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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

23 November 2018

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 3 DECEMBER 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



Head of Paid Service

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

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
MONDAY 3 DECEMBER 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 5 November 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. **HOUSE/MAL/18/01069 - 5 Tern Close, Mayland, Essex** (Pages 15 - 24)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

6. **FUL/MAL/18/01164 - Land Adjacent to Tideways Lodge, Steeple Road, Latchingdon, Essex** (Pages 25 - 40)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

7. **OUT/MAL/18/01227 - Stables, Mangapp Chase, Burnham-on-Crouch, Essex** (Pages 41 - 56)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

8. **FUL/MAL/18/01253 - Land North of Lower Farm, Steeple Road, Essex** (Pages 57 - 70)

To consider the report of the Director of Strategy, Performance and Governance, (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 – Appeals Lodged and Appeal Decisions
-

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
5 NOVEMBER 2018**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	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 and N R Pudney

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

There were none.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 October 2018 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs PA Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor P G L Elliott, declared a non-pecuniary interest in Agenda Item 5 - **OUT/MAL/18/00971** - Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch, as he knew the applicant.

Councillor R Pratt, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters and in Agenda Item 7 - **18/00623/FUL** - Land South of Tanglewood, Scalby Road, Southminster, Essex, as he lives in the adjacent road.

Councillor A S Fluker declared in the interest of openness and transparency in respect of Agenda Item 5 - **OUT/MAL/18/00971** - Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch, as he knew the applicant and the agent and Agenda Item 7 – **FUL/MAL/18/00623** - Land South of Tanglewood, Scalby Road, Southminster, Essex, as he knew some of the objectors.

Councillor M W Helm declared a non-pecuniary interest in Agenda Item 6 - **FUL/MAL/18/01048** - Land East of The Jacks Centre, Burnham Road, Latchingdon, Essex, as he knew the agent.

5. **OUT/MAL/18/00971 - LAND NORTH OF ROSEMARY, MANGAPP CHASE, BURNHAM-ON-CROUCH**

Application Number	OUT/MAL/18/00971
Location	Land North of Rosemary, Mangapp Chase, Burnham-on-Crouch
Proposal	Outline planning application for the erection of two dwellings
Applicant	Mr & Mrs J Jolly
Agent	Mr G Clark - Clark Partnership
Target Decision Date	16.10.2018 (EOT agreed: 09.11.2018)
Case Officer	Anna Tastsoglou
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor N R Pudney on the grounds of public interest

A Members' Update was submitted providing comments from Natural England received post publication of the report.

It was noted that this was called in by Councillor R Pratt, CC and that given it was a deferral there were no public speakers.

Following the Officer's presentation Councillor N R Pudney addressed the issues of noise and the impact on the residential amenity of future occupiers from the venue. Also noted was the potential over development in the area.

Councillor N R Pudney proposed that the application be refused in accordance with the Officer's recommendation.

The Chairman put the recommendation to refuse to the Committee, upon a vote being taken this was agreed.

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

1. The application site lies within a rural location outside of the defined settlement boundary of Burnham-on-Crouch where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for

growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. Therefore, the development is unacceptable in principle. Moreover, the proposed development would substantially alter the open character and intrinsic beauty of the countryside. Due to its layout, scale, height and associated domestic paraphernalia would result in an incongruous and overscaled form of development, which would unacceptably intrude to the open countryside, to the detriment of the character and appearance of the application site and the locality more widely. The development would therefore be unacceptable and contrary to the National Planning Policy Framework and policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policies HO.1 and HO.8 of the Burnham-on-Crouch Development Plan and guidance contained within the Maldon District Design Guide (2017).

2. The proposed development would be within close proximity of two noise sources, the Mangapps Railway Museum and the Mangapps Manor wedding venue, that would impact upon the future occupiers of the proposed dwellings. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the residential amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum and the Mangapps Manor wedding venue if complaints arise from occupiers of the new dwellings. The proposal is therefore contrary to policies the National Planning Policy Framework, policies D1 and D2 of the Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide (2017).
3. The proposed dwelling located on Plot 2, by reason of its style, design and bulk, in particular the roof dominant style is considered to be of limited architectural merit and would detract from the character and appearance of the area and is therefore contrary to the guidance within the National Planning Policy Framework, policies D1 of the Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide (2017).

6. FUL/MAL/18/01048 - LAND EAST OF THE JACKS CENTRE, BURNHAM ROAD, LATCHINGDON

Application Number	FUL/MAL/18/01048
Location	Land East Of The Jacks Centre, Burnham Road, Latchingdon, Essex
Proposal	Erection of one new dwelling
Applicant	Foxley Corporate Ltd
Agent	Mr David Wallis - Smart Planning
Target Decision Date	30.10.2018 (EOT agreed: 09.11.2018)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

A Members' Update was submitted detailing representations from Latchingdon Parish Council and Essex County Council Highways Authority received post publication of the report.

Following the Officer's presentation, Mr Russell Forde, the Agent, addressed the Committee.

Members then had a brief discussion where issues of archaeological merit were raised. Councillor Mrs B F Acevedo proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

The Chairman put the recommendation to the Committee and upon a vote being taken it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with approved drawings 16.3664/M001; 16.3664/M006; 18/0808/01A; 18/0808/02A and 18/0808/03A.
3. No development works above ground level shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
4. No works above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

5. No works above ground level shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
6. The existing hedgerows and trees along the northern and western boundaries of the application site shall be protected during the construction of the development.
7. The dwelling hereby permitted shall not be occupied until the first floor window on the east elevation serving bathroom has been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of

the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

8. Prior to occupation of the development, the site access shall be constructed at right angles to the highway boundary and to the existing carriageway. As shown in drawing 18/0808/01A, the width of the access at its junction with the highway shall not be less than 6.0 metres and shall be provided with an appropriate vehicular crossing of the highway verge.
9. Prior to occupation of the development, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.
10. No dwelling shall be occupied until space has been laid out within the site in accordance with details that have been submitted to and approved in writing by the local planning authority for cars to be parked. That space shall thereafter be kept available at all times for the parking of vehicles.
11. No development works above ground level shall occur, details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development.
12. No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the Written Scheme of Investigation.
13. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

14. Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved provisions shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

7. FUL/MAL/18/00623 - LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER

Application Number	FUL/MAL/18/00623
Location	Land South Of Tanglewood, Scalby Road, Southminster, Essex
Proposal	Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)
Applicant	Mr & Mrs M Pilkington
Agent	Mrs Alison Heine - Heine Planning Consultancy
Target Decision Date	12.09.2018 (Extension of time agreed for 12.10.2018)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor A S Fluker on the grounds of public interest.

Following the Officer's presentation, Mr Paul Lines, an Objector, addressed the Committee.

A debate ensued around the sustainability of this site. The general consensus was that this was not an area that could be developed and that it did not comply with the criteria outlined in Policy H6. Furthermore the site was prone to flooding and there was no consideration of how sewage will be dealt with given previous problems experienced on other sites in the vicinity. The Committee needed to determine if this was a sustainable plot.

Following the discussion the Chairman moved to Agenda Items 8 and 9 to resolve the outcome of this agenda item.

8. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman proposed that the Committee move into private session. The proposal was duly seconded and the resolution carried.

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

9. ADJOURNMENT OF THE MEETING

The Chairman adjourned the meeting for a short time to enable members of the public to leave the Council Chamber.

The meeting then continued in closed session.

10. FUL/MAL/18/00623 -LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER, ESSEX

Application Number	FUL/MAL/18/00623
	Land South Of Tanglewood, Scalby Road, Southminster, Essex
Proposal	Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)
Applicant	Mr & Mrs M Pilkington
Agent	Mrs Alison Heine - Heine Planning Consultancy
Target Decision Date	12.09.2018 (Extension of time agreed for 12.10.2018)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor A S Fluker on the grounds of public interest.

There followed a discussion on the personal circumstances of the applicant and his family and how it impacted on the planning application Agenda Item 7 –
FUL/MAL/18/00623 - Land South Of Tanglewood, Scalby Road, Southminster, Essex.

11. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session.

The chairman welcomed back the members of the public and thanked them for their patience.

12. FUL/MAL/18/00623 - LAND SOUTH OF TANGLEWOOD, SCALBY ROAD, SOUTHMINSTER, ESSEX

The Chairman informed the meeting that the Committee had considered the evidence of personal circumstances that had been advanced by the applicant together with the suggestion of a temporary permission. However it was considered that planning harm outweighed the personal considerations.

Councillor A S Fluker advised that the application did not comply with Policy H6 and that despite the sustainability threshold being lower for this type of temporary application it still did not meet the test requirements and would have an adverse impact on the area.

Councillor B S Beale proposed that the application be refused contrary to the Officer's recommendation and this was duly seconded by Councillor A S Fluker.

The Chairman put the recommendation to refuse to the Committee and upon a vote being taken it was agreed subject to the precise wording of the reason (s) for refusal

being ratified by the Chairman, Ward Members and Officers, in line with the grounds of objection that had been raised.

RESOLVED that the application be **REFUSED** and the agreed precise wording of the reason (s) to be ratified by the Chairman, Ward Members and Officers.

There being no further items of business the Chairman closed the meeting at 8.42 pm.

R P F DEWICK
CHAIRMAN



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

Application Number	HOUSE/MAL/18/01069
Location	5 Tern Close, Mayland
Proposal	Proposed new garage
Applicant	Mr Darren Bell
Agent	Penny Little - A & P Designs Ltd
Target Decision Date	05.11.2018
Case Officer	Annie Keen
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor M W Helm and Councillor Mrs P A Channer, CC. Reason: Local knowledge/Public interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

5 Tern Close, Mayland CM3 6TW
HOUSE/18/01069



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	11/10/2018
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated on the western side of Tern Close, within the settlement boundary of Mayland. The surrounding area comprises of two storey detached properties all of similar style.
- 3.1.2 Planning permission is sought for the construction of a detached secure garage to house a modern classic car. The proposed garage would be located to the front of the property and adjacent to the highway. The garage would measure 6 metres in depth and 5 metres in width with a pitched roof height of 2.2 metres to the eaves and a maximum roof height of 4 metres.
- 3.1.3 The walls of the proposed development will be constructed from fair faced brick with the pitched roof to be constructed of concrete interlocking tiles to match the existing dwelling. The garage door to the southern elevation is proposed to be a white bespoke roller shutter. The half glazed door to the western elevation will be of white uPVC construction.
- 3.1.4 This is a resubmission of a previous application for a new detached garage. The reason for refusal was:

'The proposed garage by virtue of its design, scale and bulk, would represent a dominant and disproportionate addition to the site, which would be a visually intrusive addition to the street scene and an overly dominant feature within the site. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality, contrary to the National Planning Policy Framework and policies D1, H4 and S8 of the Maldon District Local Development Plan and the Maldon Design Guide.'

- 3.1.5 The only alteration in this application, from the previous refused application, is the addition of a pattern to the wall to the eastern elevation. All external dimensions of the garage have remained unaltered.

3.2 Conclusion

- 3.2.1 It is considered that the proposed garage, by reason of design, scale and bulk would represent a dominant addition to the site and would cause harm to the appearance and character of the area, therefore causing a detrimental visual impact on the streetscene. Whilst amended plans were submitted, these amendments are minimal and do not overcome previous concerns. It is therefore considered that the proposed development would result in demonstrable harm to the locality and is consequently not in accordance with policies D1, S1 and H4 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 11 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- D1 Design Quality and Built environment
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the 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 principle of altering and extending the 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.

- 5.2.2 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 *“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, taking into account local design standards, style guides in plans or supplementary planning documents”.*

- 5.2.4 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 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.6 The proposed design of the detached garage is considered to be of a typical style and design, yet it is of limited architectural merit.
- 5.2.7 The proposed development would be located to the front of the dwelling, in a prominent position within the road. Due to the proposed development being within close proximity to the highway, the minimum distance from the highway being 1 metre and the maximum distance being 1.5 metres, the proposed garage would be a visually obtrusive addition within the street scene. This would create a visual pinch-point within the streetscene due to the developments close proximity to the wall on the opposite side of the highway.
- 5.2.8 Whilst there is a wall and group of garages opposite the development site, this is part of the original built form of the street scene and is set back from the highway, masked (partially) by another dwelling, it therefore sits comfortably within the streetscene. The proposed development however conflicts with the character and appearance of the residential area as a result of its scale and prominence resulting in overdevelopment of the site.
- 5.2.9 Whilst it is noted two dwellings to the north end of Tern Close have garages to the front, one within close proximity to the road, these were part of the original built form and are not common place within the area in question. The positioning of the proposed garage to the front of No.5 Tern Close is incongruous with the streetscene and at odds with the character of the property and locality, creating a cramped appearance to the site.
- 5.2.10 The proposed materials of the development do not appear to be out of keeping within the local context and match those of the existing dwelling.
- 5.2.11 The supporting material provided with this application refers to the extension of No.18 Tern Close, however this extension curves away from the bend of the road and therefore does not impact greatly on the streetscene.
- 5.2.12 Whilst it is noted there is support for this application from neighbouring dwellings, dog fouling and ball games are not considered a planning consideration and therefore should not be taken into account when assessing this application.

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 proposed development is to be situated on the northern boundary adjacent to the front elevation and the highway. The distance to the neighbouring dwellings of No's 4-26 St Stephens Court located north west of the development is 16 metres.
- 5.3.3 The development will be 10.2 metres away from the neighbouring property No.3 Tern Close, located south of the development. There is a minimum distance of 6.8 metres to the dwellings located east of the development. Due to the separation distances between the development and the neighbouring properties and the scale of the proposed building, the development would not have an unacceptable impact upon any residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the 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 and cycle routes.
- 5.4.2 Plans show the dwelling currently benefits from two parking spaces to the front of the site, outside of the existing garage and therefore both the existing and proposed situations would be in accordance with the Maldon District vehicle parking standards. However, whilst there are benefits to additional parking provision, these cannot outweigh the harm caused by the proposal to the character of the area.
- 5.4.3 A consultation by the Highways Authority reported they do not have any objections to the proposed development, subject to three conditions being implemented. These conditions related to no surface water drainage onto the highway, construction traffic and materials to be free from the highway and the use of unbound materials on car parking areas.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 square metres.
- 5.5.2 There will be no loss to the amenity space at the rear of the property and therefore there will be no objections in relation to this.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/18/00782** – Proposed new garage. Refused - 15.08.2018.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<ul style="list-style-type: none">• This proposal is an overdevelopment of the site.• This proposal will cause obstruction for traffic entering and exiting the road.• This proposal will cause green space to be lost.	<ul style="list-style-type: none">• Please see section 5.2.8.• Whilst the development is close to the road the Highways Authority have not objected to the proposal. Furthermore, it is considered the development would not have a detrimental impact on the flow of traffic and therefore would not warrant the refusal of the application.• Due to the site being in the ownership of the applicant the green space could be removed under permitted development.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	<p>The Highways Authority does not object to the proposals subject to the following conditions:</p> <ul style="list-style-type: none">• No discharge of surface water from the development onto the highway.• Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/recep	See section 5.4.3

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>tion and storage of building materials and maneuvering of all vehicles, including construction traffic shall be provided clear of the highway.</p> <ul style="list-style-type: none"> • No unbound material shall be used in the surface treatment of the car parking areas. 	

7.3 Representations received from Interested Parties

7.3.1 5 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Will reduce congestion on the road, ball games which have damaged cars in the past and dog fouling.	See section 5.2.12 and 5.4.2
Consider the proposal to benefit the aesthetics of the area and contribute to road safety.	See section 5.2.7 and 5.2.8
Reduced street congestion due to insufficient parking within property boundaries. Additional garage space will ensure congestion does not occur outside my property.	See section 5.4.2
Building a garage on redundant land next to 5 Tern Close answers deficiencies that appear to have been overlooked on the original application for the construction of Tern Close. The road was not designed to allow for on street parking, limiting access for refuse collection, recycling vehicles and emergency vehicles. People walking on Tern Close have to walk around parked cars and avoid moving cars.	See section 5.4.2
It would make parking easier at this end of the street. When the garage is in use it would free a parking space on the drive for visitors. As the garage is on a bend it would slow the speed of cars. Cars parked on the road is more of an obstruction that a garage on the grass.	See section 5.4.2

8. REASON FOR REFUSAL

- 1 The proposed garage by virtue of its design, scale and bulk, would represent a dominant and disproportionate addition to the site, which would be a visually intrusive addition to the street scene and an overly dominant feature within the site. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality, contrary to the National Planning Policy Framework and policies D1, H4 and S1 of the Maldon District Local Development Plan and the Maldon Design Guide.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

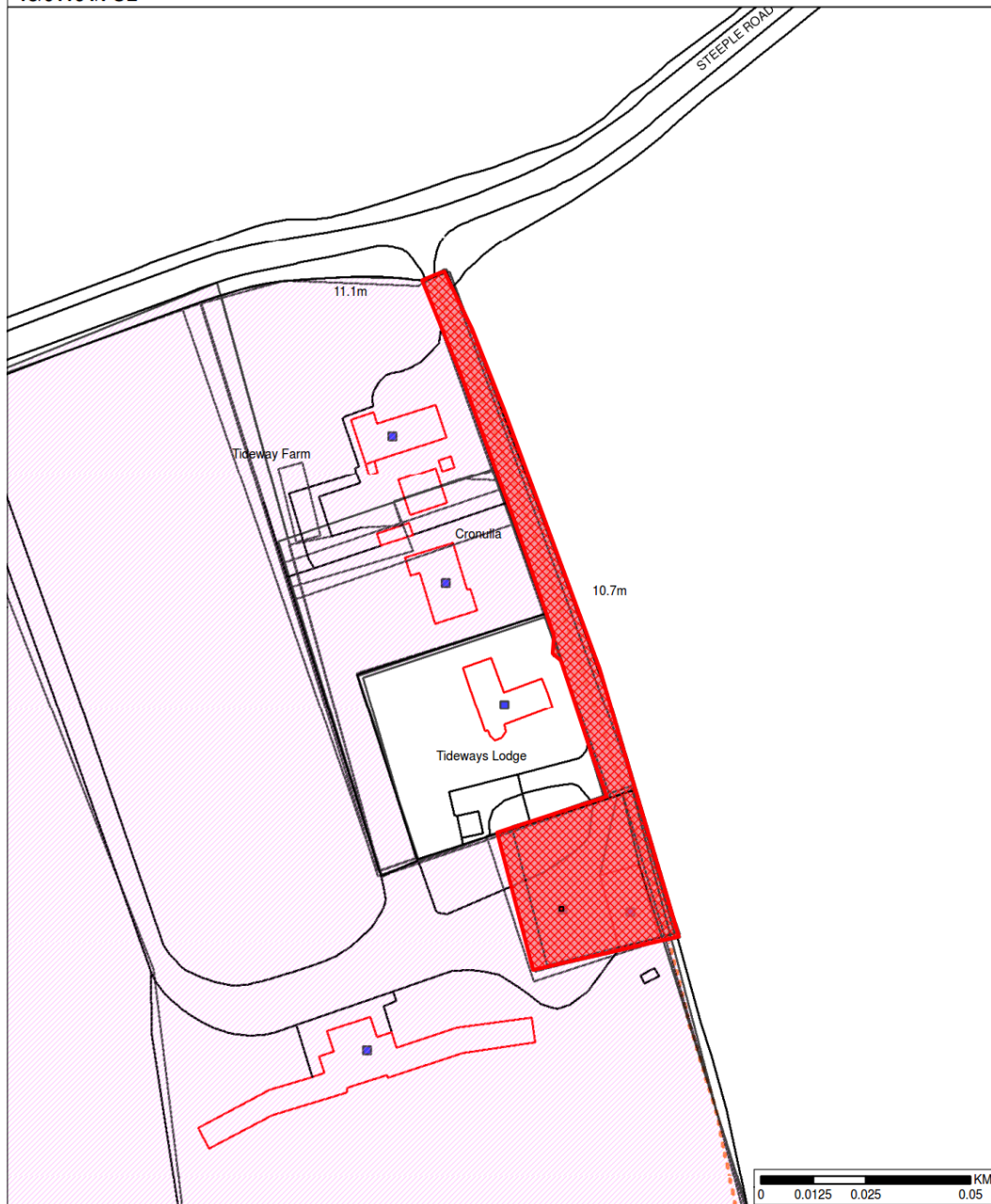
Application Number	FUL/MAL/18/01164
Location	Land Adjacent Tideways Lodge, Steeple Road, Latchingdon, Essex
Proposal	Erection of new dwelling house & removal of existing habitable mobile home
Applicant	Mr & Mrs D Winfield
Agent	Greg Wiffen - Planman
Target Decision Date	03.12.2018
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor B F Acevedo on the ground of public interest.


1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	14/11/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the south of Tideway Farm and Tideway Lodge on the southern side of Steeple Road outside of the development boundary for Latchingdon. The private access road is located to the east of the application site and runs southwards. There is a public footpath which runs along the eastern side of the application site, which follows on towards Althorne. The site currently contains a variety of structures and is used for storage purposes and therefore does not make a positive contribution to the character of the countryside.
- 3.1.2 The private access road is edged by a line of mature trees along the eastern side. Beyond the private access to the east is open countryside characterised by arable agricultural fields with some sporadic dwellings and the settlement of Mayland beyond.
- 3.1.3 To the west of the application site is the Swingfield Golf Centre. The primary vehicular access to the Golf Centre lies approximately 125m to the west of the access to Tideway Farm. Approximately 200m to the west of the application site, towards Latchingdon Village is a cluster of further dwellings located within the open countryside.
- 3.1.4 It is noted that a caravan is located on site which benefits from a lawful development certificate. The Certificate of Lawfulness confirms that the siting of a single unit mobile home for residential use by an employee of the adjacent Golf Centre is lawful. A site plan has been submitted with the application, which was also submitted as part of the application for the lawful development certificate. This plan shows that the mobile home is located within 31m from the eastern boundary and the current application site is 35m long taken from the eastern boundary.

Description of proposal

- 3.1.5 Planning permission is sought for the construction of a new dwelling and the removal of an existing caravan that has a lawful use to provide living accommodation for a staff working at the Golf Centre (allowed on appeal APP/X1545/C/13/2192691).
- 3.1.6 The dwelling would accommodate an open plan kitchen area, dining room and family room, a living room, a utility room, a WC and an integral garage at ground floor and four bedrooms (one with an en-suite) and a bathroom at first floor.
- 3.1.7 A vehicle access onto the private track would be provided at the north east corner of the site. The arrangements of hard and soft landscaping are not formally shown but it is noted that a parking area could be provided to the north of the dwelling and tree planting is indicatively shown at the boundaries of the site. Bin and bike stores are also proposed along the eastern boundary of the site.
- 3.1.8 The proposed dwelling would be of chalet style with two storey gable projections to front and rear. The proposed dwelling would measure 19.1 metres wide, a maximum

of 9.6 metres deep and a maximum of 6.7 metres tall. The dwelling would be positioned 10.2 metres from the front (north) boundary, 14.7 metres from the west boundary, 13.8 metres from the rear (south) boundary and 4.7 metres from the east boundary.

3.1.9 It is noted that the application constitutes a resubmission of three previously refused applications references FUL/MAL/17/00581, FUL/MAL/17/00899 and FUL/MAL/18/00258. The proposal, as submitted, varies to the previously submitted applications. The main differences are set out below:

- The overall design, appearance and internal layout of the dwelling has been altered. The dwelling is mainly of a rectangular shape, opposed to the previously proposed L-shape.
- The depth of the dwelling has been reduced by 1.7 metres, but the width has been increased by 6.3 metres.
- The maximum height of the building has been reduced by 1.2 metres.
- The distance to the eastern boundary has been reduced by 2.3 metres.

3.1.10 It should also be noted that application reference FUL/MAL/17/00899 was presented before Members of the South Eastern Committee on 9th October 2017 and refused by Members as per the Officers' recommendation. The subsequent application FUL/MAL/18/00258 was determined under delegated powers.

3.2 Conclusion

3.2.1 The principle of a new dwelling in this location is contrary to policy S2 of the approved LDP as the site lies within a rural area outside of the settlement boundary as well as 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, nature resources and ecological value as well as its intrinsic character. The removal of the existing caravan that has lawful use for a worker's residential accommodation cannot be considered as a fallback position for the erection of a new dwelling, given that the caravan constitutes by definition a mobile structure and thus, the development would not comply with policy H4. Furthermore, the design of the proposed dwelling is considered to be of limited architectural merit and this is considered to exacerbate the impact of the development on the character of the area. For the above stated reasons, the development is considered unacceptable and contrary to the aims of the LDP Policies.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Approved Maldon District Local Development Plan (July 2017):

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The MDLDP has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.1.2 Policy S1 of the 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) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) Support growth within the environmental limits of the District;*
- 5) Emphasise the importance of high quality design in all developments;*
- 6) Create sustainable communities by retaining and delivering local services and facilities;*

12) Maintain the rural character of the District without compromising the identity of its individual settlements;

13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”.

- 5.1.3 The site is outside the settlement boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the abovementioned approved policies.
- 5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2, as these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area”.*
- 5.1.5 Along with policies S1 and S2, Policy S8 of the approved MDLDP 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 and when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.6 The application site is outside of a defined settlement boundary, being well separated from the village of Mayland by areas of countryside. In addition, the site is in a location that is remote from the nearest settlement infrastructure and related services. The application site lies approximately 700m to the west of the development boundary for Mayland and approximately 2.2km from the development boundary of Latchingdon. The site is not well served by bus or other transport facilities therefore the proposed development would be highly dependent on the use of the car as the main form of transport to and from the site. All facility services required for day to day living are not located within walking distance from the site. There is a footpath which links the site to the village of Althorne to the south. However, Steeple Road which connects the site with Mayland and Latchingdon, is a fast, unlit, unrestricted road, with no footpaths to either side. A similar view was also expressed by the Inspector assessing an application for the conversion of the Golf Centre to residential dwellings, which is adjacent to the application site. In particular the Inspector concluded that *“I therefore consider that the majority of journeys to and from the site would still be made by car. Despite the fact that Maldon is a rural district and many trips will inevitably be undertaken by car as there is limited scope to promote sustainable modes of transport in line with paragraph 108 of the revised Framework, this would fail to meet the Council’s aims to minimise the need to travel by car”.*
- 5.1.7 In respect of this, paragraph 110 of the NPPF sets out that *‘applications for developments should a) give priority to pedestrian and cycle movements ... and second – so far as possible – to facilitating access to high quality public transport’.* This is reflected in policy T2 of the LDP which relates directly to accessibility, by requiring all new development proposals to *‘provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate’.* The proposal would not comply with this requirement. These

poor sustainability credentials were forming part of the reason to refuse the previous applications for the erection of a dwelling at the application site. Given that these requirements still cannot be fulfilled, this part of the refusal reason has not been overcome.

- 5.1.8 Part of the application relates to the removal of a caravan, which is claimed to be sited on site. This caravan has a lawful use as residential worker's accommodation, which was allowed on appeal on 09.01.2014 (Application reference LDE/MAL/12/00108 and appeal reference APP/C/X1545/C/13/2192691). Within the application submitted Design and Access Statement, it is that due to the fact that the caravan benefits from a lawful development certificate for residential use, it is classified as a dwelling. It should be noted that the applicant relies on the Council Tax definition. However, the Certificate of Lawfulness allowed the siting of a mobile home for residential purposes, which by definition relates to a mobile rather than a permanent structure.
- 5.1.9 Policy H4 of the approved LDP states that planning permission for the replacement of an existing dwelling with a new dwelling, will only be granted if *inter alia* (2) the original dwelling is not a temporary or mobile structure. By definition “ ‘caravan’ means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.” (section 29(1) of the Caravan Sites and Development Act 1960). For that reason, although the caravan may benefit from permanent permission, it still constitutes a structure of movable nature. On that basis, it is considered that the removal of the caravan cannot fall under the parameters of policy H4 in relation to replacement dwellings. In any event, as will be discussed below, the proposed dwelling would have a much greater visual impact than the existing accommodation.
- 5.1.10 It is also important to note that the certificate of lawfulness was allowed for the siting of a mobile home to provide living accommodation for staff working at the Golf Centre. Not only is the Golf Centre not contained within the application site, in order for the erection of the dwelling to be linked to the use of the Centre, but also the driving range is no longer in use and that was accepted as part of application FUL/MAL/17/00902, which proposed to convert the building to five dwellings. That application was refused and an appeal was dismissed. As a result, the existing lawful use of the mobile home cannot carry weight or be considered to set a precedent for the erection of a dwellinghouse at this location.
- 5.1.11 Within the submitted Design and Access Statement reference is made to the partial use of the application site for storage purposes. Although a dilapidated metal structure, some materials and equipment that appear to be used in connection with agricultural uses were on site at the time of the site visit, the site is not considered to constitute land of formal employment nature and thus, policy E1 of the approved LDP would be irrelevant to the proposed development.
- 5.1.12 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (October 2018), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 20% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 5.54 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its

housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.1.13 In light of the above assessment it is considered that the development would be in conflict with the policies of the development plan and the guidance contained in the revised NPPF.

5.1.14 Other material planning consideration including the impact of the development on the character of the area and the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

5.2 Housing Mix

5.2.1 The proposal would provide one four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.

5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a four bedroom dwelling would not contribute towards the identified need from smaller houses.

5.3 Design and Impact on the Character of the Area

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The application site lies outside the defined settlement boundaries. 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.
- 5.3.6 The application site is located within a rural context. The site is located away from the main settlement areas of this part of the Maldon District and where the character is that of a countryside appearance.
- 5.3.7 The application site is neighboured to the north by residential dwellings. Whilst the scale of the proposed dwelling is considered to be proportionate to the plot size, the proposed dwelling would result in an introduction of addition built form to a countryside location and would result in the domestication of the character and appearance of the application site to the detriment of the countryside in which it is seen within. It is noted that the site currently makes a neutral contribution to the character of the countryside due to the presence of structures of limited architectural merit and the use of the site for storage purposes. However, these structures are well established, low in height and not unusual in a countryside setting. As the storage appears to be ancillary to the use of the surrounding land, it is a reasonable possibility that the storage will be relocated to other land within the applicant's control and therefore ceasing storage within the site might not result in the end of storage occurring within this open part of the countryside and the weight afforded to that benefit of the proposal should be reduced accordingly. The proposed dwelling would be taller and bulkier than the existing buildings at the site and, due to the domestic appearance of the building, would have a greater visual impact on the character and openness of the countryside. When determining the appeal at the adjoining site (the Golf Centre), the Inspector considered that the introduction of domestic paraphernalia such as fencing and sheds into an otherwise rural and relatively open location would have a detrimental effect on the wider landscape and the countryside. Similar

residential paraphernalia would be likely to be installed as part of the proposed development and this would be equally harmful to the character of the area.

- 5.3.8 With regard to design and appearance of the dwelling, as currently proposed, it is considered that by reason of the several roof forms, their poor links, the introduction of fenestration of varying configuration and size, the misaligned eaves heights and the lack of symmetry and architectural interest, the development would appear convoluted, unattractive and of limited architectural merit. This would further exacerbate the adverse impact of the development would have on the countryside and its intrinsic character and appearance, contrary to LDP policies S1, S8 and D1 and the policies contained within the NPPF.
- 5.3.9 Although the current application is different in terms of design and size to the previously refused applications FUL/MAL/17/00581, FUL/MAL/17/00899 and FUL/MAL/18/00258, it is considered that the previous reasons for refusal have not been addressed or overcome by the current submission, which given the amended design and appearance of the dwelling, is considered to result in a greater harm to the appearance of the area. Therefore, the development, for the reasons stated above, is considered to have an unacceptable impact on the character and appearance of the countryside, within which is contained.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has one adjacent neighbouring property ‘Tideway Lodge’ located to the north of the site.
- 5.4.3 In terms of loss of light, there are no concerns raised, given the minimum distance of at least 10 metres between the proposed dwelling and the south boundary of the curtilage of Tideway Lodge. The dwelling at that property is located approximately 20 metres from the shared boundary and therefore the distance between the proposed dwelling and its neighbour to the north would be approximately 30 metres.
- 5.4.4 The proposed fenestration is not considered to result in overlooking to the detriment of the neighbouring occupiers. The windows located at ground floor level are not considered to result in overlooking given the distance from the neighbouring dwellings. There are dormer windows proposed in the front, rear and side roof slopes, however, given the distance of the proposed windows from the neighbouring dwelling it is not considered that they would result in significant overlooking to the detriment of the neighbouring occupiers.
- 5.4.5 Therefore, it is not considered that the dwelling would form an overbearing addition to the detriment of the neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contain the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 The parking provision would be a shingle area to the front of the property; it is considered that this area is large enough to accommodate in excess of three car parking spaces, in accordance with policy T2 and the Maldon District Vehicle Parking Standards SPD.
- 5.5.4 The site has an existing access which is considered to be acceptable in terms of providing a safe and adequate access to vehicles.
- 5.5.5 The Highways Authority has been consulted and raised no objection to the proposed development, subject to the public rights of way and in particular footpath number 5 are maintained free and unobstructed at all times. Should permission be recommended, this would have been dealt with by condition.
- 5.5.6 A cycle store has been shown to be provided on site. Should permission be recommended, a condition to agree the details of secure and covered cycle parking would have been imposed.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.

5.6.2 The proposed dwelling would be located to the front (north) of the plot and provides an area of private amenity space to the rear and of the proposed dwelling. The rear garden would be in excess of the standard contained within the Essex Design Guide of 100m².

5.6.3 The arrangements of hard and soft landscaping are not formally shown but it is noted that tree planting is indicatively shown at the boundaries of the site. Should permission be recommended, the details of the soft landscaping to soften the appearance of the dwelling would have been agreed by condition.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.

5.7.2 Natural England anticipate that, in the context of the local planning authority's duty as a competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.

5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.

5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site'

measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the specified development types? **Yes**

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**.

5.7.7 Summary of Appropriate Assessment

As a competent authority, the Local Planning Authority (LPA) concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case.

5.7.8 Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.8 Other matters

Drainage System

- 5.8.1 No details of a drainage scheme have been submitted for both foul and surface water and thus, full details would be required to be submitted and approved in writing by the LPA, to avoid the risk of water flooding and pollution.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00581** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies H1 and S2 of the adopted Maldon District Replacement Local Plan and policies S1 and S8 of the emerging Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policies BE1 and H1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **FUL/MAL/17/00899** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **FUL/MAL/18/00258** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide SPD would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **LDE/MAL/12/00108** - Claim for Certificate of Lawfulness: Single mobile home used as residential accommodation for staff. Certificate of Lawfulness allowed on appeal.
(Wider area)

- **FUL/MAL/15/00545** - Siting of mobile home for use as granny annex. Planning permission granted.
- **FUL/MAL/16/00043** - New dwelling on land between Tideway Farm & Tideway Lodge. Planning permission granted.
- **FUL/MAL/17/00902** - Change of use of Golf Centre Building (Class D2) to five dwellings (Class C3) with associated amenity space and off-street parking, infill south elevation and alter external elevation. Application dismissed on appeal.
- **FUL/MAL/18/00333** - Construction of two bungalows. Application approved, due to the special circumstances of the application site which constitutes a redundant brownfield site and taking into consideration that planning permission was previously approved for an identical proposal.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response received.	

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objection, subject to the public rights of way (footpath 5) are maintained free and unobstructed at all times.	Comment noted.

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Conditions about contamination, surface and foul water drainage shall be applied.	Comments noted.

7.4 **Representations received from Interested Parties**

7.4.1 No letters were received objecting to/supporting the application

8. REASON FOR REFUSAL

- 1 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide SPD would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

Application Number	OUT/MAL/18/01227
Location	Stables Mangapp Chase Burnham-On-Crouch
Proposal	Change of use of the site to residential, demolition of existing stables and erection of two dwellings.
Applicant	Mr Andrew Clarke
Agent	-
Target Decision Date	05.12.2018
Case Officer	Hannah Bowles
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor R Pratt, CC on the ground of public interest.

1. RECOMMENDATION

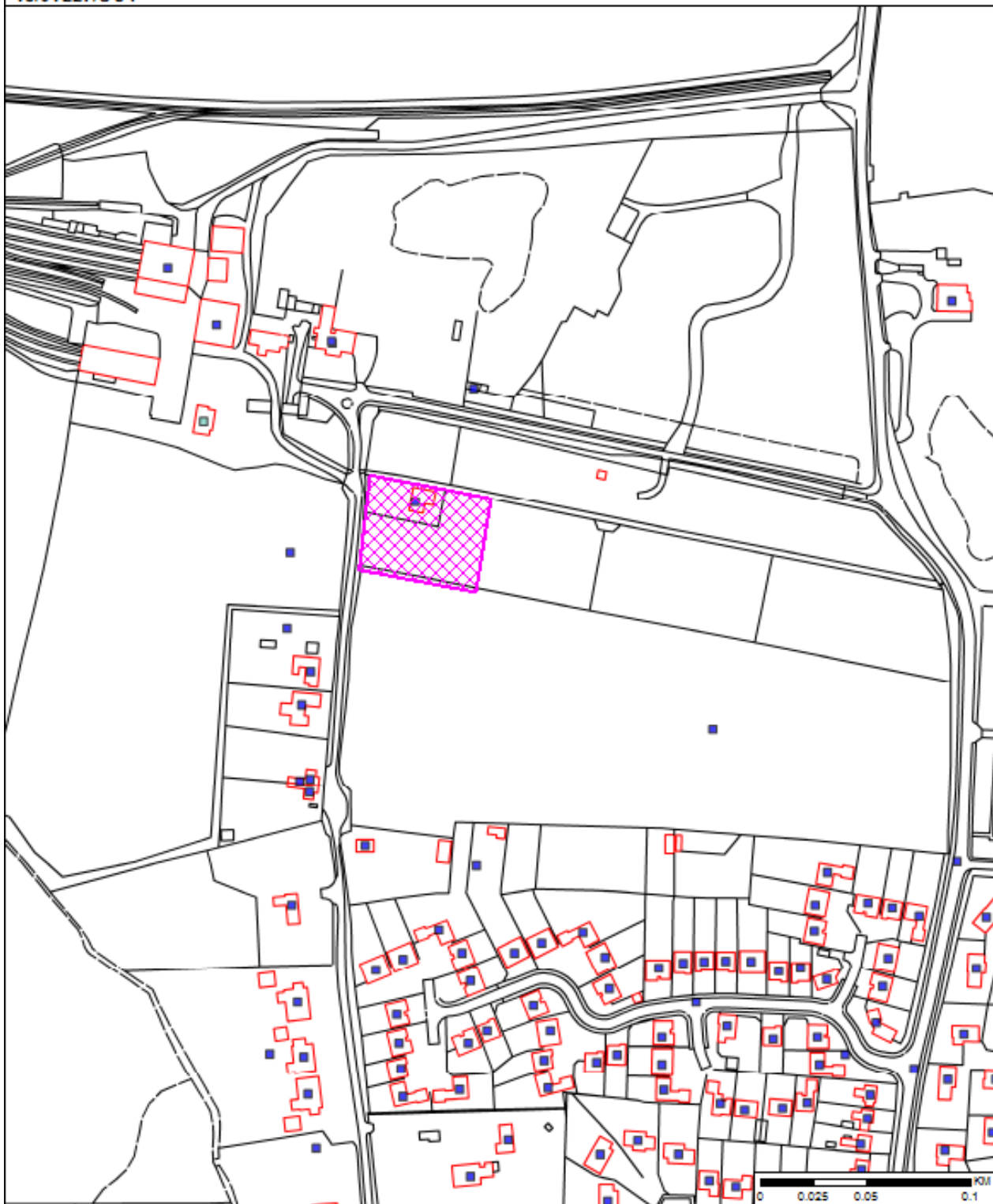
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Stables Mangapp Chase Burnham-On-Crouch

18/01227/OUT



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Maldon District Council 100018588 2014



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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	SEAC
Date:	14/11/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a parcel of land measuring 0.26 hectares located at the northern end of Mangapp Chase. The site comprises an existing vehicle access to the west and a single storey stable block with further grazing land which is separated from the stable by low fencing. The boundaries of the site are formed by a mature hedgerow.
- 3.1.2 The surrounding area is rural in nature and is located outside of the settlement boundary for Burnham-On-Crouch, which lies around 210m to the south of the site. The site currently abuts agricultural land to the east and south, it fronts Mangapp Chase to the west and a public footpath, which leads through to Southminster Road 300m in an east west direction, runs along the northern boundary of the application site.
- 3.1.3 The northern end of Mangapp Chase comprises a residential dwelling, Mangapp Farm and the Mangapp Railway Museum which has its principle access taken from Southminster Road. There is currently sporadic residential development to the south of the site along Mangapp Chase. It should be noted that Outline planning permission has been granted on the currently vacant land to the east and south of the site for up to 80 dwellings, access to the residential development would be taken from Southminster Road. The indicatively submitted plan shows a 15m buffer strip between the residential development and Mangapp Chase.

Proposal and Background

- 3.1.4 Outline planning permission with all matters reserved is sought for the demolition of the existing stable building and the subdivision of the existing plot to construct 2 no. dwellings.
- 3.1.5 An indicative site plan shows the plot subdivided with the two dwellings centered within the plots and a detached garage to the side of each dwelling. Access, layout, appearance, landscaping and scale are all matters reserved for future consideration.
- 3.1.6 The proposal represents a resubmission of the refused scheme, OUT/MAL/17/00723. The reasons for refusal were:
 - 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 and to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The site is in a rural location outside of the defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal for development outside of the defined settlement

boundary of Burnham-On-Crouch would erode the intrinsic character and beauty of the rural setting. The proposal therefore fails to comply with policies S1, S8 and D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

2. The proposed development would be within close proximity of two noise sources that would impact upon the future occupiers of the proposed dwellings. These noise sources are the Mangapps Railway Museum and the Mangapps Manor wedding venue. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum and the Mangapps Manor wedding venue if complaints arise from occupiers of the new dwellings. The proposal is therefore contrary to policies the National Planning Policy Framework and policy D1 and D2 of the Maldon District Local Development Plan.

The application should only be approved if the above reasons for refusal have been overcome.

- 3.1.7 An amended Planning, Design and Access Statement has been submitted to the Council. The amendments to the statement include two additional sections relating to the Landscape setting and Assessment of Landscape Effects, it also highlights that Mangapp Manor Wedding Venue, which was in use at the time of determining application OUT/MAL/17/00723, has now ceased operation. These matters are discussed in sections 5.2 and 5.3 of this report.

3.2 Conclusion

- 3.2.1 No material amendments to the previous scheme have been made. Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, would erode the intrinsic character and beauty of the rural setting, to the detriment of the character of the open countryside. Furthermore, the development, due to its proximity to noise generating sources and the lack of a submission of a noise survey to demonstrate that the potential impact on the residential amenity and living conditions of future occupiers can be overcome, would be unacceptable and contrary to the aims of the local plan. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework (NPPF), Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP) and Policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development

- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Burnham-on-Crouch Neighbourhood Development Plan

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include open market new-build housing.

- 5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that “Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan.”
- 5.1.4 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.
- 5.1.5 The application site is outside of the defined settlement boundary for Burnham-On-Crouch, within the countryside, as such the proposal is in conflict with the above mentioned policies; and technically the site would be away from sustainable modes of transport, local amenities and services. However, it is noted that the nearest bus stop to the application site is approximately 0.3 miles away, on Southminster Road, which provides frequent bus services and extensive links with employment opportunity areas and the Burnham-on-Crouch train station. Furthermore, the site is located in close proximity to the northern settlement boundary of Burnham-on-Crouch and a public footpath runs along the northern boundary. Therefore, on balance, no objection is raised in terms of the accessibility of the site to safe pedestrian and cycle routes, to public transportation or local services and facilities.
- 5.1.6 The above 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. The impact on the character and appearance of the surrounding area is discussed in the section 5.3 of this report.
- 5.1.7 The above stance is in line with the previous applications determined on the application site; FUL/MAL/13/00493 which was dismissed at appeal and refused application OUT/MAL/17/00723. The same stance was taken for two recently refused applications along Mangapp Chase; Land North Of Rosemary – OUT/MAL/18/00971 for the erection of two dwellings, which lies directly west of the application site and 6 Mangapp Chase Burnham-On-Crouch – FUL/MAL/18/00698 for the erection of one dwelling, which is south west of application site.

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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.2.3 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.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.5 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.
- 5.2.6 This application represents a re-submission of a previously refused application; one of the reasons for refusal is related to the impact of the proposal on the intrinsic character and beauty of the rural setting. This reason for refusal must be overcome in order for the application to be approved.
- 5.2.7 This is an outline application and all matters are reserved for future consideration. All that is before the Council is an indicative site plan that shows two dwellings with detached garages are proposed. Reserved matters would need to be submitted, if outline approval was to be granted, and detailed matters of layout, design and access would be dealt with at that stage.
- 5.2.8 The application site is located in a currently rural area surrounded by open countryside. The application site is currently an open field occupied by a stable building which maintains the rural character of the area. At this time there are no directly adjacent residential developments to the application site. The residential

development to the south and north is dispersed and sporadic, wide gaps are maintained between the dwellings to the south while to the north, the buildings are spread within large plots, leaving large areas open and undeveloped. It is considered that this scattered form of development along Mangapp Chase and further to the northwest distinguishes the countryside from the settlement boundary, acting as a town fringe, creating a gradual transition into the countryside. Therefore, the site currently forms an important part of the rural character of the area and its retention would maintain the physical and visual gap between the built up area and the countryside.

- 5.2.9 It is noted that planning permission for up to 80 dwellings has been approved on the land directly adjacent to the east and south of the site; whilst it is noted that the area will be changing substantially, there is intended to be a 15m buffer strip between the site boundary of the approved residential development and Mangapp Chase and the development would be accessed off Southminster Road. It would also be reasonable to expect that a landscaping buffer will be provided at the boundary of that site. Therefore, it is considered that visually, this part of Mangapp Chase would still appear rural in nature and the introduction of two dwellings fronting and accessed off Mangapp Chase would fail to enhance the character and appearance of the area.
- 5.2.10 It must be noted that 80 dwellings were approved at a time where the Local Planning Authority (LPA) did not have a 5 year housing land supply and this is no longer the case. The site is outside the settlement boundary, as defined by the development plan. Therefore, the development is not sustainable.
- 5.2.11 The above assessment is in line with the previously refused application OUT/MAL/17/00723. Since the determination of refused application OUT/MAL/17/00723, there are no new material considerations that would change the stance taken above.

5.3 Noise

- 5.3.1 This application represents a re-submission of a previously refused application; one of the reasons for refusal was in relation to the close proximity of the proposed dwellings to the wedding venue; Mangapp Manor and the Railway Museum and the level of noise residents on the application site may be subjected to. This reason for refusal must be overcome in order for the application to be approved.
- 5.3.2 It should be noted that Mangapp Manor has currently ceased its use as a wedding venue however at this time; this remains the lawful use of the site. Therefore, the use as a wedding venue could be reinstated at any time without the need to apply for planning permission.
- 5.3.3 Mangapp Manor and The Railway Museum, complete with operating railway station are located to the north of the site. A number of complaints have previously been received by the Council's Environmental Health Team. These include complaints about loud and potentially alarming short term blasts from horns, engine noise, speech from public address systems from the railway station and museum and loud music of varying genres including heavy reverberant bass from the wedding venue.

- 5.3.4 The same issue was raised in relation to the approved residential development that abuts the site and the Inspector concluded that the issue could be overcome with use of a condition to ensure mitigation measures are in place. However, this site is in closer proximity to the noise sources and is not considered large enough to be able to provide the same type of mitigation measures that would be available at that site and required to mitigate the likely impact. The adjacent residential development was a major application with multiple properties and does not compare to this application site and has more scope within the site for noise attenuation measures to be installed. Therefore, in the absence of a noise survey it is not considered that this issue can be fully considered. It has not been demonstrated that it would be possible or reasonable to impose a similar condition as that which was used on the neighbouring site.
- 5.3.5 This stance is in line with the previously refused application and no new information has been provided with this application to suggest that the noise levels from adjacent sites would not detrimentally impact upon the residents. It should also be noted that the recently refused application at Land North of Rosemary (OUT/MAL/18/00971), which is located directly west of the application site, took the same stance that formed one of the reasons for refusal. Therefore, it is considered that it has not been demonstrated to the satisfaction of the LPA that the development would achieve sustainable living conditions and would not be subjected to noise pollution contrary to the NPPF, NPPG and policies of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 Limited detail has been submitted in respect of this proposal, given its outline nature. Therefore it is not possible to fully assess the impact of the development on neighbouring amenity and this would be considered at the reserved matters stage should the application be approved. However, the application site has no directly adjacent neighbouring dwellings therefore, it is not considered likely to result in a significant impact on the residential amenity of the occupiers of the neighbouring properties.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of

promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.5.3 These issues would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative plan shows two access points would be taken from Mangapp Chase, one to serve each dwelling. In order to comply with policy T2 for off-street parking provision in accordance with the Council's adopted Parking Standards; the number of spaces provided depends upon the number of bedrooms for each dwelling. Whilst no information has been provided with regards to the number of bedrooms in each dwelling, the indicative plan shows a detached garage and area of hardstanding that is considered to provide ample space to park in excess of three cars, which is the maximum requirement for a dwellinghouse.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.6.2 These issues would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative site plan shows each dwelling to have a private amenity area in excess of 500m².

5.7 Sustainability

- 5.7.1 The LDP, as approved, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.7.2 The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision taking. The Framework identifies three dimensions to sustainable development - Economic, Social and Environmental. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. Paragraphs 54 and 55 of the Framework explain that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities.
- 5.7.3 In economic terms, it is reasonable to assume that there may be some support for local trade and businesses from the development. This would however be limited given the

scale of the proposal of two dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses. It is also noted that future residents would be likely to make use of the existing services in the area. There would be economic benefits for the local area derived from the scheme; however, limited.

- 5.7.4 In social terms, development should assist in supporting a strong vibrant and healthy community. The application site was subject of a dismissed appeal following the refusal of application reference FUL/MAL/13/00493 for the ‘change of use to convert former stables and tack accommodation into single residential dwelling house with associated internal and external alterations and formation of vehicular turning area and amenity space.’ Although dismissed, the inspector concluded that the site is in a sustainable location in terms of distance from local services and facilities. The same stance was taken in the application refused under reference OUT/MAL/17/00723. There are no material changes that would alter this stance at this time; there is a farm shop a 10 minute walk away and the site is considered to be accessible by a choice of transport modes.
- 5.7.5 In relation to the environmental role, although it is acknowledged that the development would be located in an accessible location in terms of facilities and public transportation, the impact of the development on the character and appearance of the site and surrounding area is considered to be unacceptable. This has been discussed in section 5.3 of this report.
- 5.7.6 The appeal in relation to the previous application FUL/MAL/13/00493 was dismissed and application OUT/MAL/17/00723 was refused due to the impact of the residential development on the surrounding area. It is acknowledged, that a determined appeal for a residential development of up to 80 houses has been allowed by the Secretary of State (ref: OUT/MAL/14/00845) on land directly adjacent to the application site. However, it is not considered that the material considerations outweigh the presumption in favour of sustainable development as discussed above.

5.8 Other Material Considerations

Housing Need and Supply

- 5.8.1 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (October 2018), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 5.54 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. Policy S2 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance it is considered that two additional dwellings would not impose a burden of existing infrastructure to an extent that would justify the refusal of the application.

Ecology

- 5.8.2 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.8.3 Policy N2 of the LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”
- 5.8.4 A Protected Species Survey has been submitted as part of this application. It concluded that the site had no evidence of bats, badgers or barn owls and given the distance of the site from standing water, it is not considered to represent a suitable habitat for Great Crested Newts. Therefore, it is likely that these protected species are absent from the site and so the impact on the species as a result of the proposed development is low.
- 5.8.5 Having regard to these findings it is not considered that the proposal would result in the loss of any important ecological interests. Therefore, the proposal is considered to be in accordance with Policy E4 and N2 of the LDP.

European Designated Sites

- 5.8.6 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.7 The development of two dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the following development types? **Yes - The planning application relates to one dwelling**

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No.**

- 5.8.8 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.8.9 It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of the two dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of two dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00493** - Change of use to convert former stables and tack accommodation into single residential dwelling house with associated internal and external alterations and formation of vehicular turning area and amenity space. Refused Appeal Dismissed.
- **OUT/MAL/17/00723** - Erection of 2 dwellings (following demolition of existing stable). Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-On-Crouch	Support	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Council Highways Authority (ECC)	This section of Mangapp Chase is privately-owned; therefore, from a highway and transportation perspective, the Highway Authority does not wish to object to the proposal, subject to a condition.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	This service objected to a previous application on grounds of loss of amenity related to the nearby wedding venue. The venue has closed although I assume the planning permission as a wedding venue remains. The much larger site to the east mentioned in the design and access statement, received permission on appeal and the inspector included noise conditions to protect future occupants of that development. It is difficult to determine whether similar conditions should be included to protect residents from noise which currently does not exist but could in theory be reinstated without any further planning application. Conditions recommended if minded to approve the application.	Please see section 5.4 of this 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 and to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The site is in a rural location outside of the defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal for development outside of the defined settlement boundary of Burnham-On-Crouch would erode the intrinsic character and beauty of the rural setting. The proposal therefore fails to comply with policies S1, S8 and D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

- 2 The proposed development would be within close proximity of two noise sources that would impact upon the future occupiers of the proposed dwellings. These noise sources are the Mangapps Railway Museum and the Mangapps Manor wedding venue. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum if complaints arise from occupiers of the new dwellings and potentially the Mangapps Manor wedding venue, if reopened. The proposal is therefore contrary to policies the National Planning Policy Framework and policy D1 and D2 of the Maldon District Local Development Plan.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

Application Number	FUL/MAL/18/01253
Location	Land North Of Lower Farm, Steeple Road, Mayland
Proposal	Change of use to B8 storage and the construction of hardstanding and boundary treatments including a gates, fencing and hedging.
Applicant	Mr Colin Wisbey
Agent	Mr Mike Otter – GPO Design Ltd
Target Decision Date	11.12.2018
Case Officer	Devan Lawson
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In by Councillor M W Helm Reason: Public Interest

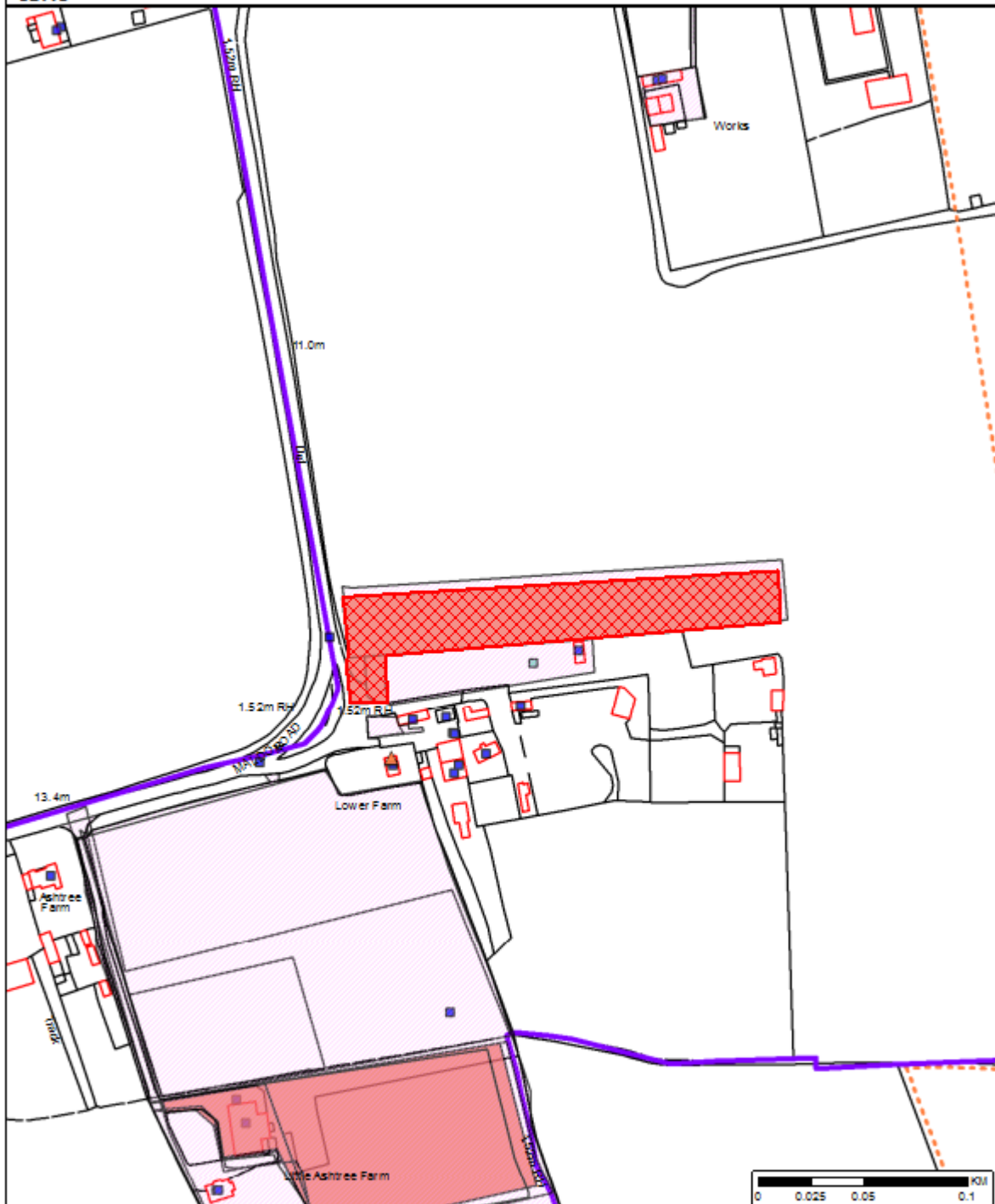
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

18/01253/FUL
SEAC



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Maldon District Council 10/01/2014


MALDON DISTRICT
COUNCIL

www.maldon.gov.uk

Scale:	12,500
Organisation:	Maldon District Council
Department:	Department
Comments:	18/01253/FUL
Date:	06/11/2018
MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The application site is located on a bend to the eastern side of Steeple Road, outside of a defined settlement boundary. The majority of the works subject of this application which will be discussed in section 1.2 have already been undertaken. However, prior to this, the site was largely agricultural land which formed part of the open countryside. In its current form the site consists of a large area of hardstanding, with an earth bund to the northern and eastern boundaries and green palisade fencing to the western boundary. The site is currently in use for the storage of vehicles. However, this is not the lawful use of the site.
- 3.1.2 Adjacent to the site, to the south, is an existing commercial use. The south western part of the application site is situated within the existing employment use. However, the bulk of the application site, to the north, does not form part of the existing employment use and as stated above, does not have a lawful commercial use.
- 3.1.3 The surrounding area is rural in nature, with open countryside to the north, east and west. However, to the south of the site is a small cluster of mixed residential and commercial uses.

Proposal and Background

- 3.1.4 Planning permission is sought to regularise the use of the site for storage uses falling within Use Class B8, the construction of a concrete hardstanding across the site and boundary treatments which include gates and fencing to the southern and western boundaries. It is also proposed to plant a native hedge along the boundaries to the site.
- 3.1.5 The existing unauthorised earth bund to the northern and eastern boundaries of the site has not been submitted for consideration as part of this application. The applicant has advised within the covering letter that this is to be removed.
- 3.1.6 The southern and southwestern fence and access gates, which have been included as part of this application, form the boundaries of part of the existing employment site.
- 3.1.7 Planning permission was sought under the terms of application FUL/MAL/8/00902 for a similar development but was refused by the Council for the following reason:

1 'The development is located outside of a defined settlement boundary and outside of the employment sites identified within the LDP and there has been no justification as to why the development is required outside of these areas. Furthermore, as a result of the fencing, gates and hardstanding the development has an urbanising effect on the rural character of the area that results in an unwelcome visual intrusion into the open and undeveloped countryside outside of a defined settlement boundary. In addition the bund has created an alien and incongruous feature which interrupts the existing landscape character of the area. Therefore, the development results in demonstrable harm to the character and appearance of the site and the intrinsic character and beauty of the countryside contrary to policies, S1, S8,

3.1.8 Following this decision the proposal subject of this application has been submitted to the Council for determination. It should therefore, be noted that the following amendments have been made to the previous proposal:

- The existing unauthorised earth bund situated on the northern and western boundaries of the application site shall be removed.
- The fencing to the west of the area of land proposed for the change of use shall be removed. However, the fencing to the western side of the existing employment site is to remain as part of the application.
- The south facing gate at the western end of the site has been omitted from the application.
- Planting of a native hedge is proposed along each of the boundaries. The applicant states that the height of the hedge at the front and southern boundaries of the site would be 1.8m, along the northern and eastern boundaries would be 2m in height.

3.2 Conclusion

3.2.1 Whilst being adjacent to a commercial land use, the application site relates to what was formally and is lawfully an open agricultural field which played a positive role in the intrinsic character and beauty of the countryside. The development has been carried out on undeveloped land and there is no policy consideration which would support the change of use in this locality. Furthermore the development results in an unacceptable urban sprawl into the countryside which would not be successfully mitigated against through the use of hedge planting as the hedge would not provide sufficient screening of the site. Therefore, the development is an unwelcome visual intrusion into the open and undeveloped countryside and the benefits of the proposal do not outweigh the harm to the character and appearance of the rural area.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 58 Enforcement
- 83-84 Supporting a prosperous rural economy
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is situated outside of a defined settlement boundary and also outside of the defined Employment Land Areas, as specified within policies S8 and E1 of the Local Development Plan (LDP).
- 5.1.2 The nearest village to the application site is Mayland, which is approximately 600m away from the application site and it is therefore relevant to note that policy S1 of the 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, among other things, the following key principles in policy and decision making:
- 1) 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 priorities 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 Support of sustainable economic growth to create jobs and prosperity is one of the central themes 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 ensure that Local Plan's set criteria is met 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 LDP has set the need of the District and strategic sites for Employment Uses have been identified. The application site, although adjacent to an existing non-designated employment site is outside the boundaries of the identified employment land areas.
- 5.1.5 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 continues 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 provision of employment land in this location might undermine the viability of employment land in preferable, allocated locations, thereby affecting the delivery of the LDP.
- 5.1.6 Having regard to the location of the site it is considered that the latter part of Policy E1 Is also relevant, which states that 'outside of the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.' This should be read in conjunction with policies S1 and S8 of the LDP where it stipulates 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 Strategic Allocations, planning permission for the development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for, amongst other things, employment generating proposals, as stipulated in Policy S8(b) of the LDP.
- 5.1.7 The applicant has advised that the required change of use and construction of hardstanding and fencing is required for the open air storage of machinery and vehicles and including the delivery and removal of the vehicles and machinery to the site. However, there is no justification as to why this is required outside of the designated employment land areas and any evidence to support the applicants claim that *'there is not any alternative available sites within the District which would be*

suitable for relocating and expanding the business'. Therefore, 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 designated employment land areas, an objection is raised to the principle of the development which would be contrary to the local policies and national guidance stated above. Furthermore, it is not clear whether the development does provide an employment generating scheme as there is conflicting information provided within the supporting letter and the application form.

- 5.1.8 The supporting letter states that following the development that 12 jobs will be provided. However, there has been no evidence provided to substantiate this claim and it is not clear how this many jobs would result from a storage use which typically employs a low number of people. In contrast it is stated in section 18 of the application form that the existing employee number of 18 is equal to the resulting number of employees. Therefore, it would not appear that there is increase in the number of employees as a result of the development. Having regard to the conflicting information it is not possible to clearly determine the employment benefits arising from the proposal. However, it should be noted that the information within the application form benefits from a signed declaration. Therefore, it is considered that the benefits resulting from the development are somewhat minimal. An assessment of the impacts on the intrinsic character and beauty of the countryside will be considered under section 5.2.
- 5.1.9 Regard has also been had to policy S7 of the LDP which 'seeks to support and facilitate sustainable economic development within the villages' through a number of criteria. However, the criterion does not relate to the provision of new employment uses within the countryside. Therefore, it is not considered that this policy would provide a basis to support the principle of this development.
- 5.1.10 Consideration has also been had to paragraph 107 of the NPPF (2018) which considers the importance of providing adequate overnight lorry parking facilities. However, given that this development does not serve a new or expanded distribution centre and the site will be used to store vehicles and machinery in association with the neighbouring use, it is not considered that the site meets the aims of this paragraph and therefore, does not support the principle of development in this location.

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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.2.3 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.
- 5.2.4 Similar support for high quality design and the appropriate layout , scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.5 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.
- 5.2.6 The works being applied for have largely already been carried out. However, prior to this the site was rural in nature and consisted of open agricultural land which contributed positively to the intrinsic character and beauty of the countryside. The Landscape Character Assessment (EB009a) which forms part of the Evidence Base for the Local Development Plan characterizes this area as part of the Tillingham and Latchingdon Coastal Farmland. A key sensitivity to change in this area has been highlighted to be ‘the open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.’ The landscape guidelines for this area suggest that it should be ‘ensured that new development responds to the historic settlement pattern and scale, and uses materials that are appropriate to the local landscape character. Such development should be well integrated into the surrounding landscape.’
- 5.2.7 The development as carried out involves the intensive use of the land for employment

purposes, with the provision of concrete hardstanding, gates and fencing which is considered to have an urbanising effect on the countryside contrary to Policy S8. Whilst there is no objection to the replacement fence and gates on the western boundary of the existing employment site, as it is considered to result in no more demonstrable harm than the previous chain link fence, the extension of the employment site including the expansive area of hardstanding and associated paraphernalia for a B8 storage use is considered to result in detrimental urban sprawl into the countryside which would materially harm the intrinsic character and beauty of the countryside. Whilst it is noted that the proposed planting would provide some screening of these urban features, the proposed hedging would take some time to mature and cannot be relied upon to remain permanent or be kept at the stated heights.

- 5.2.8 Upon considering the provision of the proposed native hedging, it is considered relevant to note the findings of the Inspector under appeal APP/X1545/W/18/3206973 at Land behind (to the south of) Ashtec Automotive, Unit 4, Woodrolfe Road, Maldon, which was decided on the 5th November 2018. The appeal related to the change of use land to form a storage yard to be used in association with the neighbouring employment site and the Inspector noted *‘that the change of use of land facilitated by the erection of industrial style fencing and the provision of concrete hardstanding would have a suburbanising effect which would be out of keeping with the character of the area that would be a discordant form of development which would erode the open and rural qualities of the area’*.
- 5.2.9 Although in different areas of the District, it is considered that the referenced appeal has significant similarities to the application subject of this appeal due to its siting outside of the settlement boundary and the proposed use of soft landscaping in order to try and mitigate against the impacts of the development. It is therefore relevant to note that the Inspector considered that due to the time taken for the landscaping to mature and its lack of long term reliability would fail to mitigate against the detrimental harm to the character and appearance of the countryside. Having regard to the above it is not considered that the proposed use of hedging would be sufficient in mitigating against the detrimental impacts on the intrinsic character and appearance of the countryside.
- 5.2.10 Regard is also had to the Inspectors comments in regards to the consideration of the prominence of the site from within the public realm. The Inspector stated that *‘the argument that a development would be out of view is not a good one in principle as it could be oft-repeated to the overall detriment of the character and appearance of the area.’* Therefore, the comments made within the applicants supporting statement which state that *‘there is no adverse impact on the character and beauty of the countryside since the site will be barely visible from within the public realm’* are not considered to provide a sound reason for approving the application.
- 5.2.11 Whilst the fields adjacent to the application site are bound by hedgerows it is noted that during the winter months the hedges provide minimal screening of the site. This is also considered likely to be the case for the proposed hedgerow, regardless of its height. As a result, it is not considered that the proposed hedge would be sufficient in fully screening the development and associated use of the site particularly from northern and eastern parts of the public realm. Therefore, although it says within the submitted Baseline Landscape Assessment that the 2m high hedge as a result of its proximity and density will ensure that the screen remains effective, for the reasons

discussed it is considered that the provision of the hedge would fail to fully mitigate against the urbanising impacts of the change of use. This would be consistent with the abovementioned appeal decision at another site within the Maldon District.

- 5.2.12 It is considered that the development by way of the siting, and extent of the hardstanding and paraphernalia which is associated with the use of the site results in an intrusive and incongruous form of development in a prominent location within the surrounding area and the countryside. Furthermore, the proposed landscaping would not be sufficient in mitigating the harm. Therefore, the development would cause substantial and demonstrable harm to the character and appearance of the site and wider area and the countryside. Furthermore, having regard to the findings of section 5.1 it is not considered that the employment benefits arising from the development outweigh the harm that the development would result to the intrinsic character and beauty of the countryside. As such, the development does not comply with policies S1, S8 and D1 of the LDP and guidance contained within the NPPF.

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 nearest neighbouring dwelling is Lower Farm House, located 26m from the application site to the south. Between the application site and the neighbouring dwelling is an existing scrap yard, which is closer than this application site, therefore, it is not considered that the outdoor storage within this site would have an adverse impact on the amenity of the existing occupiers of that property to such a degree to warrant refusal. Furthermore, it is noted that the Environmental Health Service, although yet to comment on this application, raised no objection to the previous application subject to a condition restricting the hours of use.
- 5.3.3 For the reasons discussed it is not considered that the proposal would detrimentally impact on neighbouring amenity in accordance with policies D1 and H4 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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 minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than

average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 It is worth noting since the determination of the previous application the Maldon District Vehicle Parking Standards has been adopted and therefore, there are different considerations in terms of vehicle parking requirements.
- 5.4.4 The adopted vehicle parking standards state that 1 vehicle parking space should be provided per 150m² of warehouse or open air storage, 1 cycle space per 500m² for staff, 1 cycle space per 1000m² for visitors and 1 lorry space per 200m² for operational purposes. The applicant has advised within the application form that vehicle parking is not relevant to this application.
- 5.4.5 The area that has been subject to the change of use has an area of 4,550m². Therefore, the Vehicle Parking Standards suggest that the following parking requirements apply:
- 31 vehicle parking spaces
 - 10 Staff Cycle spaces
 - 5 visitor cycle spaces
 - 23 lorry spaces
- 5.4.6 Whilst the required parking provision is noted, given the use of the site which is for the storage of machinery, and vehicles awaiting repair it is considered that there would be sufficient space within the site to accommodate sufficient space to park a sufficient number of vehicles. As a result it is considered reasonable to apply some flexibility to the required level of parking. Furthermore, the Local Highway Authority have requested a prior to commencement condition seeking to ensure that the areas for the loading and unloading of vehicles, the storage of materials and maneuvering of vehicles during the construction of the proposal is provided clear of the highway. However, given that the majority of the development has been completed, it is not considered that this is reasonable or necessary.
- 5.4.7 The access to the site is adjacent to an existing access serving the neighbouring site. Given that the access is situated away from the main highway as Lower Farm is served by a layby off of Steeple Road, it is not considered that there are any detrimental impacts to highway safety. Furthermore, it is noted that the Local Highway Authority has raised no objection in this regard.

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.

5.5.2 This application does not relate to residential development and therefore, there is no requirement for the provision of private amenity spaces.

5.5.3 In terms of landscaping, whilst the hedging to the boundaries of the site would provide some screening of the development, it is not considered that the hedging would provide an appropriate form of mitigation against the detrimental and urbanising impacts of the development as discussed under section 5.2.

5.6 Surface Water Drainage and Contamination.

5.6.1 It is noted that the development has been carried out and may result in an increase in surface water runoff. Environmental Health and the Local Highway Authority have suggested conditions regarding surface water. Given, that the development has been carried out and having regard to the size of the site in relation to the expansive open space around the site, it is not considered reasonable to impose conditions requiring a scheme of surface water runoff to be agreed prior to the first occupation of the development in the interests of surface water flooding. However, in the interests of the natural environment it would be necessary to impose a condition requiring that surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil inceptor. Furthermore, a condition should be imposed if the application were to be approved ensuring that any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway. Given that the development has already occurred, these conditions will be required to be submitted within three months of the decision or 11 months after an appeal has been made.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/18/00902** - Change of use to B8 Storage and the construction of hardstanding and boundary treatments including a bund, gates and fencing.
Refused.
- **ADV/MAL/18/00903** - Siting of two non-illuminated adverts on fence.
Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Undesirable change of use from agricultural to industrial and is contrary to the LPD	Please see sections 5.1 and 5.2

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No comments to make and the LPA should refer to the standing advice	Noted.
Essex County Council Highways Authority (ECC)	No objection subject to conditions.	Noted and addressed at section 5.4

7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No objection subject to conditions	Noted. Where relevant the conditions will be addressed within the report.
Economic Development	No objection as it enables the sustainability of an existing business and enables the employment of 12 people.	Please see section 5.1

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received in relation to this application.

8. **REASON FOR REFUSAL**

- 1 The development is located outside of a defined settlement boundary and outside of the employment sites identified within the LDP and there has been no justification as to why the development is required outside of these areas. Furthermore, as a result of the hardstanding and the use of the site, the development has an urbanising effect on the rural character of the area that results in an unwelcome visual intrusion into the open and undeveloped countryside outside of a defined settlement boundary and has failed to be sufficiently mitigated against through the use of soft landscaping. Therefore, the development results in demonstrable harm to the character and appearance of the site and the intrinsic character and beauty of the countryside contrary to policies, S1, S8, D1 and E1 of the LDP, guidance contained within the NPPF and the Maldon District Design Guide.

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