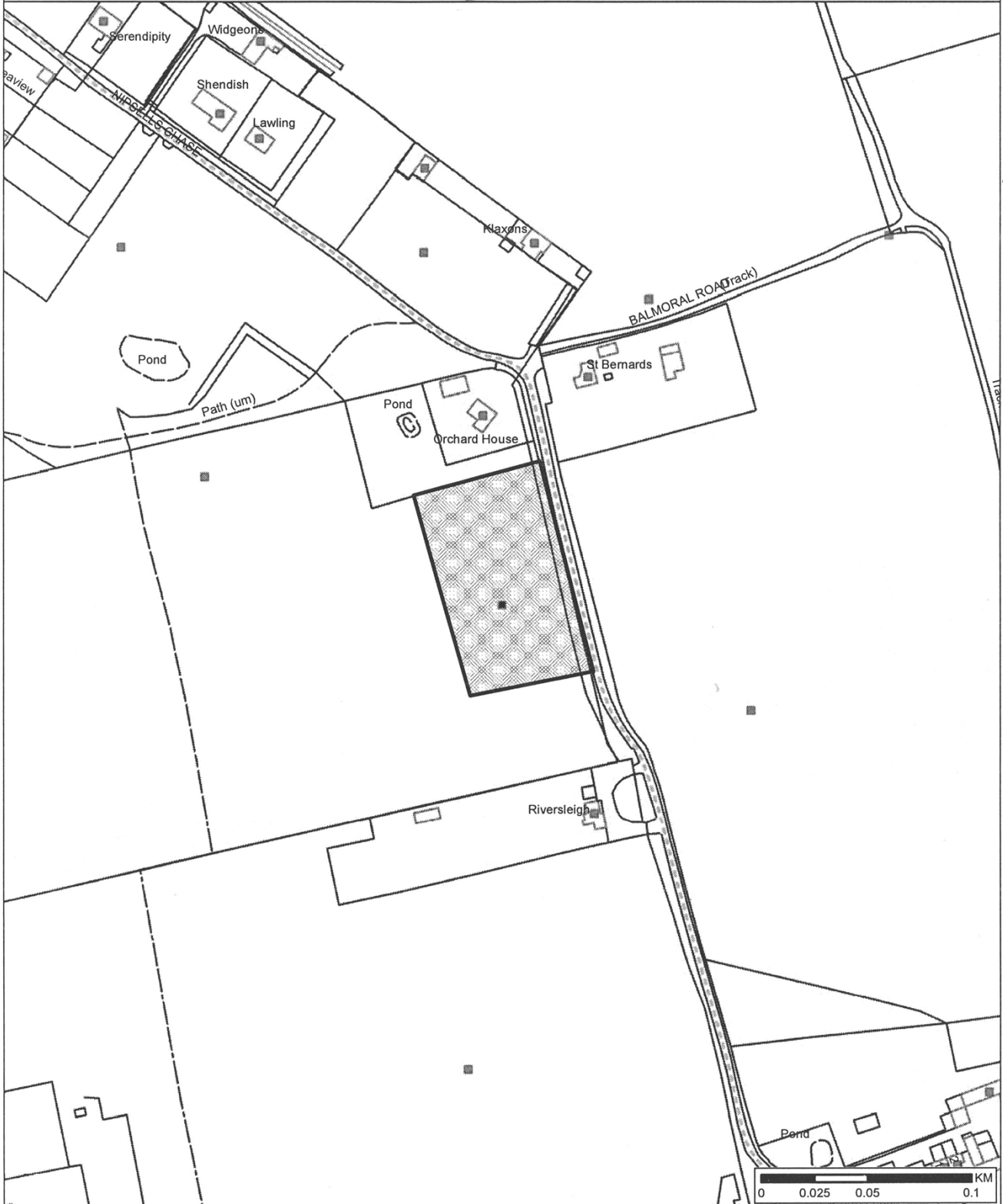
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land North Of Riversleigh, Nipsells Chase, Mayland**  
**FUL/MAL/17/00736**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	29/08/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The application site is located to the west of Nipsells Chase to the north of the settlement boundary of Mayland. The site measures 110.5 metres wide and approximately 61.5 metres deep. The site is currently vacant with a vehicle entrance at the centre of the east boundary of the site which leads to a small area of hardstanding and a set of gates and fencing. These installations appear to be recent additions to the site. Within the site is a largely open area of grassed land with a number of young trees which are arranged in a line in accordance with the submitted plans. The edges of the site feature denser and more mature tree and hedgerow soft landscaping.

3.1.1.2 To the north of the site is the residential property of Orchard House and to the south is the residential property of Riversleigh.

##### **3.1.2 Description of proposal**

3.1.2.1 Planning permission is sought for the erection of a dwelling which would be located 26.7 metres from the east boundary of the site, 27.3 metres from the south boundary, 17 metres from the west boundary and 60 metres from the north boundary.

3.1.2.2 The proposed dwelling would have a 'H' shaped footprint with the roof of the main section of the dwelling measuring 23 metres wide and 10.5 metres deep with an eaves height of 2.5 metres and a maximum height of 8 metres with a recessed east elevation to create a covered verandah area to the east side of the dwelling. Two projections would be added to the rear with roofs that would measure 8.2 and 7.6 metres wide and 4.9 and 3.2 metres deep with maximum heights of 7 and 6.5 metres, the northernmost of which would not be enclosed and would therefore provide a covered verandah. At the front would be two further projections that would measure approximately 7 metres wide and 2 metres deep, each with additional minor projections to the front and side.

3.1.2.3 A gravel drive and parking area to the north of the dwelling would be provided that would lead from the access that is mentioned above for 26 metres before turning at a 90 degree angle to approach the north elevation of the dwelling. The drive would be aligned by the young trees that are described above. The remainder of the site would be used as gardens and amenity space.

3.1.2.4 The proposed dwelling would feature a garage and include ample space for the parking of cars to the north of the dwelling.

3.1.2.5 The materials to be used in the construction of the dwelling would include painted weatherboarding to the elevations and plain tiles or cedar shingles to the roof with timber framed doors and windows.

### **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development, which by reason of the unsustainable location of the proposed development and the visual impact on the character, openness and intrinsic beauty of the countryside would be contrary to the National Planning Policy Framework and the policies of the Development Plan.

## **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:**

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

### **4.2 Approved Maldon District Local Development Plan (July 2012) Policies:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

### **4.3 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 site lies outside the settlement boundary of Mayland as defined by the approved Maldon District Local Development Plan (LDP) and therefore, the development is contrary to development plan policies.

5.1.2 Policy S1 of the Local Development Plan states that:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.3 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area”*.

5.1.4 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.5 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.

- 5.1.6 The site is located outside the settlement boundaries, with the entrance to the site being approximately 350 metres to the north of the settlement boundary of Mayland and the west edge of the site being approximately 150 metres from the east boundary of Mayland.
- 5.1.7 The site sits comfortably within the rural environment to the north east of Mayland with no built form on the site. The proposal would therefore represent the significant domestication of the countryside and result in the visual intrusion of built form into the countryside. The proposal, by reason of its location outside the settlement boundaries would, therefore, be harmful to the rural character of the area and contrary to the development plan policies. The visual impact of the proposal will be assessed fully below.
- 5.1.8 Recent appeal decision APP/X1545/W/16/3153141 which proposed 50 dwellings at land south of Riversleigh concluded that Mayland is a sustainable settlement with a reasonable range of day-to-day facilities and can accommodate some greenfield accommodation. However, as was stated those additional dwellings should be identified through neighbourhood planning. The Inspector concluded that the development would cause significant harm to the character and appearance of the area and fail to recognise the intrinsic character and beauty of this sensitive area of countryside. In reaching that conclusion it was noted that once a person has left the formal highway of Nipsells Chase and entered the rural unmade track, there is a change in character which makes the area distinctively rural. In that case, despite offering 40% affordable housing and a boost to the economy through the provision of 50 dwellings, it was concluded that the significant environmental harm of the development was not outweighed by the benefits of the development.
- 5.1.9 Similarly, in the case of earlier appeal decision (APP/X1545/W/15/3139154) on land east of Nipsells Chase, the Inspector concluded that the appeal site was viewed as part of the open countryside to the north and east of the settlement which extends from the village out to Lawling Creek and Mayland Creek.
- 5.1.10 It is noted that the proposal for a single dwelling would have a materially reduced visual impact than those proposals, but the development would also include fewer positive elements. A single dwelling would not make a significant contribution to housing provision within the District and would make no contribution towards the provision of affordable housing. Likewise, the erection of a single dwelling would not create substantial boosts to the local economy by way of supporting existing services or creating significant employment opportunities during the construction process.
- 5.1.11 In light of the above assessment and the previous conclusions of the Local Planning Authority and the Planning Inspectorate, it is considered that the location of the site should not be deemed to be unsustainable in terms of accessibility. However, it is considered that sustainability has to be assessed overall and in the round and in this case it is considered that the suitable accessibility of the site and the addition of one dwelling to the Council's housing land supply does not off-set the significant harm to the character and appearance of the countryside that is derived from the erection of a dwelling and the associated domestication of land in this location, which will be discussed fully below.

5.1.12 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and local and national planning guidance.

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

5.2.1 The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

5.2.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

5.2.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.

5.2.6 The proposed dwelling would be located outside the defined settlement boundary and by reason of its formal siting and more urban nature would appear entirely at odds and out of keeping with the rural character of the area. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.

5.2.7 If considered in isolation and outside of its context the proposed large bungalow is considered to be of acceptable design and scale. Although taking up a significant

footprint and having a slightly top-heavy, roof dominated appearance, it is considered that the detailing of the dwelling and its architecture is inoffensive and would not be grounds to refuse an application, especially given that the NPPF discourages the Local Planning Authority from being overly prescriptive in terms of design.

5.2.8 Nevertheless, it is considered that this does not mitigate the harm that is caused by the domestication of the site and the erection of a dwelling within the countryside on land which is intended to be used for purposes akin to the countryside and not residential development.

5.2.9 On the basis of the above, it is considered that the proposed development, by reason of its siting, urban nature, plot size, layout, scale, proportions and design would result in a development out of keeping with the grain and character of the countryside.

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

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 The proposed dwelling would be positioned centrally on a large plot, well away from the neighbouring dwellings to the north and south. The proposal would therefore have no impacts on the light, privacy or outlook of the neighbouring properties that could reasonably justify the refusal of the application.

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

5.4.1 Policies D1 and T2 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four bedroom dwellings require a maximum of three parking spaces.

5.4.3 Ample car parking would be provided at the site and it is considered that the proposed use of an existing access would not pose a threat to highway safety given the low speed of traffic using the unmade track.

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

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.

5.5.2 The site would be served by ample amenity space to serve the dwelling and it is considered that the retention of the boundary landscaping and the recent planting of

trees within the site would be appropriate in this location. However, the formal landscaping of the site, akin to the grounds to a dwelling rather than the informal nature of a countryside location, adds to the ‘domestic’ character of the site rather than mitigates the impact of the proposed development. If approved, conditions would also be imposed to require details of boundary enclosures to be submitted and agreed.

## 5.6 Other Material Considerations

### 5.6.1 Ecology

5.6.1.1 Although the site is surrounded by a landscape that is a potential habitat, it is considered that the manner in which the site is currently kept means that it is unlikely to have substantial ecological capacity. If the proposal was considered to be acceptable it is considered that a condition could be imposed to require the protection of great crested newts during the development process and a scheme for the enhancement of habitat potential at the site.

### 5.6.2 Drainage System

5.6.2.1 The Environmental Health Services team has requested that conditions are imposed to address matters of surface water drainage and foul water drainage.

## 6. ANY RELEVANT SITE HISTORY

6.1 None.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Objection on the grounds that the development is outside the Village Envelope and not in accordance with the emerging Neighbourhood Plan.	Comment noted.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No comment	

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	The Environmental Health Services team have requested that conditions are imposed to address matters of surface water drainage and foul water drainage.	Please refer to relevant paragraphs 5.7.1 and 5.7.3 of the report
Leisure and Liveability Officer	<p>An arboriculture survey and assessment is likely to be required.</p> <p>The proposal would include hedgerow planting that would not complement the existing native hedgerow. Native hedges should to be planted to integrate the proposals into the local landscape and enhance ecology. The proposals for this and other new planting should be conditioned in a detailed hard and soft landscape plan.</p> <p>Great Crested Newts are known to be in close proximity to the site. Small but linked areas of suitable habitat such as meadow and light scrub, enhanced by wood or rubble piles should be created inside the boundary hedges in order to provide enhanced terrestrial habitat. These areas should be detailed on the hard and soft landscape plan.</p>	

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

7.4.2 Eight letters of objection have been received from the following people which **object** to the application on the grounds listed below:

- Michelle Wright, 80 Bramley Way, Mayland, CM3 6ET
- James Marshall, 80 Bramley Way, Mayland, CM3 6ET
- Mr Keith and Mrs Meryl Scrivener, 37 North Drive, Mayland, Chelmsford, Essex, CM3 6AG
- John and Diane Rust, 37 Nipsells Chase, Mayland, CM3 6EH
- Simon and Carole Ash, 76 Nipsells Chase, Mayland, CM3 6EJ
- Lesley and Tony Hoyte, 43 Orchard Drive, Mayland, CM3 6EP
- Mrs HD Whiten, 22 Hillcrest, Mayland, Chelmsford, CM3 6AZ

<b>Objection Comment</b>	<b>Officer Response</b>
The recent removal of trees from the site has detracted from the appearance of the area and the erection of a dwelling would cause further visual harm.	Noted. Some of these issues are not considered to be material planning considerations. Where relevant to the application, these issues have been addressed above.
This proposal would be the first of many in this area.	
The track section of Nipsells Chase is becoming busy and dangerous.	
The metal gates that have been erected at the entrance to the site are visually intrusive.	
The infrastructure of Mayland cannot cope with additional development.	
The applicant has sold a local property.	
The proposal would be contrary to the village plan.	
The proposal is outside of the development plan boundary.	

7.4.1 12 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::

- Miss Tina Baker, 10 Princes Avenue, Mayland, Chelmsford, Essex, CM3 6BA
- Anne Pharoah, Wayback Farm, St. Stephens Road, Cold Norton, CM3 6NP
- Helen Theckston, 35a Katonia Avenue, Mayland, Essex, CM3 6AD
- Clare Armario, 14 Orchard Drive, Mayland, CM3 6EP
- Scott Sampson, 43 West Avenue, Maylandsea, CM3 6AE
- Lee Davis, 52 Bramley Way, Mayland, CM3 6ES
- Ms Anne Brown, 487 Beachy Drive, St Lawrence, Southminster, Essex ,CM0 7NB
- Mr Dean Poulter, 8 Batts Road, Steeple, Southminster, Essex, CM0 7LE
- Mrs Franes White, Nipsells Farm Lodge, Nipsells Chase, Mayland, CM3 6EJ
- Mr and Mrs Phillips, 6 Sea View Parade, Mayland, CM3 6EL
- Ms Lesley Clark, Dekeia, 35 Promenade, Mayland, Chelmsford, Essex, CM3 6AR
- Mrs Beverly Corcoran, The Barn, Fambridge Road, Mundon, Essex, CM9 6NL

Supporting Comment	Officer Response
The development is much smaller than the site could accommodate and this therefore demonstrates that it is to be occupied by someone that wishes to live and enjoy the area.	Noted.
The proposal is in-keeping with the traditional 'plot' form and style of Mayland.	
The proposal will have little impact on landscaping and wildlife.	
The recent clearance of the site has approved the appearance of the site and makes it an attractive location.	
An exception to planning policy should be allowed on the grounds that there is a local need and affordable housing shortages.	
The application would support a person living in their home town.	
The proposal would have little impact on the countryside.	
If the applicant owns the land they should be allowed to build on it.	
The proposed bungalow will enhance the appearance of the site.	
There used to be a 'tumbledown' cottage at the site which is hereby being replaced.	
Little houses dotted along the street is preferable to housing estates.	
The bungalow is similar to the surrounding properties.	

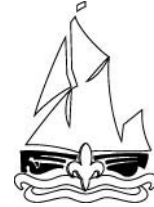
- 7.4.3 One additional letter has been received from Julie Angus, Orchard House, Nipsells Chase which raised questions about various matters relating to the application and the Parish Council meeting in relation to this application.

## 8. REASON FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundary of 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 Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development, by virtue of its urban nature and the siting, layout and design of the dwelling would fail to protect and enhance the

character and appearance of the rural area and the built form would result in an unwelcome visual intrusion into this undeveloped section of the countryside to the detriment of the character and appearance of the rural area. The development would therefore be unacceptable and contrary to policies S1, S2, S8 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00738</b>
<b>Location</b>	Land Adjacent High Steppers Batts Road Steeple Essex
<b>Proposal</b>	Demolition of existing buildings and structures and replacement with 7 new residential dwellings
<b>Applicant</b>	Mr & Mrs Richard Shepherd
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	15 September 2017
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>STEEPLE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land Adjacent High Steppers, Batts Road, Steeple**  
**FUL/MAL/17/00738**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	29/08/2017
	MSA Number:	100018588
www.maldon.gov.uk		

### 3. SUMMARY

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

##### 3.1.1 Site description

3.1.1.1 The site is located to the northeast of Batt's Road and it is currently occupied by a commercial yard, comprising a number of single and two storey buildings and shipping containers.

3.1.1.2 Immediately adjacent to the west of the application site are two residential chalet style dwellings, with front gable projections. To the southeast of the site the area appears to be used for commercial purposes, while the surrounding area is characterised by fields. The built areas within the immediate area are very limited.

3.1.1.3 The application site is sited to the southeast of the Steeple settlement boundary, which is approximately 1km away, and it is accessed through an established entrance onto Batt's Road.

##### 3.1.2 Description of proposal

3.1.2.1 Planning permission is sought to demolish the existing single and two storey buildings and remove the existing shipping containers on the land adjacent to High Steppers and erect seven detached dwellings with associated off-street parking and amenity space.

3.1.2.2 The proposal would involve the erection of the following dwellings:

- Two no. two bedroom, two storey dwellings - The houses would have an internal floor area of approximately 86sqm and they would measure 8.8m deep, 6.1m wide and 4.8m high to the eaves, with a maximum height of 7.9m. The two dwellings would have different detailed design; however, their overall mass and scale would be similar, incorporating a main gabled roof. The dwelling to the south would have two double storey gable projections, while the dwelling to the north would incorporate three eave high dormers to the front elevation. It is noted that there are discrepancies between the floor plans and elevations, given that the front projecting gables have not been shown on the floor plans. Should permission have been recommended, a pre-commencement condition for the proposed floor plans to tie up with the proposed elevations would have been imposed.
- Two no. three bedroom, chalet style dwellings - The internal area of the dwelling would be around 172sqm and they would measure a maximum of 14.5m wide, 10.5m deep and 4m high to the eaves with a maximum height of 7.4m. The dwellings would have a main gabled roof, with eave high dormers to the front and a hipped roof porch. To the rear the roof of the dwellings would have an elongated roof plane with three gabled roof dormers. The properties would have a single storey element projecting to the side of the main dwelling.
- Three no. four bedroom, chalet style dwellings, with front and rear gable projections - The properties would measure around 186sqm internally.

Externally they would measure a maximum of 9.5m deep, 12.8m wide and 4m high to the eaves, with a maximum height of 7.7m. The dwellings would have double storey front and rear projections, as well as eaves high dormers with gable roofs. The main roof would be gabled.

3.1.2.3 Amenity space would be provided to the rear of the properties and it would measure, between 130sqm and 150sqm for the two storey dwellings, between 640sqm and 800sqm for the three bedroom dwellings and between 410sqm and 600sqm for the four bedroom dwellings.

3.1.2.4 A new road would be formed to give access to the proposed dwellings which will be linked to and alter the existing access to the High Steppers Farm. Hardstanding would be formed adjacent to all dwellings to be used for parking. With the exception of the two bedroom dwelling to the south, the rest of the proposed dwellings would benefit from at least two off-street parking spaces each. An additional four off-street parking spaces (including two disabled) have been shown to be provided on site, to the north of the two bedroom dwellings.

3.1.2.5 No details of refuse or cycle parking details accompany the application.

3.1.2.6 Materials to be used would include white finished windows and doors, plain clay tiles and the external walls would be finished in brickwork and render. The properties would be bounded by brick walls with posts and rail fencing.

## **3.2 Conclusion**

3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, the land used for employment purposes and on the grounds that the urban nature, siting, layout, plot size, scale, proportions and design of the proposed dwellings would result in a development materially harmful on the rural character of the area, which is indicative of the overdevelopment of the site. Concerns are also raised regarding the limited off-street parking provision for one of the proposed dwellings and the usability of some of the proposed parking spaces within the site. In light of the above, it is considered that the development would substantially harm the visual amenity and character of the area and adversely impact upon the provision for off-street parking to an extent that it cannot not outweigh the positive impacts of contributing towards the needed residential accommodation within the District.

## **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:**

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles

- 29-41 - Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications
- 216 - Weight of emerging plans

#### **4.2 Approved Maldon District Local Development Plan (July 2012) Policies:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy E1 – Employment
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

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

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Council Five Year Housing Land Supply Statement 2015/2016 (August 2016)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 It is proposed to demolish the existing buildings at the land adjacent to High Steppers Farm, which is currently used as a commercial yard and erect seven dwellings.
- 5.1.2 The site lies outside Steeple settlement boundaries as defined by the approved Maldon District Local Development Plan (LDP) and therefore, the development is contrary to development plan policies.

5.1.3 Policy S1 of the Local Development Plan states that:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*

5.1.5 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (LDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.

5.1.7 Although the site is already occupied by buildings and shipping containers, the proposed residential development would compromise the identity and rural character of the area. The proposal, as shown, by reason of its location outside the settlement boundaries, the number of residential units proposed and the urban nature of the development would be out of keeping with the grain and scattered built form of the area, which would be harmful to the rural character of the area and contrary to the development plan policies.

- 5.1.8 As noted above the site is located outside the settlement boundaries, approximately 800m distance away from Steeple, which is a small residential village with limited services and local facilities. Therefore, the village has very limited sustainability credentials from an accessibility perspective. More extensive facilities are available in Southminster, around 3.5km away from the application site. The nearest bus stop from the site is located approximately 800m distance away from the application site, which has no frequent links with main employment opportunities areas or areas providing local services and amenities. Although the applicant states that the site is located in a “Hail and Ride” section of the route, the road is a fast 60mph stretch of public highway, without any public footpaths and as such, any future occupiers of the residential units would have to wait on the public highway in order to stop a bus. This is not considered to be an attractive or favourable option and it is considered unlikely that the future occupiers would use public transportation for their day to day needs and for commuting to work.
- 5.1.9 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.
- 5.1.10 The applicant in his statement confirms that the site is currently occupied as a commercial yard, comprising a number of buildings used for various activities falling within use classes B2, B8 and sui generis. Policy E1 of the Maldon District Local Development Plan states that “*Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
  - 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
  - 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.*
- 5.1.11 Although the applicant states that the present use of the site harms the character and amenity of the area and the re-use of the site as a residential site would be beneficial to the community, it is considered that given that character of the area and the existing mainly non-residential established uses, including Batt’s Farm to the south and large open paddock to the north, it is not considered that the current commercial yard which runs over a continuous 40 years is materially harmful to the character and amenity of the surrounding area. Whilst it is stated that the retail motor business would be re-located within the District, no justification as to where the use would be located has been provided to the local authority. In the absence of justification demonstrating that

the site has been marketed effectively in a comparable price to other similar uses demonstrating that the commercial use of the site is no longer viable, an objection is raised in relation to the loss of the existing commercial use.

- 5.1.12 It is also noted that the similar approach to the loss of an existing employment use (B use class) was recently dismissed on appeal (APP/X1545/W/17/3169458). The appeal decision refers to two recently published documents regarding employment land (Employment Land Review and Employment Evidence and Policy Update, both published in 2015) which both indicate that the district has a large number of small businesses and is a relatively strong location for smaller businesses and those working at home. The study also notes that there are a limited number of employment sites which are not often located within business parks or industrial estates, and an identified need for more employment land. On the basis of the above, the inspector concluded that the loss of the B Use Class needs careful consideration, given the needs for employment sites of this nature within the District. Furthermore, she added that in the absence of marketing evidence to support the application the justification for the loss of the employment floorspace was insufficient.
- 5.1.13 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (five year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.14 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

## **5.2 Affordable Housing**

- 5.2.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Policy H1 of the Local Development Plan (LDP) provide thresholds for the provision for both on and off site affordable housing.
- 5.2.2 Policy H1 of the Maldon District Local Development Plan states that *“All housing developments of more than 10 units or 1,000 sqm 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”*.
- 5.2.3 The proposed dwellings would result in a total floor area of approximately 1,074sqm and therefore, it triggers the requirement for affordable housing provision, which in the area is set at 25% according to policy H1.
- 5.2.4 The requirements at 25% - 40% affordable housing provision based on the recommendations of the Maldon District Council Strategic Housing Market Assessment (SHMA) 2014 are:

80% smaller	35% 1 bed (2 persons)
	45% 2 bed (4 persons)
20% larger	20% 3 bed (5 persons), 4 bed (7 person)

5.2.5 All affordable housing provision should be suited to meet needs of older people. 1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. It is also noted that the recommendation on tenure mix is:

80%	Social/Affordable Rented
20%	Intermediate (Shared Ownership)

5.2.6 The Housing Department of the Council has been consulted and it has been raised that the Parish of Steeple is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, Designated Protected Areas in the East of England Schedule 7. This restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property.

5.2.7 The applicant proposed to provide two no, two bedroom (4 persons) affordable houses and therefore, the development would accord with the requirements of policy H1. The housing department would be in support the provision of two, two bedroom dwellings to assist the affordable housing need and therefore, no objection is raised in that respect. Should permission be granted, the Affordable Housing Scheme would have been agreed by Maldon District Council's Housing Department as part of a Section 106 Agreement (S106). However, if a S106 is not completed to the time that the application is determined to protect the Council's position, it will be necessary to refuse the application on the grounds that inadequate provisions are in place for the delivering of affordable housing contrary to policy H1 of the LDP.

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

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that "*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".

5.3.3 Paragraph 64 also states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".

5.3.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

5.3.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.

5.3.6 The proposed dwellings would be located outside the defined settlement boundaries and by reason of its siting and more urban nature would appear entirely at odds and out of keeping with the rural character of the area. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.

5.3.7 In terms of the siting and layout of the proposed dwellings, although wide gaps would be maintained between the dwellings, the properties would be sited in a comparably close proximity one another when assessing the position of the houses in the surrounding area. Therefore, it is considered that in comparison to the wider character of the locality and the separation distance maintained between the buildings in the surrounding area, the development, as proposed, would result in a more urban grain.

5.3.8 Neither of the properties would have immediate access to the highway and this is an uncharacteristic relationship with the public highway and means of access. Whilst this arrangement may have been considered acceptable in another location of a more suburban style of development, in this instance, it is considered that the development, by reason of the siting in relation to the highway and urban nature, would be detrimental to the character and appearance of the area.

5.3.9 In relation to the overall scale and design of the dwellings, it is noted that the limited examples of residential properties within the immediate area are large scaled dwellings, sited within very large plots. The proposed dwellings would appear disproportionate with the existing dwellings in the wider area and rather out of keeping with the scale and mass of the neighboring dwellings.

5.3.10 Although the dwellings within the wider area are of varying style and design and there is no particular requirement for the dwellings to draw full reference from the particular features of the nearby properties, the nearest properties to the application site are chalet style dwellings, with double storey front gable projections and gabled roof dormer windows of similar overall character and style. Although it is accepted that the proposed four bedroom dwelling would draw some reference from the style of the neighboring dwellings, the three and two bedroom dwellings do not reflect the

character of the adjacent properties. Furthermore, the proposed ridge height of the dwellings would be varying and the eaves height would not be maintained. Whilst no objection is raised to the provision of three styles of dwellings, it is considered that the variation of the ridge and eaves height would result in an inconsistent form of development.

- 5.3.11 A number of eaves high dormers are proposed to all dwellings and this is not a characteristic of the area. It is considered that by reason of the number of eaves high dormers proposed to the dwellings, the development would result in a convoluted and unresolved roof form. Furthermore, although sufficient fenestration has been incorporated to the proposed development, it is considered that the proportion of the windows proposed at ground floor should have been larger from those at first floor in order to provide a level of subservience of the upper floors. It is also noted that the windows at ground floor should be aligned with the windows to the upper floors.
- 5.3.12 No objection is raised to the proposed materials. Should permission have been recommended, the details of the proposed external finished materials would have been agreed by condition.
- 5.3.13 On the basis of the above, it is considered that the proposed development, by reason of its siting, urban nature, plot size, layout, scale, proportions and design would result in a development out of keeping with the grain and character of the countryside.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The proposal is to convert the existing commercial yard to seven residential dwellings. Given the nature of the existing use of site, although the development would result in a level of activity from the future occupants of the dwelling, this would be likely to result in less activity and associated noise than the current commercial use. Therefore, it would not result in a materially harmful impact on the residential amenity of the nearby neighbours, in terms of noise and disturbance and in some respects would represent an improvement.
- 5.4.3 The nearest residential property would be sited approximately 10m away from the three bedroom chalet style dwelling to the northwest of the application site and 20m from the two bedroom, two storey dwelling to the southwest. Given the separation distances, it is not considered that the proposed development would have a detrimental impact on the residential amenity of the neighbours, in terms of loss of light, domination or sense of enclosure.
- 5.4.4 The adjacent dwelling to the west has existing large windows to the east elevation. Should permission have been recommended the secondary bedroom window of the three bedroom dwelling to the northwest of the application site would have been conditioned to be glazed in obscure glass, in order to prevent from any real or perceived overlooking.

5.4.5 The proposed development would not have any greater impact on the other nearby residential property.

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

5.5.1 Policies D1 and T2 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising two / three bedrooms require a maximum of two off-street parking spaces, while four bedroom dwellings require a maximum of three.

5.5.3 With the exception of the proposed two bedroom dwelling to the south, which by reason of the size of the hardstanding (5m x 4.5m) and limited turning area (4.8m) is unable to provide off-street parking adjacent to the site, the rest of the dwellings would be provided with at least two off-street parking spaces within the curtilage of each proposed dwelling. In order to accommodate off-street parking within the boundaries of the two bedroom dwelling to the southwest, the overall layout and positioning of the proposed dwelling should be amended. Therefore, on the basis of the information provided to the local authority, an objection is raised to the off-street parking provision. As noted in the 'principle of development' section, the site has limited and insufficient access to the public transportation and thus the lack of off-street parking, in this instance is not considered acceptable.

5.5.4 The submitted site plan (TMA/696/11) shows that an additional four parking spaces (two disabled) would be provided within the site. It has not been indicated whether these parking spaces would be used for visitor parking or for the future occupiers. Although the provision for additional visitor parking, including disabled bays is welcomed and in accordance with the guidance contained within the Vehicle Parking Standards, concerns are raised regarding the usability of these spaces, given that the turning area is less than the required 6m (only 4.7m).

5.5.5 In terms of the new vehicular and pedestrian access point to serve the development proposal and the footpath connection, the Highway Authority has raised no objection subject to imposition of the appropriate informative. However, it is noted that the development would rely on unspecified works to provide access to the site, given that the access proposed within the development would not be able to be linked with the existing access already formed to the north of Batts Road. Should permission have been recommended, the submission of further details in relation to the access to the site would have been imposed.

5.5.6 In terms of cycle parking provision, Maldon District Council's Vehicle Parking Standards (VPS) states that when no garages are provided, two cycle spaces should be provided per dwelling (two beds or more). The properties do not benefit from garages and no cycle parking has been shown to be provided on site. However, it is considered that the amenity space of all properties is large enough to accommodate cycle store and thus, should permission have been recommended, the details of cycle parking would be have been agreed by condition.

5.5.7 Similar to the above, refuse store would be required to be provided for each dwelling and no details for bin store have been submitted. Should permission have been recommended this would have been dealt with by condition.

## **5.6 Private Amenity Space and Landscaping**

5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.

5.6.2 Based on the illustrative Site Plan submitted, it appears that the garden sizes for each proposed dwelling would be in excess of the minimum standards. Therefore, the outdoor amenity area provided would be sufficient to meet the needs of the future occupiers.

5.6.3 The size of the proposed dwelling would be large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.

5.6.4 It is considered that the soft landscaping proposed together with the private (rear) and semi-private (front) amenity spaces, would soften the development and it would positively contribute to the appearance of the proposed development. The details of the landscaping would have been dealt with by condition, should permission have been recommended by officers.

## **5.7 Other Material Considerations**

### **5.7.1 Contamination**

5.7.1.1 Due to the current use of the site as a commercial yard, there are concerns of the land being contaminated. Should the application have been recommended for approval, a pre-commencement condition to carry out an investigation and risk assessment would have been imposed.

### **5.7.2 Ecology**

5.7.2.1 A Phase 1 Habitat Survey has been carried out, given that the site lies within a National Site of Special Scientific Interest. The findings of the survey are that the areas affected by the proposed development are considered to have negligible ecological value and the development would not result in an adverse impact such as to warrant refusal of the application of ecology grounds.

### **5.7.3 Drainage System**

5.7.3.1 Concerns were raised from the Environmental Health Services regarding the capacity of the drainage system in order to cope with the effluent of the proposed development. Additional details are required to be submitted to demonstrate that this would not result in an adverse impact on the capacity of the treatment plant. Should permission

have been recommended, the above concerns would have been dealt with by condition.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00011** – Proposed demolition of existing buildings and structures and replacement with 7 new residential dwellings. Application withdrawn.
- **FUL/MAL/02/00309** – Proposed replacement commercial building to form a ‘Triumph’ Motorcycle Museum in conjunction with the conversion of the existing dwelling (Highsteppers) to form a clubhouse-restaurant, outside activity area, erection of replacement dwelling in conjunction with the surrender of all subsisting commercial uses on the site save for that of preparation and sale of Plant Machinery to ensure for the sole benefit of Richard Sheppard for a maximum period of 10 years from the date of consent. Planning permission granted.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to conditions.	Noted in paragraph 5.5.5 of the report.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle of the development; however, the following concerns were raised:</p> <ul style="list-style-type: none"> <li>• Due to the previous use of the site there may be contamination present. Conditions are recommended in that respect.</li> </ul>	Please refer to relevant paragraphs 5.7.1 and 5.7.3 of the report.

Name of Internal Consultee	Comment	Officer Response
	<ul style="list-style-type: none"> <li>Concerns regarding the capacity of the existing the drainage system. Conditions are recommended.</li> </ul>	
Housing Department	The Applicant is proposing to provide 2 affordable units. Strategic Housing Services is in support of this application which is providing affordable housing that assists in meeting the affordable housing need of the District.	Please refer to relevant 'Affordable Housing' section of the report.

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

7.4.1 No letters of representation have been received.

### 8. REASONS FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundary of Steeple 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 Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and it would result in an unjustified loss of employment land. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 The proposed development, by virtue of its urban nature, siting, layout, plot size, scale, proportions and design would fail to protect and enhance the character and appearance of the rural area and the scattered built form and would result in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The development is therefore unacceptable and contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and

Government advice contained within the National Planning Policy Framework (2012).

- 3 The proposed development, by reason of the inadequate hard surfaced area for the two bedroom dwelling to the southwest and insufficient turning area would fail to meet the off-street parking requirements and would result in a detrimental impact on the highway and pedestrian safety contrary to policy T2 of the Maldon District Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).

Unless a complete S106 to deliver two no, two bedroom (4 persons) affordable homes is submitted and agreed prior to the approval of planning permission, it is also recommended that the application is refused for the following reason:

- 4 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to policy H1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).



**REPORT of  
CHIEF EXECUTIVE**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>OUT/MAL/17/00752</b>
<b>Location</b>	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed construction of 6 bungalows
<b>Applicant</b>	Think Green Energy
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	28 August 2017 (Date extension of time agreed:15 September 2017)
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017 Parish Trigger

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land South Of Charwood, Stoney Hills, Burnham-On-Crouch**  
**OUT/MAL/17/00752**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	29/08/2017
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The site abuts the rear boundaries of Myrtle Cottage, Anson and High Cook House and it shares the access point from the eastern side of Stoney Hills with Charwood, a large detached house located within the northeast corner of the Stoney Hills area. The site is located around 60m to the south of the shared access.

3.1.1.2 Currently the site is mainly covered by shrubs and grass and hedges along the north and east boundary of the site. Between Charwood and the application site there is a field. To the east there is a large open field. An informal public footway traverses the site.

3.1.1.3 Stoney Hills is located outside of the settlement boundary of Burnham-on-Crouch and it comprises mainly large detached dwellings, set within large plots. The area has been the subject of many redevelopment proposals over recent years which have changed its character, from a rural character to a more suburban style. The properties within the wider area are mainly individual detached bungalows which vary in terms of style, scale and form. There is no distinctive character or consistency in the area. Although the positioning of the houses would have been more linear in the past, following the redevelopment of the area, the front building line is no longer uniform and the overall character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via cul-de-sacs.

##### **3.1.2 Description of proposal**

3.1.2.1 Outline planning permission with all matters reserved sought to erect six bungalows with associated off-street parking, amenity space and landscaping. A new cul-de-sac, providing access to the proposed dwellings is also proposed to be formed.

3.1.2.2 An indicative layout has been submitted along with a Design and Access Statement in support of the application.

3.1.2.3 The site is approximately 0.49ha. Following amendment, the proposed dwellings would have a footprint of 166.5sqm and would be served by an average of 357sqm amenity space.

3.1.2.4 As shown on the indicative site plan, one off-street parking space would be provided per dwelling and an additional two spaces to be used as visitor accommodation. Pedestrian access would be formed along either side of the proposed cul-de-sac.

##### **3.1.3 Background of the application**

3.1.3.1 It is noted that an application (Ref.no.:17/00383/OUT) to erect two bungalows at the land South of Charwood was previously approved by the Development Control Committee (19 June 2017). The current application has the same access point with the previously approved application; however, the size of the application has been increased towards the south to include an additional 0.13ha.

## **3.2 Conclusion**

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch and so is in principle contrary to policies that seek to direct new residential development to established settlements. However, recent appeal decisions and approvals have resulted in new dwellings being permitted in the area which has resulted in a change to its character and appearance. Therefore, on the basis of the previous decision and redevelopment of the area, it is considered that the proposal would not result in a detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. Other materials planning considerations would be fully assessed at the reserved matters stage.

## **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:**

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

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

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

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

- Essex Design Guide
- Car Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The application site lies beyond the development boundaries of Burnham-on-Crouch. Stoney Hills forms a separate ‘suburban’ style development extending into the open countryside.
- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location. It has also been acknowledged that the character of the area has evolved over time, so it is no longer an area of scattered residential development but a more suburban residential one.
- 5.1.4 In August 2016, an appeal against the refusal of planning permission for 4 x two bed bungalows on the land to the north of Charwood was allowed on appeal. In determining the appeal the Inspector considered that the character of the site was residential curtilage and that the proposed development would not impinge on the character of the adjacent rural area. A similar approach has been taken by inspectors who have recently allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL14/00591), a further three dwellings to the rear of “Hillcrest” (Ref. OUT/MAL/16/00196) which lie a short distance to the west and an additional 5 bungalows between Appleberry and Linden Lea (Ref. OUT/MAL/15/01082). In addition, on 15 January 2015 the Council approved an application for a dwelling to the east of Charwood (Ref. OUT/MAL/14/01049). This final application has allowed the further expansion to the east of the urban grain, which is in a notional line with the eastern boundary of the application site.
- 5.1.5 As noted above, an application to erect two bungalows within almost the same site (just not as deep to the south as the current site) was previously approved by the Committee. It is, therefore, considered that the acceptability in principle of additional residential accommodation in this location has been established. It is, therefore, considered unreasonable for an application for residential accommodation of similar proportions and configuration to other nearby recently approved residential developments to be recommended for refusal by reason of resulting in a greater harm in the character of the area.

- 5.1.6 Given the recent planning decisions that have been made in respect of the application site and the sites adjacent to the application site, the principle of developing around Stoney Hills for residential purposes is considered acceptable.
- 5.1.7 Whilst the submitted layout is only indicative, it is reasonable to conclude that given the size and configuration of the site, six bungalows are likely to be able to be accommodated within the site, without result in in a development being at odds with its surroundings. The Council's Strategic Housing Market Assessment identifies that there is a particular need for smaller units and so the form of this development is to be welcomed.
- 5.1.8 The proposed six dwellings would be sited in line with the development located within the grounds of Charwood and the development previously approved on site. Therefore, the proposal would not result in the extension of built form or development out further than that has already been granted permission. The principle of the current proposal is similar in nature to the conclusions come to by Inspectors at various sites through Stoney Hills and the decision of the Council regarding the previous application on site (OUT/MAL/17/00383).

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

- 5.2.1 Policy H4 of the Maldon District Local Development Plan (MDLDP) states that "*All development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
  - 2) *The existing character and density of the surrounding area;*
  - 3) *Accessibility to local services and facilities;*
  - 4) *The capacity of local infrastructure;*
  - 5) *Parking standards;*
  - 6) *Proximity to public transport; and*
  - 7) *The impacts upon the amenities of neighbouring properties."*
- 5.2.2 The application is for an outline planning permission with all matters reserved for future consideration. All that is before the Council is an indicative site plan, an application form and a Design and Access Statement, providing limited information regarding the design, scale and overall appearance of the proposed six bungalows. A reserved matters application would be required to be submitted, if outline approval is to be granted and detailed matters of layout, scale and design would be dealt with at that stage.
- 5.2.3 As stated previously, the character of the area has significantly changed over recent years as planning permissions have been granted, or appeals upheld, on a number of sites within the wider area around the application site, so that the area is no longer characterised by scattered development where infilling has taken place. This has been noted and highlighted by a number of inspectors. Whilst the resultant change in character is undesirable and the increased number of dwellings proposed on a slightly larger site (from two to six) would add to the creation a more urban character, given that similar proposals were considered acceptable in the past from the inspectors and the Council, it is not considered reasonable to raise an objection in this instance.

5.2.4 In light of the above, it is considered that the development, as currently proposed, would not be out of keeping with the character of the area and it would not result in a greater impact to the grain of the area, from the previously approved application, such that to warrant refusal of the application on these grounds.

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

5.3.1 Policy D1 and H4 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 Given the size and siting of the proposed bungalows in conjunction with the size of the site, it is considered unlikely that there will be any demonstrable issues relating to overlooking, overshadowing or domination that cannot be resolved at the reserved matters stage.

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

5.4.1 The principle of an access from Stoney Hills for the development of this land and that to the north has already been established and the issue of off-street parking will be dealt with at the reserved matters stage. However, it is noted that as shown on the indicative site plan, one off-street parking space is proposed to be provided per dwelling. Given the location of the properties outside the defined settlement boundaries and the distance to the nearest local amenities and services, it is considered that the provision of one off-street parking space per dwelling would be inadequate to meet the needs of the future occupiers. This is a matter that will be fully assessed at the reserved matters stage and thus, given the size of the site, it is not considered reasonable to form a reason for refusal of the current application. A condition (7) has been imposed in that respect.

5.4.2 The Essex County Highways has requested a condition to ensure that there would be no obstruction to the public footpath that runs along the north part of the access point.

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

5.5.1 Private amenity and landscaping issues would be dealt with in detail by way of reserved matters submissions. However, the site is likely to be capable of accommodating an acceptable level of private amenity space to meet the needs of the future occupiers. The size of the proposed dwellings would be also large enough to provide a good level of accommodation.

5.5.2 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with as part of the submission of a reserved matters application.

### **5.6 Other Material Considerations**

5.6.1 Concerns were previously raised with regard to the presence of protected species and contamination of the land. Both issues at recent appeal decisions for comparable sites have not been considered to be appropriate reasons for refusal. A pre-commencement condition in relation to submission of an ecological survey would be imposed as well

as a condition requiring an investigation and risk assessment to be carried out, in the event that contamination is found on site.

## 6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/17/00383** - Proposed construction of two bungalows. Planning permission granted by members of the Development Control Committee on 19 June 2017.

### (Wider area):

- **OUT/MAL/15/00978** - Land Rear Of Charwood Stoney Hills - Outline planning permission for a proposed development of 4no. two bedroom bungalows. – REFUSED [22.12.2015] – APPEAL ALLOWED [19.10.2016].
- **RES/MAL/15/00718** – Land Adjacent Charwood Stoney Hills - Reserved Matters application for the approval of appearance, landscaping and layout for the erection of one new dwelling. Following Approved Outline Planning Permission OUT/MAL/14/01049 - APPROVED [18.09.2015].
- **OUT/MAL/14/01049** – Land Adjacent Charwood Stoney Hills - One new dwelling - APPROVED [16.01.2015].
- **OUT/MAL/13/00674** – Land Adjacent Charwood Stoney Hills - Erection of one new dwelling - REFUSED [01.10.2013].
- **OUT/MAL/17/00103**– Land Rear Of Charwood Stoney Hills - Proposed development of two bungalows - APPROVED [11.04.2017].
- **FUL/MAL/14/00610** – Land Adjacent Myrtle Cottage Stoney Hills - Proposed new dwelling house - APPROVED [22.09.2014].
- **FUL/MAL/12/00775** – Myrtle Cottage Stoney Hills – New dwelling house – APPROVED [08.11.2012].
- **OUT/MAL/14/01152** – Land South Of Anson Stoney Hills - Two storey dwelling of an area of 232 square metres or 2500 sq feet – APPROVED [12.02.2015].
- **RES/MAL/15/00839** - Land South Of Anson Stoney Hills - Reserved Matters application for the approval of appearance, landscaping, layout and scale for a two storey dwelling of an area of 232 square metres or 2500 sq feet. Following approved outline planning permission OUT/MAL/14/01152 – APPROVED [12.10.2015].
- **FUL/MAL/14/00662** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – REFUSED [02.09.2014].
- **FUL/MAL/14/00956** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.02.2014].
- **OUT/MAL/12/01038** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.03.2013].
- **OUT/MAL/15/00420** – Land Opposite Linden Lea Stoney Hills - Outline application for one dwelling including determination of access – REFUSED [02.09.2014] APPEAL ALLOWED [21.07.2016].
- **RES/MAL/16/01187** – Land Opposite Linden Lea Stoney Hills - Reserved matters application for the approval of appearance, landscaping, layout and scale OUT/MAL/15/00420 – APPROVED [22.12.2016].

- **OUT/MAL/15/00445**– Outline application for one dwelling including determination of access – ALLOWED ON APPEAL [31.10.2016].
- **OUT/MAL/15/01082**– Outline application for the erection of five bungalows in lieu of existing commercial and agricultural buildings. ALLOWED ON APPEAL [31.10.2016].

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-On-Crouch Town Council	Object for the following reasons: <ul style="list-style-type: none"> <li>• The proposal does not comply with the provisions for “Windfall Sites” in MDC’s Approved Local Development Plan &amp; BTC’s Approved Neighbourhood Development Plan.</li> <li>• is outside the development envelope.</li> <li>• represents backland development.</li> <li>• represents a further reduction in the rural nature.</li> <li>• adds to the existing vehicle movement problems associated with this unmade unadopted highway and its feeder Mill Road.</li> </ul>	Comments noted and addressed in section 5 of the report

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	Stoney Hills is a private road; therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority	Comment noted.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	subject to a requirement for the public's rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) to be maintained free and unobstructed at all times.	

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Contaminated land conditions shall be applied along with conditions about surface and foul water drainage.	Comments noted. Please see section 5.6 of the report.
Ecology Officer	No comments at the time of writing the report.	
Tree Officer	No comments at the time of writing the report.	

### 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:

- Simon Griffin, 32A Mill Road, Burnham-on-Crouch
- L. Ing., Monksfield, Stoney Hills, Burnham-on-Crouch
- Nick Wood, Marbles Hills, Stony Hills, Burnham-on-Crouch
- P.Lacey, Long Ranch, Stony Hills, Burnham-on-Crouch

<b>Objection Comment</b>	<b>Officer Response</b>
Mill Road cannot cope with the amount of traffic. The ministry has already turned down applications due to over use of Mill Road.	The ECC Highways Authority has been consulted and raised no objection to the impact of the development on Mill Road.
The site notices have not been displayed in the correct position.	It is noted that a site notice posted near the land to which the application relates, in accordance with the statutory requirements.
Overdevelopment of the site.	The comments are addressed in sections 5.1 and 5.2.
Backland development.	

<b>Objection Comment</b>	<b>Officer Response</b>
Contrived development due to access arrangements. Traffic generations.	The Highways Authority has been consulted and raised no objection in relation to increased traffic or size of the highway.
The site has no access, sewerage, water or electricity.	Comments noted – secured by condition.
Concerns raised in relation different approach taken (refusal) to other development proposal within the District (such as Tillingham and Southminster) and Stoney Hills, where applications are approved.	It is noted that each application is assessed on its own merits. Furthermore, appeal decisions are material planning considerations and therefore, should be taken into consideration when determining an application.
The proposed development is inappropriate, unsustainable and unsympathetic.	The comments are addressed in sections 5.1 and 5.2.
Contrived development due to access arrangements.	The comments are addressed in section 5.4.
The proposed bungalows in the future will change to houses.	It is noted that Council should assess the development, as submitted. Any future changes to the appearance/scale of the development would require the submission of a separate application.
Wildlife habitats and vegetation would be affected by the development.	Comments noted – secured by condition.
Sewer system is overloaded.	Comments noted – secured by condition.
The development would adversely impact upon the amenities of the neighbours.	The comments are addressed in section 5.3.
The development would result in cramped living accommodation.	The comments are addressed in section 5.4.

## 8. PROPOSED CONDITIONS

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place including any demolition or clearance works, until a comprehensive ecological survey of the site has been undertaken to ascertain if any protected species are present. The results of the survey shall be submitted to and approved in writing by the local planning authority along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present. The development shall be carried out and completed in accordance with the approved mitigation scheme.

REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

- 3 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Replacement Local Plan.

- 4 Unless otherwise shown to be removed on the approved plan all of the hedgerow boundaries shall be retained and maintained at all times thereafter.
- REASON: To ensure that protected species are not harmed during the course of development and in the interest of the visual amenity of the area in accordance with policy D1 and N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

- 5 The public’s rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times.
- REASON: To secure continued public access to the designated public right of way in accordance with policy T2 of the Maldon District Local Development Plan.

- 6 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping

details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include 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, 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 REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan. The scheme to be submitted pursuant to 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.

- 8 REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards. No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 9 REASON: To protect the amenities of the area in accordance with policy D1 of the Maldon District Development Local Plan. The development shall be single storey only comprising of one floor of accommodation and no more than 6 dwellings. The total floor area of the proposed bungalows and associated outbuildings shall not exceed 999sqm. REASON: To ensure that the development is as applied for and that it does not exceed the minimum threshold for affordable housing contribution in accordance with Policy H1 of the approved Maldon District Development Local Plan.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a

remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 11 Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- REASON: To avoid the risk of surface water flooding of adjacent land in accordance with policy D5 of the Maldon District Local Development Plan.
- 12 Development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

### **INFORMATIVES**

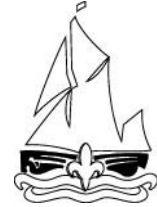
- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - No dust emissions should leave the boundary of the site;
  - Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 Waste Management  
The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford.  
CM2 5PU.

- 4 You are advised that at least two off-street parking spaces shall be provided per dwelling, should the proposed bungalows comprise accommodation larger than one bedroom dwellings.

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00761</b>
<b>Location</b>	Land Adjacent Theedhams Farm Steeple Road Southminster Essex
<b>Proposal</b>	Erection of agricultural building to store agricultural equipment.
<b>Applicant</b>	Mr Bradley Faulkner
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	12 September 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land Adjacent Theedhams Farm, Steeple Road, Southminster**  
**FUL/MAL/17/00761**



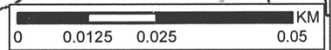
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 Maldon District Council 100018588 2014



[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	South East Committee
Date:	29/08/2017
MSA Number:	100018588



### **3. SUMMARY**

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

- 3.1.1 The application site is a corner plot located on the western side of Steeple Road and the northern side of Queen Street. The south part of the application site contains a collection of buildings that measure a maximum of approximately 5 metres tall. These are arranged within a yard area that is accessed from Steeple Road and appears to be used for the storage of vehicles and equipment associated with agriculture and the working of land. The north part of the application site currently appears to be paddock land and appears to be used for the keeping of horses.
- 3.1.2 The application site falls outside of the settlement boundary for Southminster and is located within Flood Zone 3. The site backs onto open agricultural fields that have outline planning permission for the erection of 94 dwellings. The adjacent agricultural land is not shown to be within the applicants control and this is confirmed by the applicant's supporting submissions. There are residential dwellings located directly opposite site.
- 3.1.3 The application seeks planning permission for a building that would measure 18m by 24m; it would be 5 metres tall to the eaves and 7.5 metres to the ridge. It would be used for the storage of agricultural equipment which the applicant states is required to enable the expansion and diversification of the business that currently uses the land at the south part of the application site. The submitted Flood Risk Assessment states that the equipment stored at the site would predominantly be used at his family run arable farm at Badnocks Farm Southminster, which is approximately 1.5 miles from the application site, but also at farms in Feering, Steeple and Dengie.
- 3.1.4 In terms of justification for the proposed development a supporting letter has been submitted within the application which states the applicant's intention to expand the existing business and wish to utilize the entire plot. It also states that the storage building would increase security as a number of thefts have occurred over the last few years.

#### **3.2 Conclusion**

- 3.2.1 Overall it is considered that the scale and size of the storage building would be unacceptable as it would be sited around 4.6 metres from the Steeple Road and within a visually prominent location. The large scale of the building within this open area would materially harm the landscape and character of the locality. Furthermore, it is considered that justification for the storage building does not outweigh the harm caused. The proposal is therefore considered to be contrary to policies S1, S8 and D1 of the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 - Sustainable Development.
- S7 - Prosperous Rural Communities.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D5 - Flood Risk and Coastal Management.
- E4 - Agricultural and Rural Diversification.
- T2 - Accessibility.

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

- 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 application proposes to erect a storage building for the storage and security of agricultural machinery and equipment. The site lies outside of the development boundary for Southminster.

5.1.2 Policy S8 states that outside of the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of various types of development which include agricultural related development and rural diversification. Moreover, policy S7 states that the council will actively seek to support and facilitate sustainable development within villages through the support and enhancement of rural diversification.

5.1.3 Policy E4 states the following:

‘The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:

- 1) There is a justifiable and functional need for the building/activity;
- 2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and
- 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.’

In relation to these three criteria, the following assessment has been undertaken:

- 1) Minimal justification has been provided for the proposal by the applicant. Other than stating that the building is required for the secure storage of equipment which would be used for the farming of land a reasonable distance from the application site, no case has been made to explain what would be stored at the site and why this storage use could not occur in a more discreet location. There is limited agricultural activity taking place on the site and it is not considered to justify the need for a building of the scale proposed, contrary to this stipulation.
- 2) The proposed storage building would be directly adjacent to the existing storage yard in line with this stipulation.
- 3) The applicant has stated that a review of suitable agricultural land for sale within the Maldon area was undertaken on 4 July 2017. No agricultural land was identified for sale within the Maldon area on that date, in line with this stipulation.

5.1.4 Given the above, the proposed development is contrary to policy E4 of the LDP.

5.1.5 The part of the site to be used for the erection of the building appears to be grazing land at present which would fall within the definition of agriculture. Although related to agricultural activities, the proposed storage use would not fall within the definition of agriculture and therefore would represent rural diversification.

5.1.6 The Flood Risk Assessment states that the application site is currently used for purposes of the ‘storage of equipment for the applicant's business B.F. Ground Maintenance Ltd which specialises in agricultural contracting, landscaping and ground maintenance.’

5.1.7 The applicant makes it clear that the proposed use of the building would be for the storage of equipment related to the existing activities and therefore it is considered that the principle of development can be found acceptable provided that the impact on the character and beauty of the countryside is not harmfully affected. Moreover, any new development within the rural countryside has to accord with local development plan policies in terms of impacts upon the occupants of neighbouring dwellings to ensure that no materially harmful impacts would arise from the proposed development.

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

5.2.1 The proposed storage building is of a significant size measuring 24m deep and 18m wide. It would have a pitched roof with ridge height of 7.5m and an eaves height of 5m. The building would be clad in olive green box profile plastisol coated steel composite, with a galvanized roller shutter door.

5.2.2 The overall scale and size of the barn is considered to be unacceptable within this site. It would be located in a prominent position; on what is currently undeveloped and open land. It would be visible from within the public realm, particularly as it would be located approximately 4.6 metres from Steeple Road. There are currently open agricultural fields to the rear of the site, and to the south, east and west there are residential dwellings.

5.2.3 The proposed storage building is a considerable size. Not only would it create a considerable floor space of 432sqm but is a considerable height at 7.5 metres. This scale and bulk would result in a prominent structure of limited architectural merit close to Steeple Road and Queen Street which are residential in nature. The proposed development is considered to be an excessive size and, without any form of mitigation proposed, is considered to be out of keeping with the surrounding area contrary to policy D1 and S8 of the LDP. The laying of hardstanding as part of the proposed development would also cause injure to the open and undeveloped nature of this part of the countryside.

5.2.4 It is noted that residential development has been granted outline planning permission beyond the site, but at this time that has not been implemented and therefore the proposal has to be considered in the context of its current setting. The proposed building would have a comparable visual impact within a more residential setting and therefore would be out-of-keeping with the likely future character of the area.

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

5.3.1 The proposed building would be located around 12m from the closest neighbouring dwelling. Therefore, it is not considered that the proposed development would result in a loss of privacy or light to the neighboring occupiers.

5.3.2 Although the building is considered to be a significant size given its distance from the residential properties it is not considered to have an overbearing impact that would justify the refusal of the application.

5.3.3 It is noted that the proposal would have a significant impact on the view from the neighbouring properties, but there is no protection within planning policies or legislation in relation to the view from residential dwellings and therefore this cannot reasonably be a reason for the refusal of the application.

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

5.4.1 The existing access to the site would not be altered and no objection is raised to the development with regards to access, parking or highway safety grounds as the proposal relates to an erection of a building off an existing access.

### **5.5 Flood Risk**

5.5.1 The site is located within flood zone 3 which has the highest risk of flooding. The application has been supported by a Flood Risk Assessment (FRA) and a Sequential Test.

5.5.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. Local Planning Authorities (LPAs) are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).

- 5.5.3 The submitted Sequential Test states ‘No other more suitable alternative sites are owned by the applicant’ and ‘No other alternative sites have been identified’. It has been stated that the equipment stored at the site would predominantly be used at Bednocks Farm situated around 1.5 miles from the application site, although it is not clear who owns Bednocks Farm, the applicant runs a business from the site and no information has been provided as to why the building could not be erected on this site.
- 5.5.4 It is considered that the proposed use of the north part of the site has to be viewed in the context of the existing use of the south part of the site. Although it could be argued that the operations could be split, it is considered that operational requirements of the applicant are likely to be best served by having the storage uses in one location.
- 5.5.5 From this basis, and given that the proposed use is considered to be a ‘less vulnerable’ use, it is considered that this is a sequentially acceptable location for the proposed development in terms of flood risk. However, this is not considered to amount to justification for the building of the size that is proposed and does not outweigh the visual impact of the development.
- 5.5.6 The Environment Agency has been consulted and any response received will be reported on the members update.

## **5.6 Other Material Considerations**

- 5.6.1 The application site is located outside of the settlement boundary of Southminster policy S8 states: ‘The countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. 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’. It is considered that given the setting of the proposed building and its scale, that it would adversely affect the open nature of the existing site and surrounding area. It is therefore considered contrary to policy S8.
- 5.6.2 In addition to the above, paragraphs 7 and 8 of the NPPF and policy S1 of the LDP are clear that all three dimensions of sustainability must be met for the development to be acceptable; the proposal is not considered to comply with this requirement. The large scale of the building within this open area would materially harm the landscape and character of the locality. In environmental terms the development would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the rural area. It is not considered that justification for the storage building outweighs the harm caused and therefore, the proposed development is contrary to policy policies S1, S8, D1 and E4 of the LDP and the guidance contained within the NPPF.

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

- **OUT/MAL/14/00613** - Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The

allocation of 0.275 hectares of land reserved for the provision of a medical centre. APPEAL ALLOWED – 08.05.2015.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Support.	Noted.

**7.2 Statutory Consultees and Other Organisations**

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

**7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions.	Noted.

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

7.4.1 No letters of representation have been received.

**8. REASON FOR REFUSAL**

- 1 The proposed development as a result of its scale, bulk and siting within this open and prominent location and in close proximity to residential development, would materially harm the the landscape and character of the locality. The proposal is therefore contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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