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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

02 March 2018

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 12 MARCH 2018 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor A S Fluker

COUNCILLORS

Mrs B F Acevedo
B S Beale MBE
R G Boyce MBE
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 12 MARCH 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 12 February 2018, (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. **OUT/MAL/17/01327 - Land South of 97 South Street, Tillingham, Essex** (Pages 13 - 32)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed)

6. **OUT/MAL/17/01338 - Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex** (Pages 33 - 50)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed)

7. **FUL/MAL/17/01364 - Steeple Bay Holiday Park, Canney Rd., Steeple, Essex** (Pages 51 - 60)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed)

8. **HOUSE/MAL/18/00122 - The School Room, Creeksea Lane, Burnham-on-Crouch** (Pages 61 - 70)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed)

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

Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters.
-

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 – 8.
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

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

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
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

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 traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

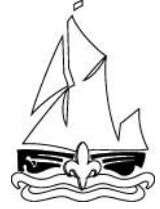
ii) Essex County Council

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2015 / 16
- Planning Policy Advice Note (version 4) - October 2015
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (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
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

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



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
12 FEBRUARY 2018**

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 and M W Helm

819. CHAIRMAN'S NOTICES

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

820. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H E Elliott, P G L Elliott and R Pratt CC.

821. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 January 2018 be approved and confirmed.

822. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer CC declared:

- a non-pecuniary interest as she was a Member of Essex County Council who was consulted on matters of highways, access etc.;
- in the interests of openness and transparency that, in relation to Agenda Item 5 – FUL/MAL/17/01931 – Annexe Upper Westwick, Waterside Road, Bradwell-on-Sea, as she knew the Resident in her capacity as a Maldon District Councillor.

823. FUL/MAL/17/01391 - ANNEXE, UPPER WESTWICK, WATERSIDE ROAD, BRADWELL-ON-SEA

The Committee received the reports of the Director of Planning and Regulatory Services 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.

Application Number	FUL/MAL/17/01391
Location	Annexe, Upper Westwick, Waterside Road, Bradwell-on-Sea
Proposal	Proposed single storey rear extension with a pitched roof over and part flat roof
Applicant	Ms Yolanda Westall
Agent	None
Target Decision Date	13.02.2018
Case Officer	Devan Lawson TEL: 01621 875845
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Ms Mischa Roughley, the Applicant's daughter and resident of the Annexe, addressed the Committee.

The Chairman, as Ward Member, said he would support the application as it was in keeping with similar developments in the district. A debate ensued around the merits of this application in that it represented an improvement and did not adversely impact on the street scene.

Councillor Mrs P A Channer proposed that the application be approved, contrary to Officers recommendation. This proposal was duly seconded by Councillor Mrs B E Acevedo. Upon a vote being taken this was agreed subject to the conditions outlined by the Officer.

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.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The extension hereby permitted shall be occupied only as part of the existing annexe and used for purposes ancillary and incidental to and in conjunction with the use of Upper Westwick as a single dwelling house and not as a separate or independent unit of residential accommodation in conjunction with the annex as extended without planning permission having first been obtained from the Local Planning Authority.
REASON: To ensure that the extended annexe remains ancillary accommodation incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 4 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish which match those of the existing building, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the development corresponds with the appearance of the existing property and to ensure that the development would not have an adverse impact on the character and appearance of the area in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

824. HOUSE/MAL/17/01428 - RIVER LODGE, 120 IMPERIAL AVENUE, MAYLAND

Application Number	HOUSE/MAL/17/01428
Location	River Lodge, 120 Imperial Avenue, Mayland
Proposal	Front extension comprising entrance, gym/garage with mezzanine study.
Applicant	Mr Tony Holt
Agent	Cliff Cole – Cliff Cole Architects Ltd
Target Decision Date	15/02/2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that a consultation response had been received from the applicant regarding the comments from the Parish Council.

Following the Officer's presentation of the report, Councillor Barry Edwards, speaking on behalf of Mayland Parish Council and Mr Anthony Holt, the Applicant, addressed the Committee.

Members debated the issues around the size and bulk of the building being proposed. It was noted that the development would adversely alter the street scene, was overpowering and not in keeping with neighbouring properties.

Councillor M W Helm proposed that the application be refused in accordance with the Officer's recommendation and this was seconded and agreed.

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

1. The proposed front extension by virtue of its scale, bulk, positioning and design would result in a prominent and visually dominant form of development which is out of keeping with the prevailing pattern of development in the surrounding area. It will result in material harm to the existing dwelling on the site and the street scene and therefore the proposal would be contrary to policies D1 and H4 of the LDP and Government advice contained in the NPPF.

825. FUL/MAL/17/01440-WATERSIDE HOLIDAY PARK, MAIN ROAD, ST. LAWRENCE, ESSEX CM0 7LY

Application Number	FUL/MAL/17/01440
Location	Waterside Holiday Park Main Road St Lawrence Essex CM0 7LY
Proposal	Variation of occupancy condition on planning permission MAL/652/80 (Change of use to static caravan site for holiday purposes) granted on appeal APP/5217/C/81/2488.
Applicant	Mr. E English
Agent	Mr. Mark Jackson - Mark Jackson Planning
Target Decision Date	15.02.2018
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	ST. LAWRENCE
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that the Application had been withdrawn on Friday 2 February 2018 by the agent.

826. FUL/MAL/17/01460 - LAND ADJACENT 104 IMPERIAL AVENUE, MAYLAND

Application Number	FUL/MAL/17/01460
Location	Land Adjacent 104 Imperial Avenue, Mayland
Proposal	Proposed 3 bed dwelling house - chalet style
Applicant	Mr & Mrs Sharman
Agent	Greg Wiffen – Planman
Target Decision Date	14.02.2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that a letter had been received from Mr J W Bedford, 102 Imperial Avenue, Maylandsea, objecting to the application.

Following the Officer's presentation of the report, Mr John Bedford, an Objector and Councillor Barry Edwards, speaking on behalf of Mayland Parish Council, addressed the Committee.

Members debated this application at some length. Concerns were raised regarding loss of light and the detrimental impact on the street scene. The bulk, nature and design of the development was discussed, in particular, the loss of outlook to more than one neighbouring property. It was felt that the proposed development was unneighbourly being overbearing to neighbouring properties and harmful to the character of the area.

Taking into account all the concerns expressed it was agreed that this did not constitute good planning and that the number of reasons for refusal were more than sufficient to justify the decision.

It was proposed that the application be refused contrary to Officers' recommendation and it was duly seconded and agreed. It was further agreed that the reasons for the refusal be confirmed through the Chairman and respective Ward Members.

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

1. The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site, thereby causing harm to the character and appearance of the site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.
2. The proposed development, by virtue of the size and scale of the proposed dwelling, its positioning in close proximity to the boundaries of the application site and relationship with neighbouring properties, would have an overbearing impact and cause a sense of enclosure of the neighbouring dwellings to an extent that represents an unneighbourly form of development. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

827. HOUSE/MAL/18/00006 - 7 CEDAR GROVE, BURNHAM-ON-CROUCH

Application Number	HOUSE/MAL/18/00006
Location	7 Cedar Grove, Burnham-on-Crouch
Proposal	Proposed dormer with hipped roof and Velux window to front, removal chimney stack and relocation of front entrance.
Applicant	Ms Angelique Bell
Agent	Mr Alan Green – A9 Architecture
Target Decision Date	28/02/2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Ms Wendy Stamp, Town Councillor and Ms Angelique Bell, the Applicant, addressed the Committee.

Councillor N R Pudney, a Ward Member, in support of the application pointed out that a large number of existing houses in this development already had dormer windows approved. He advised the committee that the original development was largely retirement homes, not capable of accommodating families. He said he fully supported the application which would address the necessary housing need.

Members debated the issue of similar design already approved and duplicated within the same development area. Councillor Pudney proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded. It was put to a vote and approved.

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.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the works hereby approved shall be constructed of materials and of a finish as specified within the submitted application.

There being no further items of business the Chairman closed the meeting at 8.32 pm.

R P F DEWICK
CHAIRMAN



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
12 MARCH 2018**

Application Number	OUT/MAL/17/01327
Location	Land South Of 97 South Street Tillingham Essex
Proposal	Change of use of land to residential and construction of 14 residential dwellings (Resubmission of previously withdrawn application to include Flood Risk Assessment and Surface Water Management Strategy)
Applicant	Mr Oliver Mee - J D Mee & Sons
Agent	Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	6 March 2018
Case Officer	Yee Cheung TEL: 01621 875741
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land South Of 97 South Street Tillingham

OUT/MAL/17/01327



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01327/OUT

Date: 27/02/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The development site comprises 0.57 hectares of open land to the south of the village of Tillingham. The site is currently farmed and forms a part of the Applicant's agricultural holding. The application site adjoins existing residential properties on South Street to the north. To the east of the site is a continuation of open farmland. The site is bounded by Grange Road to the south which is a narrow country lane. There is an existing hedge / trees on the western boundary of the site along South Street. There is also a hedge / trees along the southern boundary along Grange Road.
- 3.1.2 Located approximately 120 metres to the north of the site is the Tillingham Village Conservation Area.
- 3.1.3 To the west, on the opposite side of the application site is a new residential development 'Southfields' which has been recently completed (planning reference: **FUL/MAL/13/00945**)
- 3.1.4 Outline planning permission is sought to erect 14 dwellings with associated off-street parking and turning area and private amenity space. Four of the 14 dwellings would be affordable. The matters for consideration are the principle of the development and the access to the development. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage. As part of this submission, a Flood Risk Assessment (FRA) and Surface Water Management Strategy has been submitted to support the case.
- 3.1.5 The illustrative Proposed Site Plan (TMA/686/01 G) shows two pairs of semi-detached properties located to the north western part of the site to be affordable housing with the remaining residential properties to be three bedroom detached properties for the open market.
- 3.1.6 The proposed dwellings would be positioned in a cul-de-sac arrangement. A proposed access and egress point to the site would be off South Street. Two turning areas have been proposed within the site and would be shared between the future occupiers of the site. Based on the illustrative Proposed Highway Plan (TMA/686/02) submitted, communal car parking spaces and driveways would be provided for the future occupiers of the site.
- 3.1.7 In the Design and Access Statement prepared by TMA dated November 2017, it states that the dwellings would incorporate a range of high quality building materials with elevations to include brick and render elements along with traditional weatherboarding to add character.

3.2 Conclusion

- 3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at Paragraph 14 and sets out the three strands of sustainable development at Paragraph 7. Also, Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable.

- 3.2.2 The proposal lies outside the settlement boundary of Tillingham village and therefore the development would be contrary to Policy S8 of the Maldon District Local Development Plan (LDP). While the development would create jobs during the construction of the dwellings and contribute to the economic dimension of sustainability, albeit for a limited period and that the future residents could help to support the local facilities within Tillingham village, it is considered that there are significant concerns over the harmful effects of the development on the character and appearance of the rural area. It is considered that the benefits arising from the development would not outweigh the environmental harm caused as a result of its negative impact on the open landscape. Therefore the proposal would not amount to a sustainable form of development and would not benefit from the presumption in favour of development set out in the Framework nor would it accord with the aims of Policies S1, S2, S8, D1, H1, H4 and I1 of the LDP and Government guidance contained within the NPPF and the NPPG.

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, 49, 50, 56, 57, 58, 64, 109

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

- 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 D5 – Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environment and Biodiversity
- Policy T2 – Transport and Infrastructure
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Planning History of the Site

- 5.1.1 Outline planning permission **OUT/MAL/14/01024** was refused and dismissed on appeal for the construction of up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure which included this application site. A subsequent application **OUT/MAL/15/00483** for the construction of up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure was also refused.
- 5.1.2 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than the two abovementioned planning applications at this site, being reduced from 90 and 85 to 14 dwellings, it is considered that the previous applications are a material consideration when determining this current application.

5.2 Principle of Development

- 5.2.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.2.2 The LDP, as approved, has been produced in light of the NPPF's emphasis on sustainable development and approved policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.2.3 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that 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 and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include general open market new-build housing.
- 5.2.4 The application site is outside a development boundary and is in the countryside for the purposes of application of the abovementioned planning policies. As such the proposal is in conflict with the approved policies.
- 5.2.5 The Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2016/2017 in September 2017 which demonstrates that a five year housing land supply is available and it is noted that the housing policies of the LDP are up-to-date.
- 5.2.6 The application site is located at the southern end of the village of Tillingham and forms a corner site with South Street to the west and Grange Road to the south. The site is located immediately adjacent to the development boundary approximately 570 metres from the centre of the village which is within walking distance. Tillingham village has a number of services and facilities including a post office / shop, medical centre, primary school, church, village hall and two public houses. With regard to public transport there are bus services to Burnham-on-Crouch, Southminster and Bradwell-on-Sea with a school service to the secondary school at Burnham-on-

Crouch. There are train stations located at Burnham-on-Crouch and Southminster, with the bus service providing early morning and early evening services to and from Southminster rail station which is located approximately 4.1 miles from the application site via the road network.

- 5.2.7 Based on the above, the site is considered to be in a reasonably accessible location where future residents would have access to local community facilities as well as access to employment opportunities through the public transport links. The same approach was also taken in relation to the residential development on the opposite side of the road (now known as ‘Southfields’) when it was approved.
- 5.2.8 In respect of this, Paragraph 17 of the NPPF sets out a core planning principle as part of its overriding 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 policy T2 of the LDP. The proposal would therefore comply with this requirement.
- 5.2.9 Whilst the proposal complies with policy T2 of the LDP in relation to accessibility, it is considered that the principle of 14 new dwellings in this location would be contrary to policy S8 of the LDP and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Local and national policies aim to achieve sustainable development by balancing development requirements with environmental protection. This balance is done through the preparation of the LDP, which should be viewed as the Council’s definition of sustainability. The proposal does not accord with the LDP and is therefore not considered sustainable. Detailed assessment of the character and appearance of the area will be discussed in the report below.

5.3 Housing Need and Mix

- 5.3.1 The proposal would provide 4 x two bedroom dwellings (affordable) and 10 x three bedroom dwellings (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it requires local authorities to “*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*” and “*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*”. In this instance, the proposed dwellings would therefore assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of four x two bed dwellings would contribute to the identified affordable housing need

and would be a material consideration in favour of the proposal, but no smaller open market housing have been proposed to meet the SHMA. In this respect, the benefits arising from this development proposal would be limited and the abundance of large market housing would be contrary to the requirements of Policy H2.

- 5.3.3 In terms of the affordable housing, the outline planning application triggers 25% affordable housing requirement under Policy H1 of the LDP 2014-2029. The requirements at 25% - 40% affordable provision based on the recommendations of the SHMA are as follows:

80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed 5 person, 4 bed 7 person as required 20% all affordable should be suited to meet needs of older people. 1 and 2 beds 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. The recommendation on tenure mix is 70% Social/Affordable Rented and 30% Intermediate (Shared Ownership).

- 5.3.4 The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement. It is to be noted that the Parish of Tillingham 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. However, it is possible to remove this restriction subject to the approval of both the Homes and Communities Agency and Maldon District Council.
- 5.3.5 The Housing Department has been consulted and supports the proposal which accords with Policy H1 in meeting / providing 25% of Affordable Housing provision as it would provide much needed affordable housing to meet the housing needs of the District.
- 5.3.6 Whilst the affordable housing contribution is mentioned in the Applicant's Design and Access Statement and will be provided in terms of a S106 legal agreement, it is noted that no draft Heads of Term has been submitted in support of the application. In the absence of a signed legal agreement, the development makes no contribution for affordable housing which would be required with respect to meeting the Council's affordable housing and social infrastructure requirements. As such the proposal is considered to be contrary to policies H1 and I1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 5.3.7 With regard to the Housing Mix, the application proposes 10 x three bed houses. The proposal would fail to accord with the Council's updated Strategic Housing Market Assessment (SHMA, 2014) where the requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units, contrary to Policy H2 of the LDP.

5.4 Design and Impact on the Character of the Area

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development

is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

- 5.4.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 The application site is located within the Tillingham and Latchingdon Coastal Farmland (E2), as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is criss-crossed by drains and ditches, many of the field patterns have noticeable right-angled bends that the adjacent lanes follow, which is thought to demonstrate evidence of ancient planned landscape. The mainly rectilinear field pattern is medium to large scale. Extensive hedgerow loss in many places gives the appearance of a large-scale field pattern. Farming is a mix of arable and some pasture enclosed by elm-dominated hedgerows and copses, many of them containing a large proportion of dead elms, victims of Dutch elm disease. It is noted that the fringes of most of the older villages have been suburbanised in an unsympathetic way that visually intrudes into the local Landscape and urban expansion are visually intrusive in terms of density and architectural style. The development of this site would result in the loss of agricultural land which is currently being farmed.
- 5.4.4 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than two previous planning applications at this site: **OUT/MAL/14/01024** (90 dwellings) and **OUT/MAL/15/00483** (85 dwellings) to 14 dwellings, it is considered that given the site's current rural appearance, the proposal would lead to a significant and harmful change to the open landscape of the site and its surroundings where policies S1, S8 and D1 seeks to protect these areas from inappropriate development. Further, the cul-de-sac arrangement of development of the site for residential dwellings with associated domestic paraphernalia, hardstanding, and the communal parking of vehicles would erode the rural character and appearance of the area.
- 5.4.5 In terms of the layout of the development, the illustrative plans submitted effectively shows the dwellings to be two plots deep from the South Street frontage. The layout is not characteristic of Tillingham village and the existing pattern of one plot depth development and single on plot parking and urbanises a particularly sensitive juxtaposition where the edge of the village meets open countryside. Further, the illustrative Proposed Site Plan (Drawing TMA/686/01 G) appears to show a public open space proposed on the corner of a busy road junction, where three principle roads meet. This would not encourage the future occupiers or existing occupiers to the north and west of the site to use this space due to its size and positioning at a prominent corner location.

- 5.4.6 The indicative Site Plan places five dwellings with either their backs or sides to the countryside therefore requiring secure and private boundary treatments within the open field. Despite the proposal of a boundary hedgerow and scope for additional planting within the site which could provide some degree of screening, the proposed development would, nevertheless, encroach upon the open setting of the village which contributes to its aforementioned harm. Although new planting would be provided to the site boundary to the east, it is likely that the development would remain visible to a large extent, particularly given that any new planting introduced would take time to mature.
- 5.4.7 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.4.8 As such, this document considers layout and density a key factor in the delivery of new development. Section C12 of the MDDG states that new development should respond to the existing pattern of development within a settlement taking cues from existing patterns of plot subdivision and the relationship between the built and non-built form. Effective use of land includes local density appropriate to the location and must respond to and enhance the character of the existing settlement. Based on the assessment above, it is considered that the proposal would not only contravene Local Development Plan policies, but also the MDDG.
- 5.4.9 It is noted that the Applicant's Design and Access Statement dated November 2017 has made reference to the 27 houses recently built out on the western side of South Street. It is important to note that application **FUL/MAL/13/00945** was approved in January 2014 and was being built out at the time of the Appeal Site visit for the previous application on 25 August 2015. It is therefore considered that the Southfields site had a very different character to the site the subject of this application attributed to its *'undeveloped grassland and vacant light industrial building and storage buildings'* (quoted from the Design and Access Statement in support of planning application **FUL/MAL/13/00945**) existing on the land and its relationship to the existing residential dwellings on its western boundary fronting onto Tillingham Road.
- 5.4.10 No illustrative elevational plans have been submitted with this outline planning application for the Council to appropriately assess the design, scale, bulk, height and appearance of the development of the houses proposed within this site. Therefore the Council cannot assess the acceptability of the proposal at this stage and it is not required to do so as the application is in outline.
- 5.4.11 Having taken into account the above, it is considered that the impact of the development on the character and appearance of the site and surroundings would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1, S2, S8, D1 and H4 of the LDP, and Government advice contained within the NPPF. It is noted that the plans submitted are indicative, but any

arrangement of dwellings on this site would be harmful to the character and appearance of the area. The proposal would also contravene section C12 of the MDDG.

- 5.4.12 The Urban Design Officer and Coast and Countryside Officer have both assessed the application and considered that the proposal would compromise the openness of the field behind the existing hedge and urbanise the identity and character of the site at this sensitive rural location. Coupled with domestic paraphernalia such as tarmaced roads, pedestrian footways, car parking areas, lighting, private amenity space and necessary boundary treatments between the proposed dwellings as shown on the indicative Site Plan, it is considered the proposal would be inimical to the prevailing character and appearance of the settlement, contrary to the aforementioned Development Plan Policies.

5.5 Impact on Residential Amenity

- 5.5.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.2 The application is outline in nature with some matters reserved for consideration at a later date. Outline planning permission is sought to construct 14 dwellings with vehicular and pedestrian access off South Street almost central to and within the plot. An illustrative Site Plan submitted shows an internal drive, two turning areas and communal parking spaces to the north and south of the site to serve the future occupiers of the development.
- 5.5.3 With regard to impact on residential amenity, it is important to note that appearance, scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent Reserved Matters application. Based on the illustrative Site Plan submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring property No. 97 South Street to the north of the site in accordance with the criteria of policy D1 of the LDP, and the Government guidance contained within the NPPF.

5.6 Access and Highway Safety

- 5.6.1 Based on the plans submitted, the proposed dwellings are accessed via a private drive from South Street as detailed on the Proposed Highways Plan (TMA/686/02 Revision B). There are four dwellings to the rear which are effectively creating a 2 plot depth from the South Street frontage. Some of the dwellings have private driveways while there are some dwellings with parking courts. The four dwellings to the north west fronting onto South Street would have parking court comprising of eight spaces to the rear. To the southern part of the site where there are three dwellings fronting onto Grange Road, nine parking spaces are proposed.
- 5.6.2 Concerns have been raised by interested parties regarding the access, the bend in the road, and additional traffic that would be generated by this development proposal.

The Highway Authority has been consulted and raises no objection regarding the proposal subject to conditions in relation to a Construction Method Statement (CMS) and details visibility splays, footways, dropped kerbs, boundary treatment and Residential Information Pack to be submitted to and approved by the Council prior to the occupation of the development. As such, the proposal would comply with policy T2 of the LDP.

5.7 Parking

5.7.1 The Council's Vehicle Parking Standards ('VPS') state that for two / three bedroom dwellings, a maximum of two car parking spaces should be provided.

5.7.2 Based on the illustrative Site Plan submitted, it appears that some plots would have parking in the form of private parking and some with communal parking. Further, seven visitor spaces would also be provided for the future occupiers of the site.

5.7.3 In this instance, the proposal would accord with Policies D1 and T2 of the LDP. Again, the Highway Authority has raised no objections subject to conditions and informative to be imposed should the application be approved. The precise number and layout of parking spaces would be agreed at Reserved Matters stage.

5.8 Private Amenity Space and Landscaping

5.8.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for two bedroom dwellings between 50-75m² of private garden should be provided and for three or more bedroom dwellings at least 100m² of amenity space would be required. This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

5.8.2 Based on the illustrative Site Plan, it appears that the garden size for each proposed dwelling would meet, and in some instances, be in excess of the minimum standards. This is considered an important part of the development due to its rural location of the site and relationship to the adjacent open countryside to the eastern boundary of the application site. The proposal would therefore meet the requirements contained within Policy D1 of the LDP, The Essex Design Guide and the MDDG.

5.9 Other Material Considerations

ECC SUDs Team

5.9.1 Policies S1, D1 and D5 of the LDP seek to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

5.9.2 The SUDs Team at Essex County Council has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and have issued a holding objection to the granting of planning permission based on the fact

that the Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Full / Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the SUDs Team has noted that there does not appear to be a consistent run off rate used throughout the design of the application site. The run off rate proposed is 1.59 l/s within the drainage report; however within the storage calculations it appears that a run off rate of 1.9l/s has been used. Run off rate should be limited to the 1 in 1 year greenfield rate. It should be clearly demonstrated the proposed run off rate and storage volume, with the proposed run off rate being used within the storage volume calculation. In this respect, the proposal would fail to meet Policies S1, D1 and D5 of the LDP.

- 5.9.3 Since the above comments from the SUDs Team, the Applicant has submitted amended calculations and a revised report for the site on 24 January 2018. In the submission, The Applicant confirms that the 1 in 1 year rate for the surface water storage requirement has been rounded up to 1.7 (l/s) whereas the Greenfield runoff estimate has not been rounded up (1.65).
- 5.9.4 The SUDs Team has been re-consulted and in the response dated 19 February 2018, no objection has been raised regarding the proposal. It was advised that planning conditions and an informative to be utilized should the application be approved in accordance with Policies D1 and D5 of the LDP.

Connection to Utilities

- 5.9.5 With regard to connections to utility services (electricity, gas, water etc.) the onus would be on the Applicant to obtain permission from the relevant providers.

Education

- 5.9.6 Concerns were raised regarding the development and its likely impact on the local primary school. In the two previous applications: **OUT/MAL/14/01024** and **OUT/MAL/15/00483** where the development proposal had involved a much larger residential scheme for 85 and 90 houses, the issue regarding to impact on the local primary school was not considered by the Planning Inspectorate. It is therefore considered that to refuse the development for 14 dwellings on the basis that the development would affect the capacity on the local primary would be unreasonable and would be difficult for the Council to sustain on appeal.

Health Care Provisions

- 5.9.7 In the **OUT/MAL/14/01024** and **OUT/MAL/15/00483** where the development proposal had involved a much larger residential scheme for 85 and 90 houses, no objections were raised by the NHS subject to a planning obligation requiring a contribution for additional healthcare services arising as a result of the large development schemes. As the current proposal is for 14 dwellings, it is considered that a contribution towards healthcare services would be disproportionate and unreasonable as the impact would not be significant when compared to the two previous applications.

Conservation Area

It is noted that the nearest designated heritage asset to the application site is the Tillingham Conservation Area. The southern boundary of the conservation area is

approximately 100 metres away from the northern boundary of the application site. Having considered the distance and the number of houses which separate the conservation area from the application site, the Conservation Officer has advised that the development would have negligible impact upon the setting of this heritage asset and would cause no harm to the significance of the conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where it requires that local planning authorities to pay special attention to the desirability of preserving or enhancing the special character or appearance of the conservation area.

5.9.9 Archaeology Team has raised no objection to the proposal subject to conditions.

6. **ANY RELEVANT SITE HISTORY**

- **OUT/MAL/14/01024** - Outline application for up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure - Refused on 20 October 2014. Dismissed on Appeal on 5 February 2016
- **OUT/MAL/15/00483** - Outline application for up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure – Refused: 21 July 2015.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	Object to the application as it fails on economic, social and environmental grounds	Noted in Section 5.32 of the report

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SUDs Team	Holding Objection – Insufficient information has been submitted. The Applicant has submitted additional information and the ECC SUDs Team was re-consulted on 24 January 2018. Response dated 19 February 2018 – No objection subject to conditions.	Noted in Section 5.9.4 of the report
Anglian Water Services	No objection subject to a	Noted in Section 5.9.5 of

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	foul drainage strategy and surface water management strategy to be submitted to and agreed by the Council should the application be approved	the report
ECC Highway Authority	No objection subject to conditions and Informative	Noted in Section 5.6 of the report
Archaeology	No objection subject to conditions	Noted in Section 5.9.9 of the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	The development will have negligible impact upon the setting of this heritage asset.	Noted in Section 5.9.8 of the report
Environmental Health Services	No objection subject to conditions and informative	Noted
Planning Policy Team	* The Council has a 5YHLS * Impact on the character and appearance of the village * Limited services and facilities	Noted
Tree Officer	A soft and hard landscaping scheme would be required should the application be approved	Noted
The Coast and Countryside Officer	Object to the proposal due to the sensitivity of the landscape to the east of the site and the absence of a Landscape Visual Impact Assessment	Noted in Section 5.4.12 of the report
Urban Design Officer	The access point informs the layout of the site and built form would compromise the openness of the field behind the hedge and urbanise the identity and character of the site at this location. The built form would be intrusively visible in this	Noted

Name of Internal Consultee	Comment	Officer Response
	sensitive rural edge	
Housing Department	No objection to the affordable housing mix proposed	Noted

7.4 Representations received from Interested Parties

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:

- Jane Bodley 14 St Nicholas Road Tillingham Southminster
- Ray And Sue Travi 13 Southfields Tillingham Southminster
- Mrs Crowhurst 16 Marsh Road Tillingham Southminster
- M Bodley 14 St Nicholas Road Tillingham Southminster
- Jeanette Hill 13 North Street Tillingham Southminster
- Les Short 2 Bakery Close Tillingham Southminster
- Adam Lewalski 95A South Street Tillingham Southminster
- Roger Hill 13 North Street Tillingham Southminster
- Joyce Derosa 16 St Nicholas Road Tillingham Southminster
- Karen Slater Tillingham Medical Centre 61 South Street CM0 7TH
- Mark Pilkington 1 North Street Tillingham Essex
- M Bowley Seldom Seen Angmering Park No.Littlehampton
- Mr M Purkiss 58 South Street Tillingham Southminster
- Mrs J Purkiss 58 South Street Tillingham Southminster
- Mrs H Bowley & Mr R Tugnutt 2 Slindon Close Broadwater Worthing
- Mr B Morris 7 Southfields Tillingham Southminster
- Mrs A Morris 7 Southfields Tillingham Southminster
- M Tuckett Rotherne 4 Marlborough Avenue Tillingham
- Clive Hawkins Franklin Farm 6 Bill Tanners Road, Barnawatha,
- Mr Dowding 19 Southfields Tillingham Southminster
- Mr A Bashford 22 Slindon Avenue Peacehaven East Sussex
- Clint Tuckey 7 Bakery Close Tillingham Essex
- Mrs S Bashford 22 Slindon Avenue Peacehaven East Sussex
- Karen Foster 7 Bakery Close Tillingham Essex
- Mr P & Mrs D Annison 55 South Street Tillingham Essex
- A J Eaton Pabena South Street Tillingham
- Mrs K P Fox Mark Farm Cottage Bradwell Road Tillingham
- Mr Leslie Edward Fox Mark Farm Cottage Bradwell Road Tillingham
- Mr & Mrs Morris 7 Southfields Tillingham Southminster
- Chris Harvey Thandiswa 61A South Street Tillingham
- John & Darian Williams Bluebell Cottage Grange Road Tillingham
- Diane Mallett 69 South Street Tillingham CM0 7TH

- Bernice Moore Mullingers Tillingham Road Asheldham
- Michael Moore Mullingers Tillingham Road Asheldham
- Mrs Hickey - Short 78 South Street Tillingham Southminster
- Claire & Paul Copsey 90 South Street Tillingham Southminster
- Anthony Mallett 69 South Street Tillingham CM0 7TH
- Way John 2 Mill Close Tillingham Southminster
- Susan Hill 5 Bakery Close Tillingham Southminster
- Mr W A Crowhurst 16 Marsh Road Tillingham Essex
- Mr M H Johnson 3 Bakery Close Tillingham Essex
- Ms E Lodge Northbrook Brook Road Tillingham
- Mr G A G Crowther Northbrook Brook Road Tillingham
- Emily Ann Robinson High House Farm Tillingham Road Asheldham
- M S Bays High House Farm Tillingham Road Asheldham
- M Robinson High House Farm Tillingham Road Asheldham
- J K Robinson High House Farm Tillingham Road Asheldham
- Mrs Frances Eaton Pabena South Street Tillingham
- Mrs Susan Way 2 Mill Close Tillingham Essex
- James Jarman 30 Marsh Road Tillingham Essex
- Mrs SC Graves 54 Cross Road Maldon Essex
- Mr Nigel Parr 18 Southminster Road Tillingham Southminster
- T W Webber 10 Marlborough Avenue Tillingham Essex
- Mrs L Pocklington 45 St Nicholas Road Tillingham Essex
- Rog Warner Manor Fields Manor Road Dengie
- Margaret Bedding 3 Hillside Road Southminster Essex
- Lawrence Smart 3 Kemp Cottages Marsh Road Tillingham
- Leigh Baker 57 South Street Tillingham Essex
- Michael Gould 6 Southfields Tillingham Essex
- B L Webber 10 Marlborough Avenue Tillingham Essex
- Mr G Pocklington 45 St Nicholas Road Tillingham Essex
- Sue Warner Manor Fields Manor Road Dengie
- Tony & Tina Buckley 3 Southfields Tillingham Essex
- Ms & Mrs Hammond 92 South Street Tillingham Essex
- George Atkins 97 South Street Tillingham Southminster
- Mr Andrew Snowden Burdons Manor Road Dengie Southminster
- Mr Patrick Thornton Clifton 1 Vicarage Lane Tillingham
- David & Christine Bragg 3 Marlborough Avenue Tillingham Essex
- R E Campion 9 Ramblers Way Burnham-On-Crouch Essex
- Abbie Lodge Foxleigh Foxhall Road Steeple
- Miss K L Baker 18 Marsh Road Tillingham Essex
- Mrs D Martin 5 Tile Corner Cottages Marsh Road Tillingham
- H J Morris 6 Kemp Cottages Marsh Road Tillingham
- Rebecca Keane 11 South Street Tillingham Essex

- S Fenn 15 Kings Farm Meadow Tillingham Essex
- Chris Raines 12 Marlborough Avenue Tillingham Essex
- E A Cummins 33 Kings Farm Meadow Tillingham Essex
- M T Littlechild 27 South Street Tillingham Essex
- Nicole Leeder 37 Kings Farm Meadow Tillingham Essex
- Vikki Gunner 20 Marsh Road Tillingham Essex
- Les Williams 21 Hoover Drive Basildon Essex
- Richard Hawkins 10 Birch Road Tillingham Essex
- The Occupier 3 Tile Corner Cottages Marsh Road Tillingham
- I R Burton C/O Fox And Hounds Public House 12 The Square Tillingham
- C Thorp 1 Packards Farm Cottages Mark Road Tillingham
- Heather Tebbett The Quaich Lakes Lane Witley
- Mr N M Turner 18 Marsh Road Tillingham Essex
- Claire Saich Foxleigh Foxhall Road Steeple
- James Lodge Foxleigh Foxhall Road Steeple
- Hayley Cooch 6 South Street Tillingham Essex
- Emma-Louise Thomas 10 Birch Road Tillingham Essex
- V S Williams 21 Hoover Drive Laindon West Essex
- Kevin Gunner 20 Marsh Road Tillingham Essex
- D A Saward 40 South Street Tillingham Essex
- Gillian Marr 37 Kings Farm Meadow Tillingham Essex
- Mrs G Littlechild 27 South Street Tillingham Essex
- C W P Cummins 33 Kings Farm Meadow Tillingham Essex
- The Occupier April Cottage 15 The Square Tillingham
- Sarah Raines 12 Marlborough Avenue Tillingham Essex
- C J Morris 6 Kemp Cottages Marsh Road Tillingham
- Steven Keane 11 South Street Tillingham Essex
- The Occupier Burdons Manor Road Dengie
- D Exley 15 Kings Farm Meadow Tillingham Essex
- Mr P Cooper Bridgemans Marsh Road Tillingham
- Mr P Martin 5 Tile Corner Cottages Marsh Road Tillingham

Objection Comment	Officer Response
<ul style="list-style-type: none"> • More weight should now be given to the LDP 	Section 5.2 of the report
<ul style="list-style-type: none"> • The village does not need affordable housing 	Section 5.3 of the report
<ul style="list-style-type: none"> • Localised flooding / surface water drainage issues 	Section 5.9 of the report
<ul style="list-style-type: none"> • No demand for houses as property sales have been slow 	Section 5.3 of the report
<ul style="list-style-type: none"> • Harm to the Tillingham Village Conservation Area 	Section 5.9.8 of the report
<ul style="list-style-type: none"> • Loss of agricultural land 	Section 5.4 of the report

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Lack of services in Tillingham village 	Section 5.2.6 of the report
<ul style="list-style-type: none"> • Limited public transport 	Section 5.2.6 and 5.2.7 of the report
<ul style="list-style-type: none"> • No employment opportunities in Tillingham village 	Section 5.2.7 of the report
<ul style="list-style-type: none"> • Highway safety • More on-street parking • Additional cars on the road means more traffic and pollution 	Section 5.6 of the report
<ul style="list-style-type: none"> • Impact on local primary school 	Section 5.9.6 of the report
<ul style="list-style-type: none"> • Impact on Doctors Surgery 	Section 5.9.7 of the report

8. **REASONS FOR REFUSAL**

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Tillingham where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development would be an unwelcome visual intrusion into the open and undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. Further the development would represent an inappropriate form of ribbon development which would seriously damage the current open vista of the site resulting in demonstrable harm to the predominantly rural character of this site and its immediate surroundings. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan, the Maldon District Design Guide, and the core planning principles and guidance contained in The National Planning Policy Framework.
- 2 The proposal would result in a housing mix which would fail to accord with the Strategic Housing Market Assessment (SHMA). As such, the proposal would fail to provide a sustainable, mixed community as contained within policies S1 and H2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 3 In the absence of a signed legal agreement, the development makes no contribution for affordable housing which would be required with respect to meeting the Council's affordable housing and social infrastructure requirements. As such the proposal is considered to be contrary to policies H1 and I1 of the

Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
12 MARCH 2018**

Application Number	OUT/MAL/17/01338
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys – Stanfords
Target Decision Date	30 th March 2017
Case Officer	Anna Tastsoglou TEL:01621 875741
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Major Application

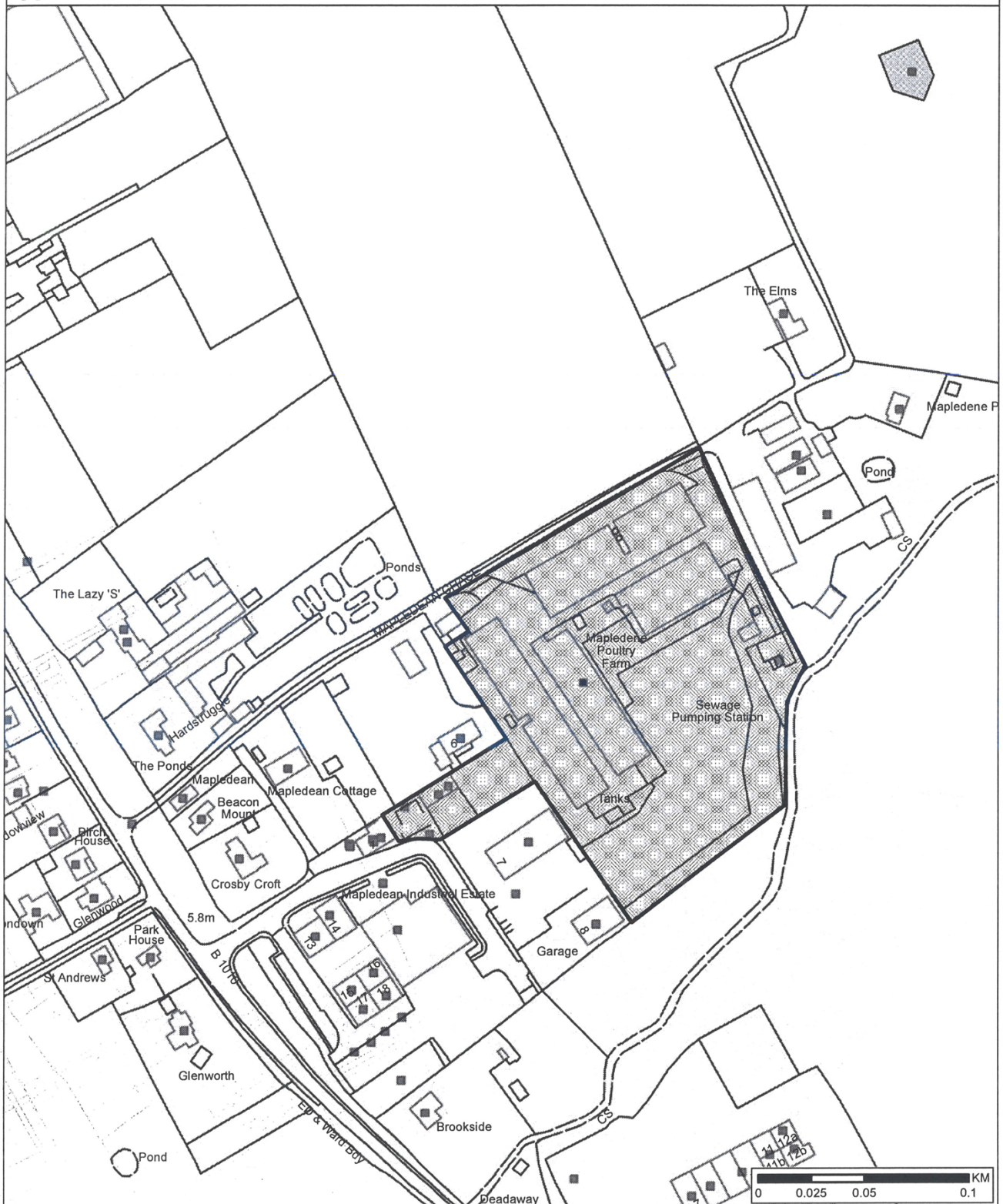
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Mapledean Poultry Farm Mapledean Chase Mundon
OUT/MAL/17/01338



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 Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01338/OUT

Date: 27/02/2018

MSA Number: 100018588



MALDON DISTRICT
 COUNCIL

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Mapledean Chase, east of Mapledean Industrial Estate, outside the designated settlement boundaries. The site is currently accessed off of Mapledean Chase, which also serves residential properties. A watercourse runs along the southeast boundary of the application site and the majority of the site, except of the western part of the entrance to the site is located within flood zones 2 and 3.
- 3.1.2 The site covers an area of approximately 2.4 hectares and is currently occupied by a number of single storey agricultural buildings used in association with a poultry farm. Although the buildings have a large footprint, they are sited on the northwest part of the application site, away from the open countryside to the southeast and the watercourse. The southern part of the application site is used as caravan storage, known as the Willow Tree Park; however, there does not appear to be any planning history to demonstrate that this use is authorised. A sewage pumping station is sited within the southeast part of the application site.
- 3.1.3 The site is located in between the Mapledean Industrial Estate to the west, the Essex Pet Crematorium to the east and the fields to the north and south. A bungalow is located adjacent to the northwest corner of the application site. In terms of the built form, the industrial estate is mainly formed by single and two storey buildings of simple industrial design, with shallow hipped roofs. Open car parking areas are sited adjacent to the industrial units to serve the employees as well as other associated industrial paraphernalia, such as shipping containers, large waste collection bins and large equipment.
- 3.1.4 Outline planning permission with all matters, except of access, reserved is sought to redevelop the existing poultry farm and erect approximately 5,030sqm B1 commercial floorspace with associated access arrangements. The development would involve the demolition of the existing poultry farm structures and erect new buildings to be used for commercial purposes.
- 3.1.5 A planning, design and access statement accompanies the application, which states that the reason for the proposed development is to address the need and demand of expansion of a number of the existing businesses of the Mapledean Estate; however, no evidence in a form of interest expressed by the businesses has been submitted.
- 3.1.6 A new access to the site is proposed via the Mapledean Industrial Estate cul de sac. The access would be 6m wide with footpath to either side resulting in a total 10m width. According to the submitted Traffic Statement and indicative layout plan 168 parking spaces would serve the propose development.
- 3.1.7 Although only indicative, a layout plan has been submitted showing a total number of five new buildings, of varying footprints, large areas of associated car parking with turning points. Landscaping is mainly proposed along the boundaries of the application site. Within the submitted planning statement it is suggested that the reason of the positioning of the building is due to the existing main sewers which traverse the site together with their associated easements.

- 3.1.8 It is noted that the application is also accompanied by a Flood Risk Assessment and Health Impact Assessment.

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, due to its location outside the defined settlement boundary and unjustified increase of employment land outside the designated sites listed in policy E1. The development would also not comply with the guidance of the National Planning Policy Framework (NPPF) that requires developments for town Centre uses (such as offices) to pass a sequential test to demonstrate that there are no other sequentially preferable sites closer to the existing centres to accommodate the development. The development is located within flood zones 2 and 3 and insufficient information demonstrating that there are no other available sites in areas in lower risk of flooding that can accommodate the proposed development. The proposal is also lacking other evidence and information in relation to levels of daily trips, sufficient drainage strategy and details relating to its impact on the existing landscape features. In the absence of such information the Council is unable to fully assess the impacts of the development on the highway network and infrastructure, in the event of flooding and on the existing landscape and ecological assets. For those reasons the development is considered unacceptable and contrary to the aims of the Local Plan and National Guidance.

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
- 18-22 - Building a strong, competitive economy
- 23-27 - Ensuring the vitality of town centres
- 28 - Supporting 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 2017) 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 E4 – Agricultural and Rural Diversification
- 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 proposal is to redevelop an existing agricultural business (poultry farm) and erect an approximately 5,030sqm of B1 commercial floor space. The site is located outside the defined settlement boundaries and also outside the defined Employment Land Areas.
- 5.1.2 The nearest village to the application site is Latchingdon, which is approximately 1km away from the application site and it is therefore relevant to note that policy S1 of the Local Development Plan (LDP) 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) *Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District*
 - 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;*
 - 8) *Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
 - 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 given 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 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. The site is currently used for agricultural purposes and therefore, it is not considered as developed land. The development would result in an intensive use of the land for employment purposes, with provision of permanent structures and no justification has been given as to why this type of development would be considered acceptable when it is in contrast to the content of the LDP. In the absence of such justification and considering the nature of the proposed development, an objection is raised in terms of the encroachment of the development on the agricultural land and rural area.
- 5.1.5 Support of sustainable economic growth to create jobs and prosperity is one of the core principles of the NPPF. On that basis, the provision of new employment opportunities is not objected to. One of the requirements of the NPPF is to secure that Local Plan's set criteria or identify strategic sites for local and inward investment to match the strategy and to meet anticipated needs over the plan period. It is noted that the approved Local Plan has set the need of the District and strategic sites for Employment Uses have been identified. As noted above, the application site abuts, but is outside the boundaries of the identified employment land areas.
- 5.1.6 Policy E1 of the approved LDP states that 'The Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS)'. However, it further continuous adding that '*new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District.*' The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites. It is possible that the delivery of employment land in this location might undermine the viability of employment land in preferable, allocated locations, thereby affecting the delivery of the LDP.
- 5.1.7 Reference is made within the applicant's planning statement to policy E1 "*that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the needs of local businesses in the District*". The largest part of the site is used as a poultry farm which is not considered to be in employment (B) use and therefore, it cannot be considered as a previously developed land, in accordance with the definition of the NPPF. As noted above, part of the site is used for storage purposes of mobile caravans. Although in land use terms, mobile caravan storage would fall under use call B8, the site does not appear to benefit from Planning permission for such use. Therefore, the B8 use, which appears to have commenced around 2011 and gradually expanded, is not lawful and would not be immune from enforcement action. As such, this use of the site cannot constitute a

fallback position, given that the site does not benefit from planning permission. On the basis of the above, the site cannot be considered as previously developed land and thus, it does not fall within the description of sites that would be viewed favourable for redevelopment under policy E1.

- 5.1.8 Policy E4 allows the change of use of existing rural buildings to other employment generating uses. However, the proposal is not for reuse of the site, but for complete demolition and rebuild of the site and thus, policy E4 does not apply in this instance.
- 5.1.9 The submitted planning statement suggests that a number of the existing occupiers of Mapledean Estate are in need of additional space to expand their businesses. Whilst expansion of existing employment area would be considered favourably, it is considered that in order to demonstrate the need of an additional 2.4ha of employment land outside the designated employment sites, further justification would be required to be submitted. This should include a site assessment of discounted alternative designated sites and also evidencing of expression of interest from businesses. In the absence of such information to demonstrate the need for an additional large scale employment land expansion, the development cannot be supported.
- 5.1.10 The proposal would involve B1 uses, which within others include offices, research and development of products and processes and light industry appropriate in a residential area. According to the definition of the NPPF 'main town centre uses' within others also include office uses. The development is outline in nature and the type and size of the B1 uses proposed has not been identified. Given the nature of the proposed use, it is likely that B1(a) office uses would be part of the development and paragraph 24 of the NPPF requires *"a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered."* The site is located a significant distance away from the District's Town Centres and outside the settlement boundaries and therefore, its access to sustainable modes of transport, alternative to vehicle, are limited. No evidence has been submitted to demonstrate that there are no other sites sequentially preferable in more central locations to accommodate the proposed development and thus, the development has not passed the town centre uses sequential test and it is unacceptable and contrary to the guidance contained within the NPPF. Furthermore, it should be noted that the 'need' for additional employment land will be met through allocated sites included within the LDP.
- 5.1.11 In light of the above, whilst the benefits of supporting employment generating development is afforded some weight, by reason of the lack of justification in relation to the need for such development outside the development boundaries, designated employment land areas and town centres, an objection is raised to the principle of the development which would be contrary to the local policies and national guidance stated above.
- 5.1.12 Other materials planning considerations, including flood risk and the impact of the development on the character of the area, the landscape and neighbouring occupiers is assessed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 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 in 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 No objection is raised to the proposed access to the site, which is a matter assessed under this application. Access would be gained from Maldon Road, which is the main access to the existing industrial estate and it is considered more appropriate for the proposed development from the existing access to the site, which is a narrow unadopted road (Mapledean Chase) serving also residential units.
- 5.2.7 The site abuts the industrial estate to the west, but it is sited outside its boundary and also the boundaries of the settlements. To the north and south of the site are open fields, while to the east the site abuts the pets’ crematorium. Although scale and layout of the development are matters reserved for future determination, it is

considered that proposed development of approximately 5,030sqm commercial floorspace would result in a development of intensive commercial/industrial character to the detriment of the current rural character of the site and the surrounding area to the north, south and east.

- 5.2.8 The existing poultry farm, by reason of its agricultural nature, is not considered as developed land. The existing structures on site, although of a large footprint, are of a limited height and as their appearance are reflective of their function, are considered to be appropriate in a countryside setting. The site is located adjacent to an industrial estate, but within the countryside and therefore, the proposed unjustified development would result in an unacceptable encroachment of urban development into a rural setting, which contributes to the character of the rural area. It is therefore, considered that in the absence of evidence demonstrating the need of the proposed use on site and also the acceptability of the impact of the development on the existing rural character of the area, an objection is raised to the development, which will be contrary to the policies of the Local Plan.

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 site is located in between an industrial estate and a pets' crematorium to the west and east, respectively. To the south and north of the site are fields. Therefore the development would not result in a detrimental impact on the users of these adjacent sites.
- 5.3.3 However, a bungalow is located to the northwest of the application site, which is the nearest residential property to the site. Whilst indicative, the layout plan submitted shows that the development can be located in a reasonable distance away from this property and the boundary can be landscaped to reduce any potential impacts from increase noise and disturbance generated by the proposed uses. As such, although matters of layout, scale and landscaping are reserved for future submission, it is considered that there are available options to protect the residential amenity of the occupiers of this dwelling.
- 5.3.4 With regard to the access to the site, it is considered that the proposed access to the site from Maldon Road, rather than from Mapledean Chase, would further protect the amenities of the occupiers of this dwelling, as it would result in reduced vehicle movements adjacent to the residential unit.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1, H4 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 B1 business uses require 1 parking space per 30sqm. The development would create an approximate 5,030sqm of floorspace and the indicative plans shown that 168 parking spaces can be accommodated on site, in accordance with the District's vehicle parking standards.
- 5.4.3 The site is proposed to be accessed off of Maldon Road which serves the Industrial Estate and not from the exiting access of the site from Mapledean Chase which serves the poultry farm. The proposed access is considered more appropriate than the existing as, it would direct vehicle movement away from the access to residential units. The Highways Authority has been consulted and raised no objection to the proposed access.

Trip Generation and Impact on Highway Network

- 5.4.4 The applicant has submitted a transport statement assessing the impacts of the proposed development on the highway network. The statement includes information of the approximate annual trips of the existing land use and the estimate daily peak hour trips of the proposed land use based on TRICS data. The statement concludes that the proposed level of trips would not have a significant impact on the junction. However, when calculating the total trips during peak hours only, excluding also weekends, it appears that the trips per annum generated by the proposed land use would be 51,740. This is a significant increase when compared to the annual trips generated by the existing land use, which are estimated at around 1320 trips per annum. It is therefore unclear how the statement concludes that there would be no significant impact on the existing highway network.
- 5.4.5 The Highways Authority has been consulted and raised an objection on the proposed development, given that the evidence submitted is not sufficient to support the conclusion of the statement and the assertion that there would be no significant impacts on the existing highway network. The Highway Authority also suggested that a full Transport Assessment, reviewing the current highway conditions in the area, expected trip generation (including TRICs reports) of the development, how the trips will distribute onto the highway network, junction capacity assessments and a future year assessment of 2022 (as 5 years post application) would be required to accompany the application given its size.
- 5.4.6 Although the applicant has been contacted during the process of the application to be made aware of the concerns raised by the Highway Authority and provided the opportunity address those issues, no response has been received at the time of writing of this report.

On the basis of the above and the insufficient information submitted, the development is considered to be unacceptable in terms of its impact onto the highway network.

Sustainable Transport

- 5.4.7 Part of the transport statement submitted includes information regarding public transportation. Although the nearest bus stop is only 2 minutes walking distance from the application site (35m), the links provided are not very frequent or extensive. There are only two bus service routes operating on an hourly basis linking the site

with Chelmsford, Maldon and Burnham-on-Crouch. The nearest train station is approximately 3.3 miles away from the application site and it is located in North Fambridge. Therefore, given the limited accessibility of the site to public transportation, it is likely that the future employees would be dependent on the use of private vehicles.

- 5.4.8 A Travel Plan Statement has been submitted with the application providing a skeleton of the action plan which full details are reserved for the reserve matters stage. It is stated that the plan, when submitted in full would include information regarding the forecast level of trips by all modes of transport likely to be associated with the development, the need for public to access, hours of working, phasing of the construction, the nature of the vehicles requiring access, information about bus stops, access points, car parks and cycle parking. Should permission have been recommended the details of a travel plan would have been secured by condition.
- 5.4.9 No cycle parking has been shown on the indicative layout plan. Should permission be granted, the details of cycle parking to meet the District's standards (1 cycle parking per 50sqm for staff and 1 per 100sqm for visitors) would have been secured by the imposition of a condition.

5.5 Flood Risk

Sequential test

- 5.5.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.5.2 *"The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding." (Paragraph 101 of the NPPF)*
- 5.5.3 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.4 The site is located within Flood Zones 2 and 3 and therefore, the development should pass the sequential test.
- 5.5.5 The application is supported by a Flood Risk Assessment. Under the section of the sequential test, a table has been included, which is stated that indicates the types of development that are appropriate for the various flood zones. Although this table has been gathered from the Planning Practice Guidance and it relates to the Flood Risk vulnerability and flood zone 'compatibility', it is clear from the notes related to the

table that the it does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

- 5.5.6 The statement concludes that on the basis of the information contained within the table the proposed commercial development is suitable within flood zone 3a. However, it is considered that this is of more relevance to the exception test and not the sequential test. The table shows when different types of development, following the application of the sequential test, are suitable or not to be developed in different flood zones and in which cases the application of an exception test is required.
- 5.5.7 As a result and for the reasons stated above, it is considered that the proposal does not pass the sequential test, as it has not been demonstrated that the development cannot be accommodated in other sites in areas within lower risk of flooding. Once again it must be noted that a substantial amount of employment generating land will be provided through the sites allocated within the LDP. Thus, the development proposed is unacceptable and contrary to the guidance contained in the NPPF and policies S1 and D5 of the LDP.

Flood Risk Assessment and SUDS

- 5.5.8 The FRA submitted highlights the potential of flooding from surface water and tidal influence of the river the main risks of flooding and suggests mitigation measures including external levels falling away from the entrances of the building, flood warning strategy and flood resilient construction.
- 5.5.9 The Environment Agency has been consulted and raised no objection to the proposed development, which is protected by flood defences. However, it is underlined that the requirement to assess whether the development passes the sequential test is with the Local Planning Authority and surface water flood risk should be determined by the Lead Local Flood Authority.
- 5.5.10 The Lead Local Flood Authority has been consulted and raised a holding objection by reason of the inadequate Surface Water Drainage Strategy. In particular it is stated that the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development, given that the strategy fails to sufficiently limit the discharge rate and the storage volume has not been updated in line with the run off rates.
- 5.5.11 For the above mentioned reasons, an objection is raised regarding the increased flood risk impact of the development as a result in the inadequate Surface Water Drainage Strategy.

5.6 Landscaping and Ecology

- 5.6.1 In terms of ecology, the site abuts a vegetated stream along its southeastern boundary. There are further areas of hedgerow and scrub within its boundaries and a pond within the adjoining site. In terms of landscape character, the site features an ancient co-axial hedgerow pattern which requires protection and enhancement to strengthen the landscape structure in this fairly open landscape.

- 5.6.2 Although landscape is a matter reserved for future submission, an indicative layout has been submitted showing that a level of landscaping can be achieved onsite in association with the proposed development. However, it appears that one of the proposed buildings is very close to the eastern boundary and stream. Within the planning statement submitted it is noted that the reason for the positioning of the building is due to the existing main sewers which cross the site. However, by reason of the landscape features in this area, it is and it is considered that a development much less dominant should adjoin the open countryside. Section C02 of the Maldon District Design Guide stated that all developments should make sure that the scheme strengthens and retains existing features of biodiversity and ecological value such as hedgerows, ditches and watercourses and their species. In the absence of information demonstrating that a less dominant building can be located adjacent to the open countryside and that the existing landscape features can be protected, the impact of the development on the existing landscape and character of the area, cannot be fully assessed and it cannot be secured that it would be protected as required by policies S1 and N2 of the LDP and the guidance contained in the Maldon District Design Guide
- 5.6.3 The Coastal Countryside Officer has been consulted and raised in objection to the proposed development in the absence of sufficient information to demonstrate that the impact of the development on the existing ecological assets and landscape would not be significant.

5.7 Other Matters

Health Impact Assessment

6 ANY RELEVANT SITE HISTORY

There is no planning history relevant to the application site. However, the location of the proposed access was the subject of an application in 2006.

- **FL/MAL/06/01364** - Change of use of the site to include buildings 4 and 5 for uses falling within Use Class B1 light industrial and office and B2 General Industrial. Relocation of existing portacabin for use as offices. Use of open yard for external storage and car parking ancillary to the use of all buildings. Planning permission granted.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne Parish Council	No comments received at the time of writing the report.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	Objected to the proposal, due to the lack of evidence to support that the development would not have a significant impact on the existing highway network.	Comment noted
Essex and Suffolk Water	No objection subject to compliance with their requirement.	Comment noted
Anglia Water	No objection subject to condition in relation to the submission of details regarding a foul water Strategy.	Comment noted
Environment Agency	No objection subject to condition.	Comment noted
Lead Local Flood Authority	Objection raised by reason the inadequate water drainage strategy.	Comment noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Comment noted
Planning Policy Officer	Objection is raised as further evidence will be required to justify the need for an additional 2.4ha of employment land outside the designated/allocated sites listed in Policy E1.	Comment noted
Urban Design Officer	No objection.	Comment noted
Economic Development Officer	No objection.	Comment noted
Countryside and Coast Officer	Object to the application due to the lack of evidence to demonstrate that the development would have a detrimental impact on the ecological and landscape assets.	Comment noted

7.4 Representations received from Interested Parties

The neighbouring occupiers have been consulted and site notices posted on site and three representations have been received. One objecting, on supporting and one commenting on the application.

Objection Comment	Officer Response
Objecting to the proposal to redevelop the poultry farm, as it would affect the house and source of impact of the objector. It is noted that a dwelling is located within the site.	Comment noted, although no dwelling appeared to be within the site at the time of the site visit.
The objector has not been notified.	It is noted that the Council has conducted the consultation process above and beyond the statutory consultation requirement, by sending letters to all neighbouring properties and posting site notices in the vicinity of the site.
Supporting Comment	Officer Response
No objection to the proposal; however, grate consideration is suggested to be given to the access to move the traffic away from the residential dwelling.	Comment noted.
Comment	Officer Response
No specification of the height of the development has been provided with the outline application.	It is noted that scale, including height, are matters reserved for a reserved matters stage and there is no requirement for the applicant to specify the height at this stage of the application.
Comments are made to the landscaping shown on the indicative plans.	Similar to the above reasoning, landscaping is a matter reserved for future submission. Should permission has been recommended a condition for the details of the landscape would have been agreed by condition.
No objection to the proposed B1 use. It is suggested though that area outside the building is not used for storage purposes.	Comment noted. Should permission has been recommended, this could have been secured by condition.
Alternative mitigation measures regarding surface water are suggested.	Comments noted.
It is suggested that a condition is imposed for the access to be taken from	Comment noted. Should permission has been recommended, this could have been

Objection Comment	Officer Response
Mapledean Industrial Estate only and not from Mapledean Chase.	secured by condition.

8. **REASONS FOR REFUSAL**

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for an additional 2.4ha of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 According to the NPPF local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The development which would create new office space (which falls within the definition of town centre uses) is located outside the town centre and it has not been demonstrated that sequentially preferable sites have not been considered first as required by national and local planning policy in the interests of maximising accessibility by sustainable modes of transport and ensuring the vitality and viability of more central locations. The development is therefore unacceptable and contrary to guidance contained within the National Planning Policy Framework (2012).
- 3 The proposed development is located within a high risk flood zone (flood zone 3a) and no evidence has been submitted to demonstrate that there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).
- 4 The proposed development is located within a high risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that sufficient drainage strategy has been considered to reduce risk of flooding. The development is therefore unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).
- 5 The proposed development would be sited in close proximity to ecological and landscape assets, such as a vegetated stream and areas of hedgerows and

scrubs, and insufficient information has been submitted to demonstrate that the development would not have a detrimental impact on the existing landscape features. The development is therefore unacceptable and contrary to policies S1 and N2 of the Maldon District Local Development Plan (2017), the guidance contained within the Maldon District Design Guide and Government advice contained within the National Planning Policy Framework (2012).

- 6 The proposed development would materially increase daily trips to and from the site. Insufficient information has been submitted, within the application, to demonstrate that the proposed development would not result in levels of trips that would not have a detrimental impact upon the existing network and infrastructure. The development is therefore unacceptable and contrary to policy T2 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
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
12 MARCH 2018**

Application Number	FUL/MAL/17/01364
Location	Steeple Bay Holiday Park Canney Road Steeple Essex CM0 7RS
Proposal	Change of use of land to allow the occupation of holiday caravans between the 1st March and the 30th November (inclusive) in each year.
Applicant	Park Holidays UK Ltd
Agent	Mr Ian Butter - Rural & Urban Planning Consultancy
Target Decision Date	20.03.2018
Case Officer	Spyros Mouratidis TEL: 01621 875841
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Major Application

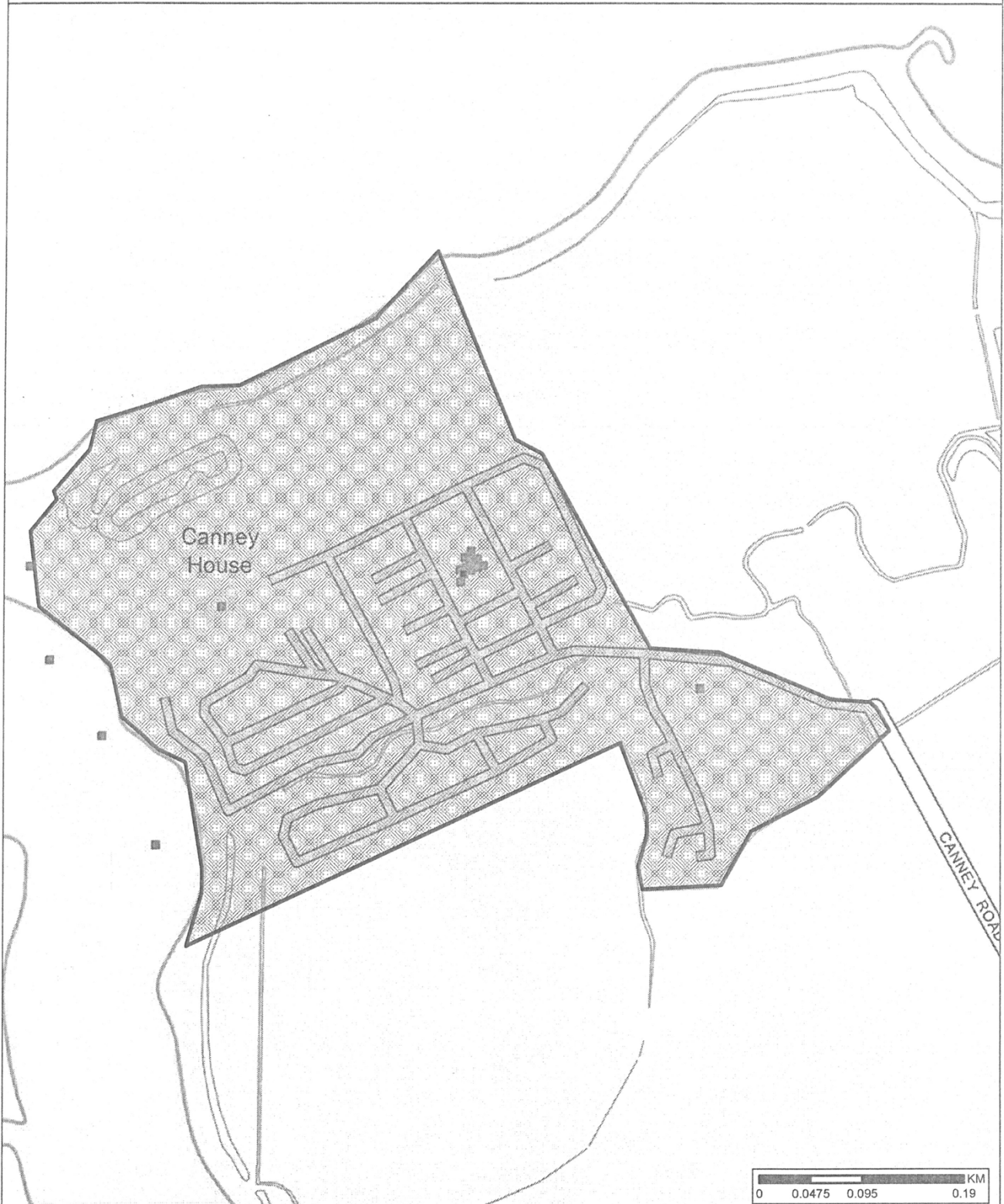
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Steeple Bay Holiday Park Canney Road Steeple
FUL/MAL/17/01364



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 Maldon District Council 100018588 2014

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Scale: 1:4,900

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01364/FUL

Date: 27/02/2018

MSA Number: 100018588

3. SUMMARY

3.1. Proposal / brief overview, including any relevant background information

- 3.1.1. Planning permission is sought for the continuation of use of the land as a caravan site with an extended continuous occupancy season of nine months instead of seven and a half months plus the weekends during the rest of the year. The current restriction on the application site, which stems from condition 1 of planning permission ECC/MAR/61/56 allows the use to occur between 15st March and 31st October inclusive (seven and a half months). During the periods from 1st November to 31st January and from 1st March to 15th March, the caravans may only be occupied at weekends being between Friday to Monday. The proposal is to allow the use between 1st March and 30th November inclusive (nine months). Condition 1 of the abovementioned permission was imposed for the following reason:

“The site is not considered suitable for use during winter months by reason of its remoteness from the established village of steeple.”

- 3.1.2. The application site known as Steeple Bay Holiday Park lies outside of the defined settlement boundary of Steeple. It consists of static caravans occupied for holiday purposes and a small number of pitches for camping and touring caravans and lodges used for the same purpose. Within the site there is a residents club with bar, family entertainment area and a small retail shop with bookings desk. The whole site is within Flood Zone 3 and is bounded to the north and west by the Blackwater Estuary. Access to the site is taken from Canny Road within the village of Steeple which also provides access to a number of private dwellings.
- 3.1.3. The site shares a boundary with the seawall where the seaward side of the seawall provides wildlife areas recognized through national and international legislation as Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and a Ramsar site.

3.2. Conclusion

- 3.2.1. The submission of the application has not been supported by an appropriate assessment in terms of impact upon Ecology and Biodiversity. Given the highly sensitive location of the caravan site and the potential harm that the extended activity on site may cause upon the protected site in the immediate vicinity of the site, the proposal is considered unacceptable in this instance and contrary to policies S1, S8, D2, E5 and N2 of the Local Development Plan (LDP) as well as 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. National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 28 Supporting a prosperous rural economy

- 93 - 108 Meeting the challenge of climate change flooding and coastal change
- 109 - 125 Conserving and enhancing the natural environment
- 186 - 187 Decision-taking
- 196 - 198 Determining applications

4.2. 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
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3. Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1. Principle of Development

- 5.1.1. The Steeple Bay Holiday Park is a well-established tourist facility on the south bank of the Blackwater River. Like other caravan parks close to the coast the site is subject to restrictions on the use of the park accommodation during the winter months. Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted. In this instance, the application has not been supported by a robust appraisal to support the applicant's case. Therefore, there is insufficient evidence to demonstrate that no adverse effects will arise from the proposal. This matter will be further discussed in the following sections of the report.
- 5.1.2. Policy E5 of the LDP 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. It is considered that the principle of the proposal would be in line with the main thrust of policy E5 as the extension of the occupancy period would contribute to the local tourism. However, the policy supports proposals subject to environmental considerations, among other considerations.

- 5.1.3. As such, the proposal is considered unacceptable in principle. Other material planning considerations will be discussed in the following sections of this report.

5.2. Design and Impact on the Character of the Area

- 5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. These principles have been incorporated to policy D1 of the LDP.
- 5.2.2. The proposal will extend the occupancy period for caravans located within an established and existing caravan park. Therefore, the proposal would not alter the character and appearance of the area in any material way. On this basis the impact of the proposal upon the character and appearance of the area is acceptable.

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 nature of the proposal is such that it would not alter the relationship of the existing plots with their neighbouring plots or the relationship of the use with residential properties nearby and as such there would be no detrimental impact upon the amenity of the neighbouring residents.

5.4. Access, Parking and Highway Safety

- 5.4.1. Policy T2 pursues to create and maintain an accessible environment. The proposal would not alter the highway access or parking arrangements. Furthermore, as this is an established use on the land, the extension of the occupancy period is not considered to create any significant additional traffic. On this basis, the proposal is considered acceptable in terms of access, parking and highway safety.

5.5. Private Amenity Space

- 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. The proposal would not alter the physical dimensions of the plots or the caravans occupying them. As such there are no objections in terms of private amenity space. In any case, the land is a caravan site and therefore conditions to allow sufficient space between the caravans are imposed through licensing controls.

5.6. Flood Risk

- 5.6.1. The application site is located within Flood Zone 3a, defined by PPG as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.

- 5.6.2. The proposed variation of the occupancy period would not alter the classification of the use in relation to its vulnerability to flooding as per the relevant classification table contained in the PPG. According to the submitted flood risk assessment the site is at risk of flooding but this risk would not change whatever the outcome of this application. Nevertheless, if the site is to have the occupancy period extended to cover more of the calendar year then the risk of caravans being occupied during a tidal flood is greater.
- 5.6.3 The Environment Agency have been consulted and raised no objection to the application. In part, the reasoning is based on the fact that the occupants should be holiday makers with access to another property and therefore, in the event of a flood, the occupants would have access to another property and would not lose all of their possessions. The Environment Agency highlights that the applicant's Flood Risk Assessment includes mitigation measures at Section 5 and it is considered that some of these can be secured through the imposition of an appropriately worded condition. It is also considered relevant to note that no objection is raised by the Council's Emergency Planner subject to a suitable evacuation plan being held on the site. Again, this could be secured by condition as necessary.
- 5.6.4 In light of the above, and subject to conditions, the proposed development is not considered to give rise to any demonstrable increase in flood risk on the site or elsewhere.

5.7. Ecology

- 5.7.1. The application site is within close proximity to an internationally designated site (Natura 2000 site, Blackwater Estuary Special Protection Area (SPA), Blackwater Estuary Ramsar site), and therefore, the proposal has the potential to affect the ecology features of the designated site. Internationally designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The designated site is also protected at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI). As stated previously, policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.2. The application was submitted with an Habitat Regulations Assessment (HRA) to support the case that the proposal would not cause any significant harm to the designated sites. Because the HRA was written in 2015, the applicant submitted an accompanying letter from the author of the HRA who reviewed the data of the HRA and provided an up to date advice to comply with the national guidance about HRAs. It should be noted that Natural England offered discretionary advice to the author of the HRA in 2015. However, the submitted HRA has not followed the methodology recommendations that Natural England proposed then. In particular, there is no targeted field survey to validate the data gathered from the desktop study of bird count data. Moreover, the HRA does not study the patterns of human behavior (volumes of people on site, dog ownership etc.) Also, the HRA does not fully assess the impact of the development at the populations of birds present at the protected site during the relevant months claiming that the pick period for bird populations is outside of the requested months.

- 5.7.3. While it may be true that the nine month occupancy is also consistent with other permissions for similar uses in the District, i.e. the St. Lawrence Bay caravan park (**FUL/MAL/12/00594**), each site has different characteristics and planning permissions shall be given on the basis of planning merits of each application. In this instance, the applicant has not demonstrated that the proposal for the extension of the continuous occupancy period of the caravan park within the overwintering period for birds is not detrimental to the ecology interest of the adjacent designated area contrary to policy N2 of the LDP. Given the significance and sensitivity of the designated site, this reason is sufficient to warrant the refusal of the application.

6. ANY RELEVANT SITE HISTORY

- **MAR/59/52** – Caravans for weekend and holiday use – APPROVED [22/04/1963]
- **MAR/61/56/1** – Continued use of land for caravan park – APPROVED [23/04/1963]
- **MAR/625/64** – Two (2) staff houses – APPROVED [23/02/1965]
- **FUL/MAL/882/84** – Two (2) caravans for manager – APPROVED [18/01/1985]
- **FUL/MAL/94/00214** – Use of mobile caravan for reception and security officer. – APPROVED [02.06.1994]
- **FUL/MAL/01/00686** – Renewal of consent **FUL/MAL/94/00214** to allow use of mobile caravan for reception and security office – APPROVED [11.09.2001]
- **09/00049/LDE** – Claim for Certificate of Lawfulness Application: Use of land as caravan site for weekend and holiday purposes. – APPROVED [07.04.2009]
- **FUL/MAL/10/00217** – To vary the permitted occupancy period of caravans on MAR/61/56 – CLOSED [16.09.2010]
- **FUL/MAL/14/00403** – Change of Use of land to allow holiday occupation of the park between 1st March and 31st January in the following year – WITHDRAWN [04.07.2014]
- **SCR/MAL/18/00136** – Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA) for the change of use of land to allow the occupation of holiday caravans between the 1st March and the 30th November (inclusive) in each year. – EIA IS NOT REQUIRED
- **LDE/MAL/18/00159** – Claim for a lawful development certificate for the existing use as a holiday home sales area between 1 November in any one year and 14 March in the following year – PENDING

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1. Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Support	Noted

7.2. Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objection – The proposal would not alter the vulnerability of the use and will not increase the flood risk on site or elsewhere	The comment is noted and discussed in the relevant section of the report.
Highways Authority	No objection	Noted
Essex Fire & Rescue Service	No objection – access is acceptable. Water provision shall be made for fire fighting purposes	Noted. Water supplies for fire fighting is a matter which can be addressed by the Licensing Authority.
Natural England	Object – The submitted HRA is not sufficient and clarification on certain matters shall be sought	Comment has been noted and discussed in section 5.7 of the report.
Anglian Water	No response has been received	
Essex & Suffolk Water	No objection	Noted
Lead Local Flood Authority	No objection – The development will not impact the existing water drainage.	Comment has been noted and discussed in the relevant section of the report.
ECC Public Footpaths Officer	No response has been received	
RSPB	No response has been received	

7.3. Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions about holiday use only	Noted
Emergency Planner	No objection	Noted
Planning Policy	No objection	Noted
Coast and Countryside	No objection – subject to	

Name of Internal Consultee	Comment	Officer Response
officer	conditions	

7.4. Representations received from Interested Parties

7.4.1. Representations objecting to the application

- Philip and Jacqueline Gunning, 76 Wellsted Road, East Ham, London, E6 6DD
- Mr. Mickael Finn, 59 Blackshots Lane, Grays, RM16 2JT

Supporting comment	Officer Response
The caravan park mis-sold to the holiday makers that the park already had this opening season.	Not a material planning consideration.
There are staff members staying on site all year round	Not relevant to the application. Some plots on site benefit from planning permission and are used from employees. Other plots that are occupied throughout the year are the subject of enforcement investigations.
The caravan occupiers were told to stay even after a Breach of Condition Notice was served.	Not a material planning consideration
The decision of this application will jeopardise the legal case of the occupiers	Not a material planning consideration

7.4.2. Representations supporting the application

- Mr. Alan Palmer, 25 Sedgemoor Drive, Dagenham, RM10 7JL
- Mr. Paul Harris, Laburnum Groove, South Ockendon RM15 6TA

Supporting comment	Officer Response
The holiday makers will enjoy a longer holiday season.	Noted

8. REASON FOR REFUSAL

1. In the absence of appropriate habitat assessment or survey information to demonstrate whether or not the development would have an adverse effect upon the internationally and nationally designated nature conservation site, the Local Planning Authority is unable to be satisfied that the proposal would not have a detrimental effect on the natural environment. The proposal would therefore, conflict with Policies S1, S8, E5, D2 and N2 of the approved Local Development Plan and the guidance contained within the National Planning Policy Framework. Given the importance and sensitivity of the site the Local Planning Authority considers that a precautionary approach should be adopted and that no permission should be granted until it can be demonstrated that the

proposal would not adversely affect protected species or habitats or that any such effects can be mitigated.



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**SOUTH EASTERN PLANNING COMMITTEE
12 MARCH 2018**

Application Number	HOUSE/MAL/18/00122
Location	The School Room Creeksea Lane, Burnham-on-Crouch
Proposal	Extension of existing building to provide studio.
Applicant	Mr Roger Barcroft
Agent	None
Target Decision Date	19.03.2018
Case Officer	Devan Lawson TEL: 01621 854477
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Shool Room Creeksea Lane Burnham On Crouch
HOUSE/MAL/18/00122



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 Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 18/00122

Date: 27/02/2018

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 northern side of Creeksea Lane, outside of the defined settlement boundary of Burnham-On-Crouch. It consists of a single storey building which is used as a residential property with two single storey projections to the northwest and southwest. The immediate adjoining land and that to the north is agricultural, there is sporadic residential developments along Creeksea Lane.
- 3.1.2 Planning permission is sought to extend the northeast elevation of the existing dwelling to provide a room that is referred to by the applicant as a studio. In this instance, it is assumed that this reference to a studio is intended to mean a form of ancillary space connected to the enjoyment of the dwelling (such as an artist's studio) rather than independent accommodation (such as a studio flat). This matter could be clarified through the imposition of a condition if the development is approved. The proposed extension would project from the northeast elevation of the dwelling by 3.3m, measure 4.8m wide, 2.8m to the eaves and 4.8m to the ridge. It is also proposed to extend the existing glazed corridor by 2m.
- 3.1.3 The application represents a resubmission of two previously refused applications (**FUL/MAL/17/01278** and **HOUSE/MAL/17/00785**).
- 3.1.4 Application **HOUSE/MAL/17/01278** was refused for the following reason:
'The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policy D1 of the Local Development Plan, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.'
- 3.1.5 The most significant changes to the proposal from the previous application (**HOUSE/MAL/17/01278**) are:
- The projection from the northeast elevation has been reduced by 0.45m.
 - The windows on the southeast elevation have been spaced evenly.
 - The quoin detailing has been omitted from the proposed extension.

3.2 **Conclusion**

It is considered that the proposed development, by virtue of the scale, design, siting and accumulation of development to the original building is considered to result in a disproportionate addition that is not only considered to harm the existing building, given that the proposed extension would be highly visible from within the public realm, it would also harm the character of the rural locality. Therefore, the proposed extension is not considered to be in accordance with policies D1, H4 and S8 of the Approved Maldon District Local Development Plan,(LDP) the Burnham-on-Crouch Neighbourhood Plan and guidance contained within the NPPF. Furthermore, the previous reason for refusal has not been overcome.

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:

- **Para 14** – Presumption in favour of sustainable development
- **Para 47** – Boost the supply of high quality homes
- **Paras 56-66** -- Requiring good design

4.2 Maldon District Local Development Plan 2017:

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- T1 Sustainable Transport
- T2 Accessibility

4.3 Burnham-on-Crouch Neighbourhood Plan

- HO.8 Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.
- Maldon District Design Guidance

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy D1 of the LDP. 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, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

- 5.2.3 “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 5.2.4 This principle has been reflected within 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 The proposal is a revision of previously refused application **(FUL/MAL/17/01278)**. Therefore, permission should only be granted if the previous reason for refusal has been overcome. As shown above the previous application was refused planning permission because *‘The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policy D1 of the Local Development Plan, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.’*
- 5.2.8 The existing dwelling on site is a single storey building with two projections situated to the rear and the south west side of the main part of the building. The main part of the building is constructed of bricks with a slate roof and the two side additions are

constructed with black weatherboard connected to the dwelling with a glass corridor that extends around the rear and south west side of the main part of the building.

- 5.2.9 The proposed extension would project 3.3m from the northeast elevation, would extend the entire width and match the height of the existing building. The proposed extension would be constructed of materials to match the existing dwelling; second hand slate roof tiles, second hand red and ivory bricks, and the doors and windows would be constructed of painted timber. It is also proposed to extend the existing glazed corridor by 2m.
- 5.2.10 Following the previous application, the design of the proposal has been amended so that the additional window on the southeast elevation would be equally spaced when viewed alongside the other windows, which gives a better level of symmetry. In addition the projection from the northeast elevation has been reduced in depth by 0.45m in an attempt to reduce the scale of the proposal. Whilst it is noted that these elements do help to address the concerns contained within the previous reason for refusal, it is not considered that the reduction in size is large enough as to prevent the extension, when taken into account with the previous additions on the rear and southwest elevations dominating the original building.
- 5.2.11 As part of the previous application, concerns were raised in regards to the impact on what is presented as the original building as a result of a third projection and the contrast resulting from the addition of new built form which adjoins the original structure. It is noted that the building was reconstructed in 2012 under application **FUL/MAL/12/00812** as the building was structurally unsound. However, the structure was mainly constructed from materials salvaged from the original building and was a replica in design to ensure that the character and appearance of the property was preserved.
- 5.2.12 The supporting information states that the building was not listed either nationally or locally and it was demolished in 2012. It also states that there is no planning law or guidance that says that a redeveloped site of no historical interest should make reference to any previous building that occupied the site. However, as the re-development of the site involved a replica of the building, constructed from the original materials it is considered that there is a historic context of the property that should be considered. Furthermore, the property has its own individual character which contributes to the surrounding area, and therefore, must be considered and where possible maintained. Therefore, as previously outlined, the proposal is considered to detract from and dominate the original property which would be detrimental to the character and appearance of both the site and the surrounding area. This is further exacerbated by the omission of the quoin detailing on the southeast elevation, which further detracts from the architectural character of the existing building.
- 5.2.13 As noted in the previous application, whilst the proposed extension would be in alignment with the existing building; it would not form a subservient addition and whilst the proposed materials match those used on the existing building, it is considered that the extension would appear as a later addition. Even with the use of second hand materials, it is considered that there will be a contrast between the existing and new built form that would be poorly treated as a result of the extension being a seamless continuation of the existing building.

5.2.14 It is noted that supporting information has been provided with the application which details other permissions within the surrounding area, which the applicant considers to be comparable to this application. Therefore, these applications will be addressed in turn:

- **FUL/MAL/13/00321**, Oaklands, Creeksea Lane- Demolition of existing house & detached garage and construction of replacement dwelling with attached garage. Approved 15 August 2013. This application relates to a replacement dwelling and therefore, is of a different context to this application. However, the site is of a much more significant scale compared to the application site. Furthermore, as the dwelling was to be replaced there was no dominance of an existing structure as there is in this instance.
- **LDP/MAL/15/01119** – Oaklands, Creeksea Lane. Claim for Lawful Development Certificate: Proposed construction of new single storey pool/leisure outbuilding, ancillary to the existing dwelling house. Granted 9 December 2015. This application was for a Lawful Development Certificate and was assessed against the Town and Country Planning (Development Management Procedure) (England) Order 2010. Therefore, as the proposal related to permitted development, it could not be assessed against the Councils policies. Therefore, this does not provide a comparison to this proposal.
- **HOUSE/MA/17/00048**, Oaklands, Creeksea Lane. Construct detached cart lodge. Approved, 14 March 2017. This application related to a cart lodge, which was detached from the main dwelling. Furthermore, as previously stated, the application site is set within a large plot. Therefore, is not directly comparable to this application.
- **FUL/MAL/12/01057**, Mushroom, Creeksea Lane. Demolish existing house and replace with new 5 bed house and garage. Approved 13 Feb 2013. As with **FUL/MAL/13/00321**, this application relates to a replacement dwelling and therefore, is of a different context to this application. However, the site is of a much more significant scale compared to the application site and as the dwelling was to be replaced there was no dominance of an existing structure as there is in this instance. Furthermore, the site is heavily screened by vegetation and is not as open to long views of the site. Therefore, the harm on the surrounding countryside is lessened in comparison to this application site.
- **FUL/MAL/14/00356**, Land Between Chandlers And Creeksea Lane, Maldon Road. The applicant makes comment to the 180 homes granted planning permission at this site which is within proximity to The School Room. However, it should be noted that each application should be assessed on its own individual merits. The 180 homes have been allocated as part of the approved Maldon District Local Development Plan and are sited adjacent to the settlement boundary of Burnham-on-Crouch and a residential area. Given that the proposal subject of this report relates to an extension of an existing property it is not considered that a strategic allocation as part of the Local Development Plan is comparable to this proposal.

5.2.15 It is therefore considered that these examples do not offer direct comparisons to this proposal. Furthermore, the minor changes to the proposal following the refusal of the previous application, fail to mitigate against the harm to the character and appearance of the existing building or the surrounding countryside, as the accumulation of development on the site will continue to dominate what would have been and is

presented to be the original building and will be highly viewable from within the public realm.

- 5.2.16 The accumulation of development in comparison to the original building at the site is considered to result in a disproportionate addition that is not only considered to harm the existing building, given that the proposed extension would be highly visible from within the public realm, it would also harm the character of the rural locality. Therefore, the proposed extension is not considered to be in accordance with policies D1 and S8 of the Approved Maldon District Local Development Plan and the previous reason for refusal has not been overcome.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site shares a boundary with agricultural land to the north and a road to the south. As the site does not share a boundary with any neighbouring properties there are no concerns in regards to impacts on neighbouring amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3 The proposed development does not impact the existing car parking arrangements on site nor result in the creation of an additional bedroom. Therefore, the proposed development would not have a detrimental impact on the provision of vehicle parking on the site.
- 5.4.4 As the proposal results in the addition of a private studio, it is unlikely that there will be many additional vehicular movements as a result of the development. Furthermore, the Highway Authority has been consulted and raises no objection in regards to highway safety.
- 5.4.5 As there are no concerns in regards to access, parking and highway safety, it is therefore, considered that the proposal is in accordance with Policies T2 and D1 of the Approved Local Development Plan.

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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed development would not affect the level of private amenity space provided at the site. Therefore, there are no concerns in this regard.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00898** – Refused planning permission for change of use and conversion to residential dwelling with single storey extensions.
- **FUL/MAL/11/00238** – Approved planning permission for change of use and conversion to residential dwelling with single storey extensions.
- **FUL/MAL/12/00244** – Approved planning permission for amendments to proposed layout and elevations to planning permission **FUL/MAL/11/00248**
- **FUL/MAL/12/00812** – Approved planning permission for Dismantling of existing schoolroom, reconstruction and new single storey extension and conversion of schoolroom to residential 2 bedroom dwelling with associated curtilage.
- **DET/MAL/13/05032** – Compliance with Conditions Notification: Conditions 3, 5, 6, 7, 10, 11 (Dismantling of existing schoolroom, reconstruction and new single storey extension and conversion of schoolroom to residential 2 bedroom dwelling with associated curtilage – **FUL/MAL/12/00812**). Condition 6 was not discharged.
- **HOUSE/MAL/17/00344** - Erection of studio outbuilding, comprising studio room, wc, shower & storage loft. Alterations to existing parking arrangements. – Refused – 21.06.2017.
- **HOUSE/MAL/17/00785** - Extension of existing building to provide studio. Re-positioning of external door assembly. – Refused – 21.09.2017.
- **FUL/MAL/17/01278** – Extension of existing building to provide a studio. Refused – 28.12.2018. Reason for refusal specified in section 3.1.5

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Burnham Town Council	Support – Compliant application	Noted

7.2 External and Statutory Consultees

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Please see section 5.4

8. REASON FOR REFUSAL

1. The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policies D1 and S8 of the LDP, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.