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HEAD OF PAID SERVICE'S OFFICE
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Richard Holmes

01 March 2019

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 11 MARCH 2019 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 11 MARCH 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 14)

To confirm the Minutes of the meeting of the Committee held on 11 February 2019, (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **OUT/MAL/18/01034 - Mapledean Poultry Farm, Mapledean Chase, Mundon**
(Pages 15 - 36)

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

6. **FUL/MAL/18/01374 - Mangapp Manor, Southminster Road, Burnham-On-Crouch, Essex** (Pages 37 - 48)

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

7. **FUL/MAL/18/01479 - The Clubhouse, Coronation Road, Burnham-On-Crouch, Essex, CM0 8HW** (Pages 49 - 70)

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

8. **FUL/MAL/18/01502 - Land Adjacent to 29, Pippins Road, Burnham-On-Crouch, Essex** (Pages 71 - 88)

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

9. **HOUSE/MAL/19/00065 - Farcroft, Burnham Road, Latchingdon, Essex, CM3 6HA** (Pages 89 - 96)

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

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

Reports for noting:

In accordance with the 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 – 9.
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. 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)

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
- 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 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
11 FEBRUARY 2019**

PRESENT

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

836. CHAIRMAN'S NOTICES

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

837. APOLOGIES FOR ABSENCE

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

838. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 14 January 2019 be received.

**Minute No. 734 - FUL/MAL/00230 – Asheldham Pit, Southminster Road,
Asheldham, Essex**

That the seventh paragraph on page 8 be amended to read:-

Councillor Mrs P A Channer also wished it noted that she did not comment or vote on this application for reasons relating to the Local Development Plan and a copy of correspondence she had received between the applicant and Essex County Council in support of the application.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 14 January 2019 be confirmed.

839. DISCLOSURE OF INTEREST

Councillor Mrs P A 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. In the interests of openness and transparency she declared a non-pecuniary interest in Agenda Item 5 - FUL/MAL/18/014154 - Church Road, Burnham-On-Crouch, Essex CM0 8DA, as she knew the agent.

Councillor R Pratt, 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 A S Fluker declared in the interest of openness and transparency on Agenda Item 5 - FUL/MAL/18/014154 - Church Road, Burnham-On-Crouch, Essex CM0 8DA AND Agenda Item 7 - FUL/MAL/18/01470 - Hardy's Bar And Grill, 36 Imperial Avenue, Mayland, as he knew the applicants.

840. FUL/MAL/18/01415 - 4 CHURCH ROAD, BURNHAM-ON-CROUCH, ESSEX, CM0 8DA

Application Number	FUL/MAL/18/01415
Location	4 Church Road, Burnham-On-Crouch, Essex CM0 8DA
Proposal	Single storey utility extension with pitched roof, demolition of existing dilapidated garage and garden shed and replacement with 1 bedroom annexe accommodation linked to existing house
Applicant	Ms Philippa Munro
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	29.01.2019
Case Officer	Annie Keen, TEL: 01621 875822
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs H E Elliott Reason: Public Interest

A Members' Update had been submitted detailing two plans. These were required for clarity and did not alter the application content.

Following the Officer's presentation, Town Councillor, Bob Calver, Burnham-on-Crouch Town Council and the Applicant Philippa Munro, addressed the Committee.

A debate ensued where Members noted that the visual impact of the development was acceptable and the need for annexe accommodation ancillary to the use of the dwelling should be given weight in this case. They also expressed support with the intended use, that of providing accommodation for elderly family members close to their respective families. Furthermore a letter of support had been received from the next door neighbour. Overall this was wholeheartedly supported.

Councillor Pudney proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded by Councillor Pratt.

The Chairman put the proposal to the Committee and this was agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1858 01, 1858 02A, 1858 03, 1858 04, 1858 05, 1858 06, 1858 07 and 1858 08.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 The proposed accommodation, hereby approved, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Church Road, Burnham on Crouch.
REASON: To ensure that the development is carried out in accordance with the details as approved, as an additional dwelling in this location would not be supported by the Local Planning Authority in accordance with policies S8 and H4 of the Local Development Plan.

841. HOUSE/MAL/18/01428- 8 THE COBBINS, BURNHAM-ON -CROUCH, ESSEX

Application Number	HOUSE/MAL/18/01428
Location	8 The Cobbins, Burnham-on-Crouch, Essex
Proposal	Proposed front and side extension comprising double garage, and annex with 2No. pitched roof dormers
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	13.02.2019
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor N R Pudney Reason: Public Interest

The Chairman informed the Committee that this item of business had been withdrawn. A Members' Update had been submitted to the Committee confirming this.

842. FUL/MAL/18/01470 - HARDY'S BAR AND GRILL, 36 IMPERIAL AVENUE, MAYLAND

Application Number	FUL/MAL/18/01470
Location	Hardy's Bar And Grill, 36 Imperial Avenue, Mayland
Proposal	Vary condition 3 and Removal of condition 4 of approved application FUL/MAL/11/00247 (Single storey rear extension and alterations to public house with conversion of first floor to 4 one bedroomed flats. Single storey block of 5 motel units and laundry room with associated parking and amenity space).
Applicant	Mrs Fay Collin
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	05.02.2019
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In: Councillor M W Helm – Public Interest Councillor Mrs P A Channer – Public Interest Councillor Mrs B F Acevedo – Public Interest

A Members' Update had been submitted detailing supportive comments from Sound Acoustics Limited.

Following the Officer's presentation, the Applicant, Fay Collin, addressed the Committee.

Members debated the application and the difference between renting the property on the open market as opposed to renting to workers employed by the business. It was noted that the use of the building as self-contained flats had already commenced and residents were happy. Therefore, the objections of the Environmental Health Officer were considered to be outweighed by the experiences of the operation of the site and weight should be afforded to the fact that the occupants would become homeless if the flats were not approved.

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

The Chairman put the proposal to approve to the Committee and this was unanimously agreed.

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

- 1 The amenity area shown on the updated plan submitted with this application (Ref: 36CM36AQ_BP1.2) shall be laid out and available for use as amenity space for the occupants of all the flats and motel units hereby permitted within 3 months of first occupation of the flats and retained for such purposes thereafter.
REASON: To ensure adequate open amenity space is available for the occupants of all the flats in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 2 The parking spaces and means of access thereto as shown on the approved plan (Ref: 36CM36AQ_BP1.2) shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme at the same time as the amenity space is provided in accordance with condition 1.

- REASON: To ensure appropriate parking is provided in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.
- 3 The motel units hereby permitted shall be used for holiday purposes only.
REASON: To ensure the appropriate use of the site for holiday let accommodation and compliance with policy E5 of the Maldon District Local Development Plan.
- 4 The owners/operators shall maintain an up to date register of the names of all occupiers of individual holiday accommodation on the site (the motel units), and of their main home addresses, including dates of arrival and departure from the holiday let, and shall make this information available at all reasonable time to the local planning authority.
REASON: To ensure the appropriate use of the site for holiday let accommodation and compliance with policy E5 of the Maldon District Local Development Plan.
- 5 The holiday accommodation (motel units) shall not be occupied by the same person or persons for more than 28 days in any 2 month period.
REASON: To ensure appropriate use of the site for holiday accommodation in compliance with policy E5 of the approved Maldon District Local Development Plan.

There being no further items of business the Chairman closed the meeting at 8.06 pm.

R P F DEWICK
CHAIRMAN

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

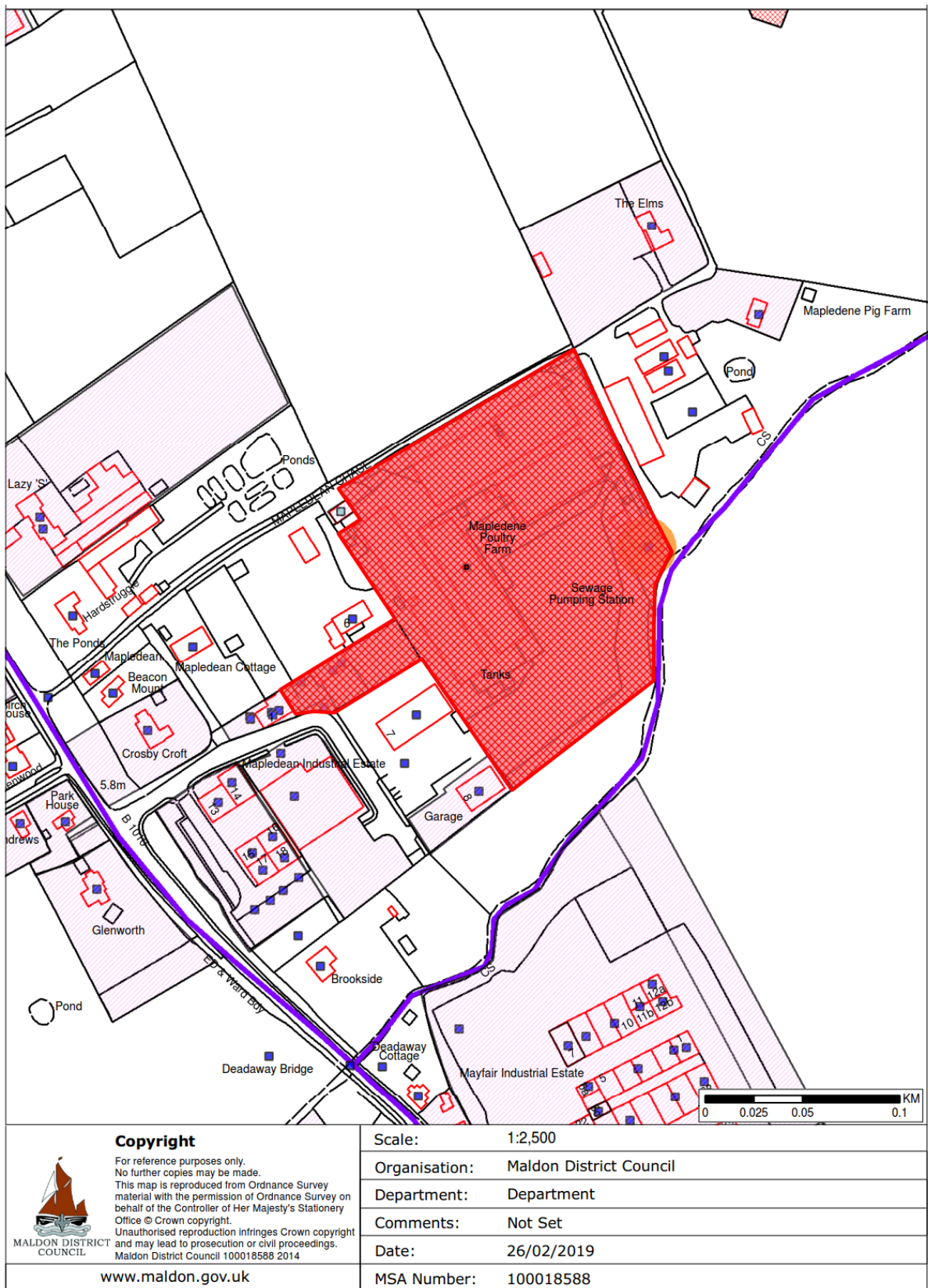
Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	28 th November 2018 (EOT agreed: 15.03.2019)
Case Officer	Anna Tastsoglou
Parish	MUNDON
Reason for Referral to the Committee / Council	Major Application Member Call In Councillor R Dewick has called in this application on the grounds of the size of the application site and in order for the Committee to assess whether the previous reasons for refusal have been addressed.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the south of Mapledean Chase, east of Mapledean Industrial Estate, outside the designated settlement boundaries. The site is currently accessed off of Mapledean Chase, which also serves residential properties. A watercourse runs along the southeast boundary of the application site and the majority of the site, except of the western part of the entrance to the site is located within flood zones 2 and 3.
- 3.1.2 The site covers an area of approximately 2.4 hectares and is currently occupied by a number of single storey agricultural buildings used in association with a poultry farm, which within the Planning, Design and Access Statement suggested that it accommodates 120,000 birds at a time. Although the buildings have a large footprint, they are sited on the northwest part of the application site, away from the open countryside to the southeast and the watercourse. The southern part of the application site is used as caravan storage, known as the Willow Tree Park; however, there does not appear to be any planning history to demonstrate that this use is authorised. A sewage pumping station is sited within the southeast part of the application site.
- 3.1.3 The site is located in between the Mapledean Industrial Estate to the west, the Essex Pet Crematorium to the east and open fields to the north and south. A bungalow is located adjacent to the northwest corner of the application site. In terms of the built form, the industrial estate is mainly formed by single and two storey buildings of simple industrial design, with shallow hipped roofs. Open car parking areas are sited adjacent to the industrial units to serve the employees as well as other associated industrial paraphernalia, such as shipping containers, large waste collection bins and large equipment.

Description of proposal

- 3.1.4 Outline planning permission with all matters reserved, except for access, is sought to redevelop the existing poultry farm through the demolition of the existing poultry farm structures and the erection of approximately 5,030sqm of new buildings to be used for commercial purposes (Class B1 (b) and (c) uses with ancillary offices).
- 3.1.5 The application constitutes a resubmission following the refusal of a similar application (OUT/MAL/17/01338) on 14th March 2018. A revised planning, design and access statement accompanies the application, which states that the reason for the proposed development is to address the need and demand of expansion of a number of the existing businesses of the Mapledean Estate. Letters from the businesses have been submitted, which are taken into consideration and are assessed below within the main body of the officer report.
- 3.1.6 A new access to the site is proposed via the Mapledean Industrial Estate cul de sac. The access would be 7.3m wide with a 1.8m footpath on the southern side. According to the details provided, 168 parking spaces would serve the proposed development.

- 3.1.7 Although only indicative, a layout plan has been submitted showing a total number of five new buildings, of varying footprints, large areas of associated car parking with turning points. The indicative layout plan is the same as previously submitted for the determination of application OUT/MAL/17/01338. Landscaping is mainly proposed along the boundaries of the application site. Within the submitted planning statement it is suggested that the proposed layout has been informed from the existing infrastructure limitation, mainly the position of the existing main sewers and their easements which traverse the site.
- 3.1.8 It is noted that the application is also accompanied by a Flood Risk Assessment, Health Impact Assessment and an amended Transport Assessment.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, due to its location outside the defined settlement boundary and unjustified provision of employment land outside the designated employment sites listed in policy E1. The development is located within flood zones 2 and 3 and insufficient information has been submitted demonstrating that there are no other available sites in areas in lower risk of flooding that can accommodate the proposed development. Although revised information has been submitted by the applicant to address the concerns raised by the Highways Authority, in the absence of a completed legal agreement to secure the necessary provision of a pedestrian footway along the eastern side of Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate site access and the payment of a Travel Plan monitoring fee as requested by the Highways Authority, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the LDP. Additional information has been submitted in relation to management of the surface water, which has now overcome the previous concerns. It has been clarified that the proposed development would be for B1 (b) and (c) use classes only and thus, the reason for refusal in relation to provision of office (town centre) use outside the town centre is no longer valid. Whilst some of the concerns previously raised have been overcome, there are still serious concerns in relation to the proposed development as stated above and explained in detail within the main body of the report and thus, the development is considered to be contrary to the aims of the Local Plan (LDP) and National Guidance and it is recommended for refusal.

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
- 80-84 Building strong, competitive economy
- 85-90 Ensuring the vitality of town centres

- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy E1 – Employment
- Policy E4 – Agricultural and Rural Diversification
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG (2018)
- Essex Design Guide 1997
- Employment Land Review Update (2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposal, which is a resubmission following refusal of application OUT/MAL/17/01338, is to redevelop an existing agricultural business (poultry farm) and erect an approximately 5,030sqm of B1 commercial floor space. The site is located outside the defined settlement boundaries and also outside the defined Employment Land Areas.

5.1.2 The nearest village to the application site is Latchingdon, which is approximately 1km away from the application site and it is therefore relevant to note that policy S1 of the LDP states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 8) *Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

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

5.1.4 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (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. The site is currently used for agricultural purposes and therefore, it is not considered as developed land. The development would result in an intensive use of the land for employment purposes, with provision of permanent structures and insufficient justification, which is further assessed below, has been given as to why this type of development would be considered acceptable when it is in contrast to the content of the LDP. In the absence of such justification and considering the nature of the proposed development, an objection is raised in terms of the encroachment of the development on the agricultural land and rural area.

5.1.5 Support of sustainable economic growth to create jobs and prosperity is one of the core principles of the NPPF. On that basis, the provision of new employment opportunities is not objected to. One of the requirements of the NPPF is to secure that local policies set criteria or identify strategic sites for local and inward investment to match the strategy and to meet anticipated needs over the plan period. It is noted that the approved LDP has set the need of the District and strategic sites for Employment Uses have been identified. As noted above, the application site abuts, but is outside the boundaries of the identified employment land areas.

5.1.6 Policy E1 of the approved LDP states that *“The Council will encourage employment generating developments and investment in the District to support the long-term*

growth vision outlined in the Council's Economic Prosperity Strategy (EPS)". It further continues stating that "This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan". Within the submitted Planning, Design and Access Statement it is stated that the site would be occupied by existing businesses that need to expand. However, it is noted that although the site abuts an existing industrial site, it cannot be considered as an expansion of an existing employment site, given that the existing site is not included within the boundaries of the application site and consequently the development would form a separate planning unit from the existing established employment site. The proposal does not constitute regeneration or modernisation of existing employment land and it is not included within the new employment strategic allocations. As a result, the proposed development falls outside the thrust of policy E1.

- 5.1.7 The submitted statement suggests that a number of existing businesses of the Mapledean Estate are in need to additional floor space. According to the submitted letters there are currently four companies which have expressed their interest to expand on the site. These businesses appear to fall under B2, B8 and perhaps sui generis uses, including an engineering building and construction company, a geo-environmental drilling company, a diamond cutting tool manufacturing company and a road rescue recovery business. The proposed development is for B1 (b) research and development of products and processes and (c) industrial process appropriate in a residential area and thus, the proposed development would probably not be appropriate to accommodate the businesses that have raised their interest in moving to the site.
- 5.1.8 Policy E1 also states 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. In that respect it is noted that a total of 7.9ha benefit from planning permission and are still undeveloped and also another 2.3ha remain without consent. As a result, there is a total of 10.2ha of designated employment land that remains undeveloped. The applicant states that "*the five sites referred to within the Plan are not either currently available, have yet to be developed or are located in unsuitable locations for the various businesses concerned*"; however, no justification or reasoning as to why and which of them is unavailable or unsuitable has been submitted. Furthermore, there is no evidence to suggest that there have been attempts to accommodate the development in one of the allocated sites, which as stated above have not yet been developed. Whilst it is accepted that an informal interest for some of the existing businesses on the adjacent designated employment site to expand has been expressed, it is considered that this argument on its own cannot demonstrate the need of the proposed development in this location, when none of the allocated sites have been sequentially tested and found to be unsuitable. On the basis of the above, it is considered that it is possible that the unjustifiable delivery of employment land in this location might undermine the viability of employment land in preferable, allocated locations, thereby affecting the delivery of the LDP.

- 5.1.9 The applicant has carried out research of available sites within a 5miles distance from the site, given that some of the existing businesses at the adjacent Mapledean Industrial site have shown a desire to remain in Latchingdon. It is stated that the list of properties lacks commercial land or buildings for these companies. However, no justification or reasoning regarding the unsuitability of these properties has been submitted.
- 5.1.10 The Council's Economic Development Team has also been consulted, who has provided a list of sites that meet the criteria given by the applicant, namely sites that can accommodate B1 (c) businesses. From the eight sites given by the Economic Development Team, only two are considered as potentially suitable, but one disregarded because it was located away from the site (16 miles away) and one was unavailable at the time of the application from the vendor. Not only the reasons of the unsuitability of the other sites have not been provided, but also the details of the correspondence between the applicant and vendor to confirm unavailability of the site have not been submitted. It is also noted that unavailability of a site to an applicant does not necessarily constitute unavailability of the site to be developed.
- 5.1.11 It should be made clear that the introduction of a new employment site that would potentially jeopardise the delivery of the allocated employment sites should be well justified. Although it is acknowledged that some businesses have informally expressed their interest in expanding on the application site, it is noted that no formal agreement between the businesses and the applicant has been submitted to justify that these businesses would expand on the site. Therefore, the letters submitted expressing interest can only be given limited weight for the determination of this application, as well as the argument that the development should be positioned within Latchingdon. Furthermore, it cannot be secured that these businesses would not abandon the existing established industrial site and also that other businesses that could potentially occupy the allocated sites would chose to move into this site. As a result, the site, if developed, due to the lack of evidence to ensure a clear need for the proposed development on this particular site, can potentially affect the viability of an existing industrial site and potentially the delivery of the development plan and in particular the designated employment land areas.
- 5.1.12 Whilst it is acknowledged that the site was one of the potential development sites assessed under Employment Land Review Update (2015) and it was disregarded mainly due to the unsuitable and low standards access, it is noted that the site was not included in the allocated employment sites list and due to the insufficient justification demonstrating the need of the proposed use on site, the development would potentially have an effect of existing and designated employment areas and therefore, the delivery of the LDP.
- 5.1.13 Reference is made within the applicant's planning statement to policy E1 "*that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the needs of local businesses in the District*". The largest part of the site is used as a poultry farm which is not considered to be in employment (B) use and therefore, it cannot be considered as a previously developed land, in accordance with the definition of the NPPF. As noted above, part of the site is used for storage purposes of mobile caravans. Although in land use terms, mobile

caravan storage would fall under use call B8, the site does not appear to benefit from planning permission for such use. Therefore, the B8 use, which appears to have commenced around 2011 and gradually expanded, is not lawful and would not be immune from enforcement action. As such, this use of the site cannot constitute a fallback position, given that the site does not benefit from planning permission. On the basis of the above, the site cannot be considered as previously developed land and thus, it does not fall within the description of sites that would be viewed favourable for redevelopment under policy E1.

- 5.1.14 Policy E4 allows the change of use of existing rural buildings to other employment generating uses. However, the proposal is not for reuse of the site, but for complete demolition and rebuild of the site and thus, policy E4 does not apply in this instance.
- 5.1.15 The proposal would involve B1 uses; however, not B1 (a) office uses and thus, the previously raised objection in relation to the impact of the development on the District's town centres.
- 5.1.16 In light of the above, whilst the benefits of supporting employment generating development is afforded some weight, by reason of the insufficient justification in relation to the need for such development outside the development boundaries and 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.
- 5.1.17 Other materials planning considerations, including flood risk and the impact of the development on the character of the area, the landscape and neighbouring occupiers is assessed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). 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 local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*
 - d) *Layout, orientation, and density;*
 - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
 - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
 - g) *Energy and resource efficiency*
- 5.2.4 Policy H4 states that “*all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties.”*
- 5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.6 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.
- 5.2.7 As noted above, the proposed development is outline in nature, with matters of layout, appearance, scale and landscape reserved for future consideration. However, an indicative plan has been submitted with the application which is the same as previously submitted as part of application OUT/MAL/17/01338.
- 5.2.8 No objection is raised to the proposed access to the site, which is a matter assessed under this application. Access would be gained from Maldon Road, which is the main access to the existing industrial estate and it is considered more appropriate for the proposed development from the existing access to the site, which is a narrow unadopted road (Mapledean Chase) serving also residential units.
- 5.2.9 The site abuts the industrial estate to the west, but it is sited outside its boundary and also the boundaries of the settlements. To the north and south of the site are open

fields, while to the east the site abuts the pets' crematorium. Although scale, layout, and appearance of the development are matters reserved for future determination, it is considered that proposed development of approximately 5,030sqm commercial floorspace would result in a development of intensive commercial/industrial character to the detriment of the current rural character of the site and the surrounding area to the north, south and east. Given that no changes have been incorporated to the previous submission in terms of the amount of development proposed, the officer's position remains unaltered, in terms of the impact of the development on the character of area.

- 5.2.10 The existing poultry farm, by reason of its agricultural nature, is not considered as developed land. The existing structures on site, although of a large footprint, are of a limited height and as their appearance are reflective of their function, are considered to be appropriate in a countryside setting. The site is located adjacent to an industrial estate, but within the countryside and therefore, the proposed unjustified development would result in an unacceptable encroachment of urban development into a rural setting, which contributes to the character of the rural area. It is therefore, considered that in the absence of sufficient evidence demonstrating the need of the proposed use on site and also the acceptability of the impact of the development on the existing rural character of the area, an objection is raised to the development, which will be contrary to the policies of the LDP.
- 5.2.11 The submitted Planning, Design and Assess Statement suggests that the site would be only viewed from Mapledean Industrial Estate and Mapledean Chase, which is a private track and that the development would replace existing poultry buildings and silos. As noted above, the development would result in an urbanising effect to what is currently considered being part of the countryside. The development, would have clear views from public vantage points and its impact would be detrimental to the rural setting beyond the industrial estate.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The site is located in between an industrial estate and a pets' crematorium to the west and east, respectively. To the south and north of the site are fields. Therefore, the development would not result in a detrimental impact on the users of these adjacent sites.
- 5.3.3 However, a bungalow is located to the northwest of the application site, which is the nearest residential property to the site. Whilst indicative, the layout plan submitted shows that the development can be located a reasonable distance away from this property and the boundary can be landscaped to reduce any potential impacts from increase in noise disturbance generated by the proposed uses. As such, although matters of layout, scale and landscaping are reserved for future submission, it is considered that there are available options to protect the residential amenity of the occupiers of this dwelling.

- 5.3.4 With regard to the access to the site, it is considered that the proposed access to the site from Maldon Road, rather than from Mapledean Chase, would further protect the amenities of the occupiers of this dwelling, as it would result in reduced vehicle movements adjacent to the residential unit.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.

Access

- 5.4.2 The site is proposed to be accessed off of Maldon Road which serves the Industrial Estate and not from the existing access of the site from Mapledean Chase which currently serves the poultry farm. The proposed access is considered more appropriate than the existing as, it would direct vehicle movement away from the access to residential units. The proposed access has not been amended from the previously refused application (OUT/MAI/17/01338) and the Highways Authority did not previously raise an objection to the proposed access. The Highways Authority has been consulted and raised no concerns in relation to the access of the site. On that basis, no objection is raised in relation to the proposed access.

Parking

- 5.4.3 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 are 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.
- 5.4.4 The Maldon District Council Vehicle Parking Standards (VPS) states that B1 (b) and (c) business uses require a minimum of 1 parking space per 50 sqm. The development would create an approximate 5,030sqm of floorspace and the indicative plans shown that 168 parking spaces can be accommodated on site, in accordance with the District's vehicle parking standards.

- 5.4.5 To ensure that on-street parking during construction will not occur, a condition securing submission of details of a Construction Method Statement has been requested to be submitted by the Highways Authority. Should permission have been recommended, this would have been secured by condition.
- 5.4.6 No cycle parking has been shown on the indicative layout plan. Should permission be granted, the details of cycle parking to meet the District's standards (1 cycle parking space per 100sqm for staff and 1 cycle parking space per 200sqm for visitors) would have been secured by the imposition of a condition.

Trip Generation and Impact on Highway Network

- 5.4.7 A Transport Assessment has been submitted with the application, including details of the existing situation of the highway network, details of the trip generation and impact of the development on the highway network. Initial concerns have been raised by the Highways Authority in relation to the way that the trip generation has been assessed and the fact that the trips generated by the site at peak hours had been significantly underestimated. The underestimation of the predicted number of trips to the site has resulting in the traffic flows used in the junction assessment to be false. Errors have also been identified in the geometric dimension used in the assessment. Concerns have also been raised in relation to the highest acceptable Ratio of Flow to Capacity (RFC) which is indicative of the satisfactory performance.
- 5.4.8 Following discussion with the applicant in relation to the initial concerns raised by the Highways Authority, an updated Transport Assessment has been submitted. The trips generation has been amended and shows a higher number of trips of a highly basis at peak hours from what was previously stated. Amendment has also been incorporated to the highway network assessment and in particular the highest RFC for each junction.
- 5.4.9 The Highways Authority has been consulted and highlighted that although some minor delays would be caused to the locality at peak hours, it is considered that the proposal can be accommodated on the local highway network without any notable detriment to the highway safety of efficiency of the highway network.

Sustainable Transport

- 5.4.10 Part of the transport assessment submitted includes information regarding public transportation. Although the nearest bus stop is only 2 minutes walking distance from the application site (35m), the links provided are not very frequent or extensive. There are only two bus service routes operating on an hourly basis linking the site with Chelmsford, Maldon and Burnham-on-Crouch. The nearest train station is approximately 3.3 miles away from the application site and it is located in North Fambridge. Therefore, given the limited accessibility of the site to public transportation, it is likely that the future employees would be dependent on the use of private vehicles.
- 5.4.11 The Highways Authority has been consulted and in order to provide a safe access to both pedestrians and mobility impaired and maximise accessibility in accordance with policy D1, has requested improvement to the pedestrian footway along Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial

Estate access. The requested works are off site and not under the applicant's ownership or control and therefore, in order to be secured they should be agreed through a legal agreement. In the absence of a signed and completed legal agreement pursuant to S106, the impact of the development would not be able to be mitigated contrary to policies S1, D1 and T2.

- 5.4.12 A Travel Plan Statement has been submitted with the application providing a skeleton of the action plan which full details are reserved for the reserve matters stage. It is stated that the plan, when submitted in full would include information regarding the forecast level of trips by all modes of transport likely to be associated with the development, the need for public to access, hours of working, phasing of the construction, the nature of the vehicles requiring access, information about bus stops, access points, car parks and cycle parking. Should permission have been recommended the details of a travel plan would have been secured by condition. Although the submission of details of the Travel Plan could have been secured by the imposition of a condition, it is noted that a monitoring fee has been requested by the Highways Authority. The fee can only be secured through a legal agreement and thus, in the absence of a signed legal agreement securing the necessary monitoring fee, the impact of the development would not be able to be monitored and mitigated.

5.5 Flood Risk

Sequential test

- 5.5.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.5.2 Paragraph 158 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*
- 5.5.3 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.4 The site is located within Flood Zones 2 and 3 and therefore, the development should pass the sequential test.
- 5.5.5 The application is supported by a Flood Risk Assessment. Under the section of the sequential test, a table has been included, which indicates the types of development that are appropriate for the various flood zones. Although this table has been gathered from the Planning Practice Guidance and it relates to the Flood Risk vulnerability and flood zone 'compatibility', it is clear from the notes related to the table that it does not

show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

- 5.5.6 The statement concludes that on the basis of the information contained within the table the proposed commercial development is suitable within flood zone 3a. However, it is considered that this is of more relevance to the exception test and not the sequential test. The table shows when different types of development, following the application of the sequential test, are suitable or not to be developed in different flood zones and in which cases the application of an exception test is required.
- 5.5.7 The submitted Planning, Design and Access Statement suggests that the site is sequentially preferable because there are no other sites that are currently available or suitable. As discussed in detail in the 'Principle' section of the report, the allocated employment sites have been unreasonably disregarded due to their distance from the existing industrial site and unavailability for which evidence has not been submitted. It is noted that the fact that some businesses have informally expressed their lack of interest in moving to one of the allocated sites, on its own as an argument and without any formal agreement in place for them agreeing to move to that proposed site, it cannot substantiate the disregarding of the allocated sites. Furthermore, the argument that a site is not available to the applicant does not signify unavailability for development.
- 5.5.8 As a result, and for the reasons stated above, it is considered that the proposal does not pass the sequential test, as it has not been demonstrated that the development cannot be accommodated in other sites in areas within lower risk of flooding. Once again it must be noted that a substantial amount of employment generating land will be provided through the sites allocated within the LDP. Thus, the development proposed is unacceptable and contrary to the guidance contained in the NPPF and policies S1 and D5 of the LDP.

Flood Risk Assessment and SUDS

- 5.5.9 The FRA submitted highlights the potential of flooding from surface water and tidal influence of the river the main risks of flooding and suggests mitigation measures including external levels falling away from the entrances of the building, flood warning strategy and flood resilient construction.
- 5.5.10 The Environment Agency has been consulted and raised no objection to the proposed development, which is protected by flood defences. However, it is underlined that the requirement to assess whether the development passes the sequential test is with the Local Planning Authority (LPA) and surface water flood risk should be determined by the Lead Local Flood Authority.
- 5.5.11 The Lead Local Flood Authority was consulted and raised a holding objection for the following reasons:
- *Discharge rates from the site should be limited as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, or if reasonably impracticable to achieve then a minimum of 50% betterment on existing runoff rates, with reasoning for this approach. In any case the flow*

should never exceed the rate of discharge from the development prior to redevelopment for that event.

- *The principle of the drainage scheme is to drain to an adjacent water body. No information has been given to demonstrate how feasible positive drainage to this feature is in relation to site topography and existing water levels. Flood risk maps illustrate that this area is at risk of flooding. The applicant should provide evidence that potential surcharging of outfall has been taken into account in the drainage strategy.*

5.5.12 Following the Lead Local Flood Authority's response, a surcharge modelling has been submitted to demonstrate that the site can manage the surface water under surcharge conditions, including a drawing showing the drainage layout and the information generated by the model.

5.5.13 The Lead Local Flood Authority has been re-consulted and subject to a condition securing the submission of details of the surface water drainage scheme has withdrawn the previously raised objection. On that basis, an objection in relation to management of the surface water is no longer raised.

5.6 Landscaping and Ecology

5.6.1 In terms of ecology, the site abuts a vegetated stream along its southeastern boundary. There are further areas of hedgerow and scrubs within its boundaries. Concerns have been previously raised by the Countryside Officer in relation to the potential impact of the development on the existing landscape features, contrary to the requirements of Section C02 of the MDDG which states that all developments should make sure that the scheme strengthens and retains existing features of biodiversity and ecological value such as hedgerows, ditches and watercourses and their species. Given that the development is outline in nature and the submitted layout plan is only indicative, although an objection was previously raised in that respect, it is considered that the layout could be re-arranged in a way that would not adversely impact upon the existing landscape features and species. The details of the layout and landscaping are matters that are reserved for future consideration and no development would be able to go ahead without those details having been agreed with the LPA first.

5.6.2 The application is accompanied by an extended Phase 1 Habitat Survey which has been submitted and the report concludes that further species surveys should be carried out to establish that the development would not have an impact on any protected species. Although these surveys have not been carried out, it is considered that the submission of their findings can be secured by a pre-commencement condition. This would prevent any development being carried out prior to securing that no species are identified on site or any impact to them can be substantially mitigated.

5.7 Other Matters

Health Impact Assessment

5.7.1 The NPPF supports that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. A Health Impact Assessment (HIA) is a useful tool to use where there are expected to be significant impacts.

- 5.7.2 According to Health Impact Assessment of Government Policy (2010) the HIA is to produce a set of evidence-based practical recommendations that will inform decision-makers on how best they can promote and protect the health and wellbeing of local communities they serve. The HIA should maximise the positive impacts and minimise the negative impacts of the policy and address health inequalities. Recommendations for action and monitoring should be included within the document submitted.
- 5.7.3 A HIA has been submitted with the application assessing the effects that the development would have on the nearby residents in comparison to the existing use of the site and concludes proposes resources of minimising the impacts of the development.
- 5.7.4 It is stated that the site is currently used by a poultry farm and there are other uses which are both noise and pollutant sources nearby the existing residential properties which result in more significant impacts on the amenities of the neighbouring properties from the proposed use. Furthermore, the proposed B1 use is by definition a type of use that can coexist with residential uses. It is therefore argued that the replacement of the poultry farm with B1 uses would be beneficial to the locality and existing neighbours. It is also suggested that the development would encourage walking and cycling to work to reduce car dependency. Whilst by reason of the location of the site, there are concerns that this may not be able to be fully achieved; it is considered that should permission have been recommended, further details would have been requested to be submitted with Travel Pack Information.
- 5.7.5 It is also stated that in terms of equalities, it is considered that the development would be an opportunity to provide employment with particular benefit to those on a low income who are resident within the rural areas of the Dengie.
- 5.7.6 As part of the application, it is suggested that the redevelopment of the site would be an opportunity to decontaminate the site. Furthermore, the development would promote crime reduction and community safety through design and appropriate advice will be taken from the Secure by Design team. However, this is not considered to be robustly substantiated.
- 5.7.7 The development would significantly increase the vehicle movements in comparison to the movements currently created by the existing use on the site. Although one of the objections raised by officers relate to the limited information submitted regarding the impact of the development on the highway network by reason of this increased levels of traffic, taking into consideration that the movements would be directed away from the residential properties (there would be no access to the site from Mapledean Chase which is currently shared between the application site and the residential properties), on balance, no objection is raised in terms of the impact of the development on the health of the neighbouring residential occupiers.
- 5.7.8 On balance, in light of the above, it is considered that the development would promote social interaction and it would not result in detrimental impacts on the health of the existing communities. The development is, on balance, considered to minimise the adverse health impacts from the existing use of the site.

Sewage Pumping Station

- 5.7.9 It is noted that a sewage pumping station and existing main sewers will cross the site and these are owned by Anglia Water. Anglia Water has been consulted and suggested the following notice to be added as a reminder for the applicant:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- 5.7.10 It is noted that this matter is covered by separate legislation and it is not a material planning consideration.

6 ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history to the application site is as follows:

- **OUT/MAL/17/01338** - Redevelopment of poultry farm for approximately 5,030m² of B1 commercial floorspace with associated access arrangements. Planning permission refused for the following reasons:
 - 1 *The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for an additional 2.4ha of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).*
 - 2 *According to the NPPF local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The development which would create new office space (which falls within the definition of town centre uses) is located outside the town centre and it has not been demonstrated that sequentially preferable sites have not been considered first as required by national and local planning policy in the interests of maximising accessibility by sustainable modes of transport and ensuring the vitality and viability of more central locations. The*

development is therefore unacceptable and contrary to guidance contained within the National Planning Policy Framework (2012).

- 3 *The proposed development is located within a high-risk flood zone (flood zone 3a) and no evidence has been submitted to demonstrate that there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).*
- 4 *The proposed development is located within a high-risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that sufficient drainage strategy has been considered to reduce risk of flooding. The development is therefore unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).*
- 5 *The proposed development would be sited in close proximity to ecological and landscape assets, such as a vegetated stream and areas of hedgerows and scrubs, and insufficient information has been submitted to demonstrate that the development would not have a detrimental impact on the existing landscape features. The development is therefore unacceptable and contrary to policies S1 and N2 of the Maldon District Local Development Plan (2017), the guidance contained within the Maldon District Design Guide and Government advice contained within the National Planning Policy Framework (2012).*
- 6 *The proposed development would materially increase daily trips to and from the site. Insufficient information has been submitted, within the application, to demonstrate that the proposed development would not result in levels of trips that would not have a detrimental impact upon the existing network and infrastructure. The development is therefore unacceptable and contrary to policy T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).*

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

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	Initial concerns have been raised in relation to the way that trip generation has been calculated and the potential impact on the potential impact on the capacity of the highway network. At the time of writing of the report, no final consultation response has been received.	Comment noted and addressed in the 'Highway' section of the report. It is noted that the final recommendation would be subject to the consultation response from the Highway Authority.
Essex and Suffolk Water	No objection subject to compliance with their requirement.	Comment noted
Anglia Water	No objection subject to condition in relation to the submission of details regarding a foul water Strategy.	Comment noted
Environment Agency	No objection.	Comment noted
Lead Local Flood Authority	Following submission of additional information in relation to management of surface water and subject to the imposition of a condition for the details to be agreed in writing, no objection is raised.	Comment noted and addressed in the 'Flood Risk' section of the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Comment noted.
Planning Policy Officer	Capacity exists within the LDP employment allocations for B1, B2 and B8 uses.	Comment noted and further discussed in the 'Principle' section of the report.
Urban Design Officer	No objection	Comment noted
Economic Development Officer	The proposed development would enable four businesses to expand as well as provide opportunities to other businesses to start up.	Commented are noted; however, as discussed in detail in the 'Principle' section of the report, there are existing allocated sites that are available to accommodate new employment
Countryside and Coast Officer	Object to the application due to the lack of further surveys to establish presence/absence of protected species on site. The layout plan submitted for not indicate any soft landscaping options to mitigate potential impacts.	Comment noted and are addressed in the 'Ecology' section of the report

7.4 Representations received from Interested Parties

- 7.4.1 The neighbouring occupiers have been consulted and site notices posted on site and no representations have been received.

8 REASONS FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for an additional 2.4ha of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development is located within a high-risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision of a new two metre wide pedestrian footway along the eastern side of Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate site access and the payment of a Travel Plan monitoring fee as requested by the Highway Authority, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

Application Number	FUL/MAL/18/01374
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Change of use from wedding venue to residential (C3) and the construction of an outbuilding including an associated access, boundary treatments and car parking.
Applicant	Mr Mark Sadleir
Agent	N/A
Target Decision Date	31.01.2019
Case Officer	Devan Lawson, Tel: 01621 875845
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

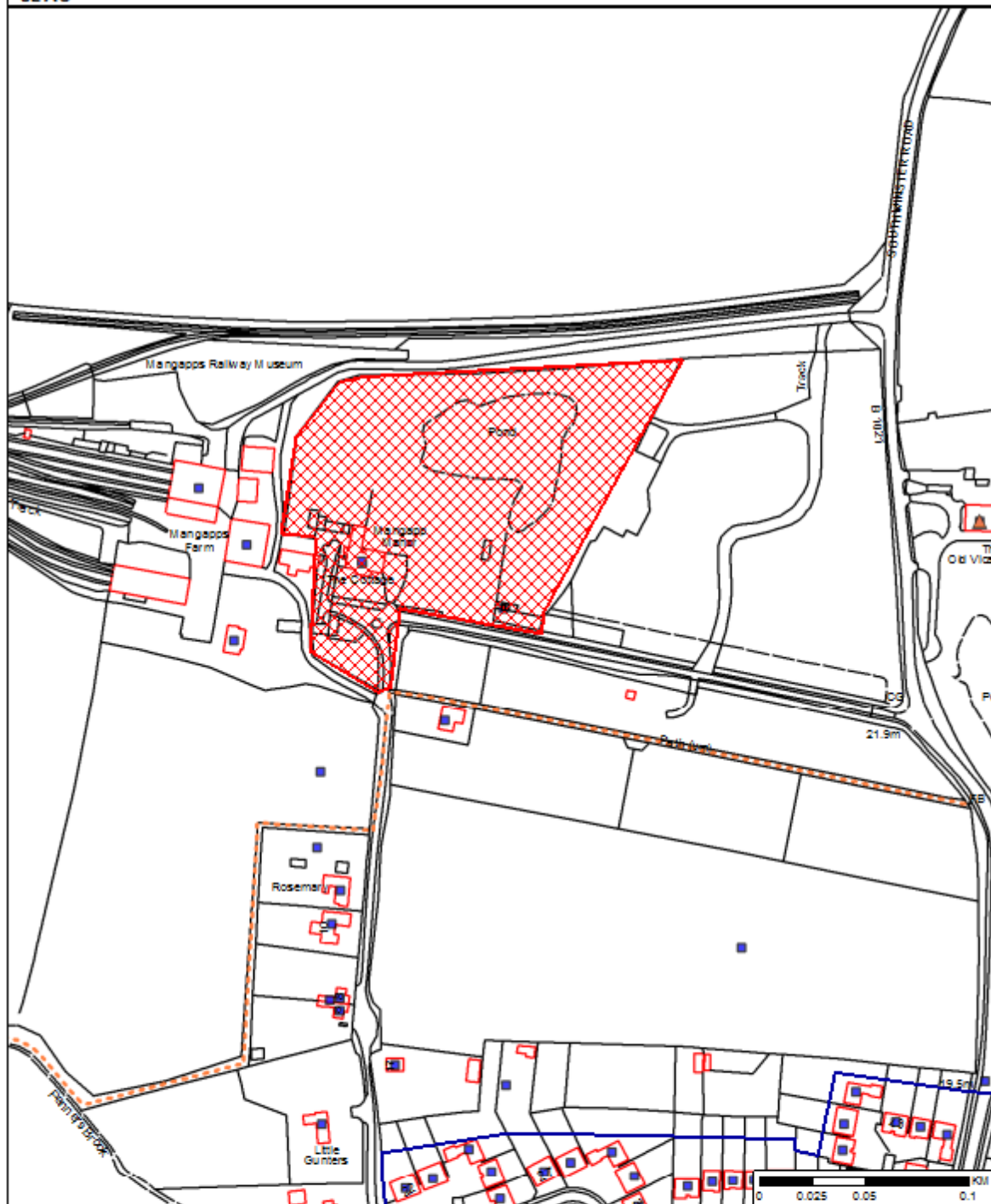
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

18/01374/FUL Mangapp Manor Southminster Road
SEAC



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Maldon District Council 100018588 2014

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SEAC

Date: 12/02/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is an irregular shape measuring approximately 1.9ha and located at a minimum of 96m to the western side of Southminster Road, outside of a defined settlement boundary. The site is accessed along a private track and is currently occupied by a dwellinghouse and a number of outbuildings, which have a residential and wedding venue use. To the north of the site is a large pond.
- 3.1.2 The application site is located to the north of Mangapp Chase, which features a low density arrangement of dwellings. To the north of the application site is open countryside and Mangapps Farm and Railway Museum is located to the west. To the southeast of the site is a field which benefits from outline planning permission to erect up to 80 dwellings (OUT/MAL/14/00845, APP/X15454/W15/3009772).

Background Information

- 3.1.3 The application site forms the grounds of Mangapp Manor, which has a mixed use of residential and a wedding venue. In March 2008 planning permission (FUL/MAL/08/00027) was granted on the area of land to the east of the residential curtilage to erect a marquee for the use of wedding receptions and functions. This permission was subsequently amended under the terms of FUL/MAL/08/00516 which varied the number of guests allowed at the functions and the access arrangements. Following this an application was approved (FUL/MAL/09/00007) to allow civil ceremonies to take place in the ground floor ‘drawing room’ of the Manor House.
- 3.1.4 The area of land to the east of the site, beyond the pond was considered under application FUL/MAL/08/00516 to be outside of the recognised domestic curtilage. However, it is noted that the area of land formed a part of the grounds of Mangapp Manor and its residential use.

Proposal

- 3.1.5 Planning Permission is sought to remove the wedding venue use from the site and revert it back wholly to residential use. It is also proposed to construct an outbuilding towards the southeast corner of the site.
- 3.1.6 The proposed building would measure 18.5m in width and 10m in depth, with an eaves height of 2.3m and a maximum height of 5.6m. The building would be constructed from timber and weatherboard, red pantile roof tiles and brown UPVc openings. There are four windows proposed in the east and west elevations, with a set of double doors in the west elevation and a large almost fully glazed wall with glazed double doors on the south elevation.
- 3.1.7 The proposal includes the addition of an area of hardstanding around the proposed building which will consist of 20mm shingle and an area of block pavers at the entranceway to the building. An entrance gate is also proposed to the south of the building and laurel hedging will be planted along the southern boundary.

3.2 Conclusion

- 3.2.1 The proposal to revert the site back to a sole residential use is not objected to as the residential use at the site is existing and there would be minimal impacts on tourism within the wider area, which would be outweighed by the reduced levels of harm on neighbouring occupiers resulting from noise at the site. However, it is considered that the proposed outbuilding, namely as a result of its scale, bulk, design and siting in relation to the host dwelling and outside of the residential curtilage, countryside and the public footpath to the south, would result in overly large and incongruous form of development which would create an urbanising impact to the detriment to the character and appearance of the site and the intrinsic character and beauty of the countryside. Furthermore the proposed outbuilding, as a result of its physical separation, lacks a visible relationship with the host dwelling. Therefore, the proposal is considered to be detrimental to the character and appearance of the rural area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan (LDP), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and Government guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 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
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- E5 Tourism
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of erecting outbuildings within the curtilage of a dwelling to provide facilities in association with residential accommodation is considered acceptable in line with policy D1 of the LDP. However, the location of the proposed outbuilding is considered to be outside of the residential curtilage of the site and therefore would be located in the open countryside. As with any new form of development within the open countryside, they should only be allowed for specific and justified purposes where an applicant can substantiate a need for the development and where the impact of that building would accord with policies S1 and S8 of the LDP. However, inadequate justification for the use and siting of the proposed outbuilding has been provided and therefore, it is considered that the proposed development would be contrary to policies S1 and S8 of the LDP particularly having regard to the visual impact that is discussed in section 5.2.
- 5.1.2 In addition to the construction of the outbuilding, the proposal also seeks to remove the use of the ‘drawing room’ on the ground floor of the Manor house for Civil Ceremonies which was approved under the terms of application FUL/MAL/09/00007 and the change of use of the land designated under application FUL/MAL/08/00516 for wedding facilities and functions back to residential use.
- 5.1.3 The existing use of the site is considered to relate to tourism to some degree. Policy E5 of the LDP states that the change of use from tourism uses will only be considered if:
- 1) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs;
 - 2) The existing business/service is not and cannot be made viable; and
 - 3) There is no known demand for existing and alternative tourism use, and the site has been market effectively for all alternative tourism related uses.
- 5.1.4 Whilst it is noted that the loss of a wedding venue would have the potential to impact on tourism within Burnham-on-Crouch, for example there would be less demand for hotel rooms, the impact is considered to be minor. Therefore, it is considered criterion 1 is satisfied.
- 5.1.5 Whilst no information has been submitted in relation to criterion 2 and 3, regard should be had to the fact that the site has always been used in association with a residential use and therefore, it is not considered that there would be a substantial change of use of the site in comparison to its former uses. It is also worth noting that the existing owner has no intention of using the site for wedding use and therefore, the use of the site has already ceased and will not be reinstated in the long term. This is something that can be done without the need for planning permission and is outside of the Councils control.
- 5.1.6 Consideration is also given to the fact that the removal of the wedding venue use will improve the living conditions of nearby occupiers due to matters such as a reduction

in noise levels. Whilst this will be discussed in more detail under section 5.3, it is worth considering in relation to the principle of the development as the benefits to the living conditions of nearby occupiers could outweigh the minimal harm resulting from the loss of the wedding venue use.

- 5.1.7 Having regard to the above, although the criterion of Policy E5 has not been fully met, taking a pragmatic stance and having regard to the above points, it is considered that reverting back to a complete residential use is acceptable in principle.

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 MDDG (2017).

- 5.2.5 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (BOCND) states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 The proposed outbuilding would be situated over 50 metres from the host dwelling and would be located outside of the existing residential curtilage of the dwelling. Having regard to the significant separation distance between the dwelling and the proposed building and its location outside of the residential curtilage, it is considered that there would be a lack of visual link between the host dwelling and the proposed outbuilding. The impacts of which would be exacerbated by the design of the building, including a large level of glazing and grey weatherboarding, which are not considered to be characteristic features of rural outbuildings. It is considered that this would prevent the development having a subservient relationship with the host dwelling. Therefore, it is considered that the proposed outbuilding would result in unacceptable urban sprawl into the countryside through the addition of an outbuilding, outside of the residential curtilage, that has no visual links to the dwelling within the site.
- 5.2.8 The proposed outbuilding would have a footprint which is 66% of the floor area of the host dwelling. This along with the substantial height of the outbuilding at 5.5 metres and the excessive scale and bulk of the proposal, with a floor area of 187m², it is considered that the proposed development would be excessive in size. This is considered to also contribute to the unjustified sprawl of the residential use and domestication of the countryside.
- 5.2.9 In addition to the above the proposal would be visible from within Southminster Road and also the public footpath, further increasing the dominating and urbanising impacts on the intrinsic character and beauty of the countryside.
- 5.2.10 Whilst it is noted that there are existing trees within the site, hedgerows sited along Southminster Road and that the applicant has proposed the planting of a laurel hedgerow along the southern boundary of the application site, which would provide some screening of the development from the highway and public footpath, it is not considered that the limited level of landscaping would be sufficient in overcoming the material harm to the countryside, particularly in the winter months and because there are no guarantees that the planting and trees within the neighbouring site adjacent Southminster Road which falls outside of the application site would be maintained for the lifetime of the development.
- 5.2.11 It should also be noted laurel hedgerows are not a native species and therefore, would not be favoured in this location as they are not considered to be suited to a rural

environment. Therefore, the use of the laurel hedgerow would be likely to increase the level of material harm to the countryside.

- 5.2.12 Given that the site lies outside of the settlement boundary and residential curtilage, within the countryside, it is not considered that a building of this scale, bulk and design is acceptable and is therefore, contrary to policies S1, S8, D1 and H4 of the LDP and policy HO.8 of the BOCNDP.

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 dwellings approved under APP/X15454/W15/3009772 to the south of the site would be the closest residential development to the proposal at a distance of 43m. Given the significant separation distance between the proposed development and the adjacent permission it is not considered that there would be demonstrable harm to the neighbouring amenity. However, if the application were approved a condition should be applied ensuring that the development remains incidental to the enjoyment of the Mangapp Manor to prevent any undue harm to neighbouring amenity.
- 5.3.3 It is also considered that the removal of the wedding venue use will reduce any potential harm resulting from the noise impacts associated with the existing use. For example the dwellings approved under APP/X15454/W15/3009772 located to the south of the site is subject to a condition requiring a fully detailed scheme of mitigation for protecting the living conditions of future occupiers of the dwellings from noise arising in connection with events at Mangapp Manor. The removal of the wedding venue use will therefore, substantially enhance the living environment of existing and future occupiers within the surrounding area.
- 5.3.4 Having regard to the above it is not considered that the proposal will result in unacceptable harm to the amenity of neighbouring occupiers, in accordance with policy D1 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 The existing site provides sufficient parking for the existing dwelling and the proposal will contribute positively to this provision. Therefore, there is no objection to the level of car parking provided.
- 5.4.4 The proposed access would be situated to the north of the private track. Whilst the Local Highways Authority have raised no objection as the track is private, it is not considered that the access would result in detrimental impacts on highway safety and is therefore considered acceptable in accordance with policies S1 and T2 of the LDP. Furthermore, the change of use could result in the reduced use of the access due to fewer visitors to the site.
- 5.4.5 The Local Highways Authority has requested a condition stating that the public's rights and ease of passage over footpath number 2 in Burnham-on-Crouch shall be maintained free and unobstructed at all times. It is considered necessary to impose this condition, should the application be approved, to prevent any obstruction of the footpath particularly during the development by construction traffic.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted 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.
- 5.5.2 The proposal would result in some loss of amenity space. However, there is sufficient private amenity space situated to the rear of the existing dwelling which is in excess of the required standards. Therefore, there is no objection in this regard.

5.6 Foul and Surface Water Drainage

- 5.6.1 It is noted that the applicant has stated within the application form that foul drainage would be dealt with via a mains sewer but states that it is 'unknown' whether a connection to an existing drainage system is being proposed. This information conflicts with information submitted under application OUT/MAL/17/01300 which related to a similar development but was withdrawn. The information as part of that application stated that a septic tank would be provided. However, it is not considered that the building would require foul drainage and therefore, a condition in this regard is not considered necessary.

- 5.6.2 Although the application form states that surface water will be dealt with via a soakaway, there has been no confirmation of the intended surface water drainage method proposed. Therefore, a condition requiring details of a surface water drainage scheme should be imposed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/90/00992** - Formation of landscaped embankments. Approved no conditions.
- **FUL/MAL/08/00027** - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved.
- **FUL/MAL/08/00516** - Variation of condition 15 (relating to maximum no's of guests) and removal of conditions 9,10,11 &12 (relating to access) of FUL/MAL/08/00027 - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved
- **DET/MAL/08/05074** - Compliance with conditions notification of FUL/MAL/08/00516 - Conditions: 6, 10 and 12. Condition Cleared.
- **DET/MAL/08/05156** - Compliance with Conditions notification: FUL/MAL/08/00516 - Condition 6 - Noise insulation. Condition Cleared.
- **FUL/MAL/09/00007** - Change of use of room for marriage civil ceremonies. Approved.
- **OUT/MA/17/01300** - Addition of barn within grounds of Mangapp manor and associated access. Application withdrawn.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No comments subject to a condition ensuring that the public's right and ease of passage over footpath number 2 in Burnham-on-Crouch shall be maintained and free from obstruction at all times.	Noted and addressed at section 5.4

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Economic Development	Neither object nor support as the team would like to see the option for the wedding use to take place, they understand that the new owner does not ever intend to use it this way	Please see section 5.1
Environmental Health	No objection subject to conditions regarding foul and surface water drainage as it is not clear how realistic it would be to make a connection to the mains sewer in this location and it is not clear how surface water will be disposed of.	Please see section 5.6

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. **REASON FOR REFUSAL**

- 1 The proposed outbuilding, as a result of its siting, scale, bulk and design would be unduly detached from the host dwelling and would have a substantial and unacceptable visual impact on the intrinsic character and beauty of the countryside. This would be exacerbated by the substantial increase in built form and the fact the development is located outside of Mangapp Manor's curtilage resulting in the urbanisation of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the guidance contained within the National Planning Policy Framework.

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

Application Number	FUL/MAL/18/01479
Location	The Clubhouse Coronation Road, Burnham-on-Crouch
Proposal	Proposed extensions, alterations and change of use of the former yacht club to a single dwelling house.
Applicant	Mr & Mrs R Taylor
Agent	Mr David Taylor- AFT Design
Target Decision Date	12.03.2019
Case Officer	Devan Lawson, Tel: 01621 875845
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt Reason: Public Interest

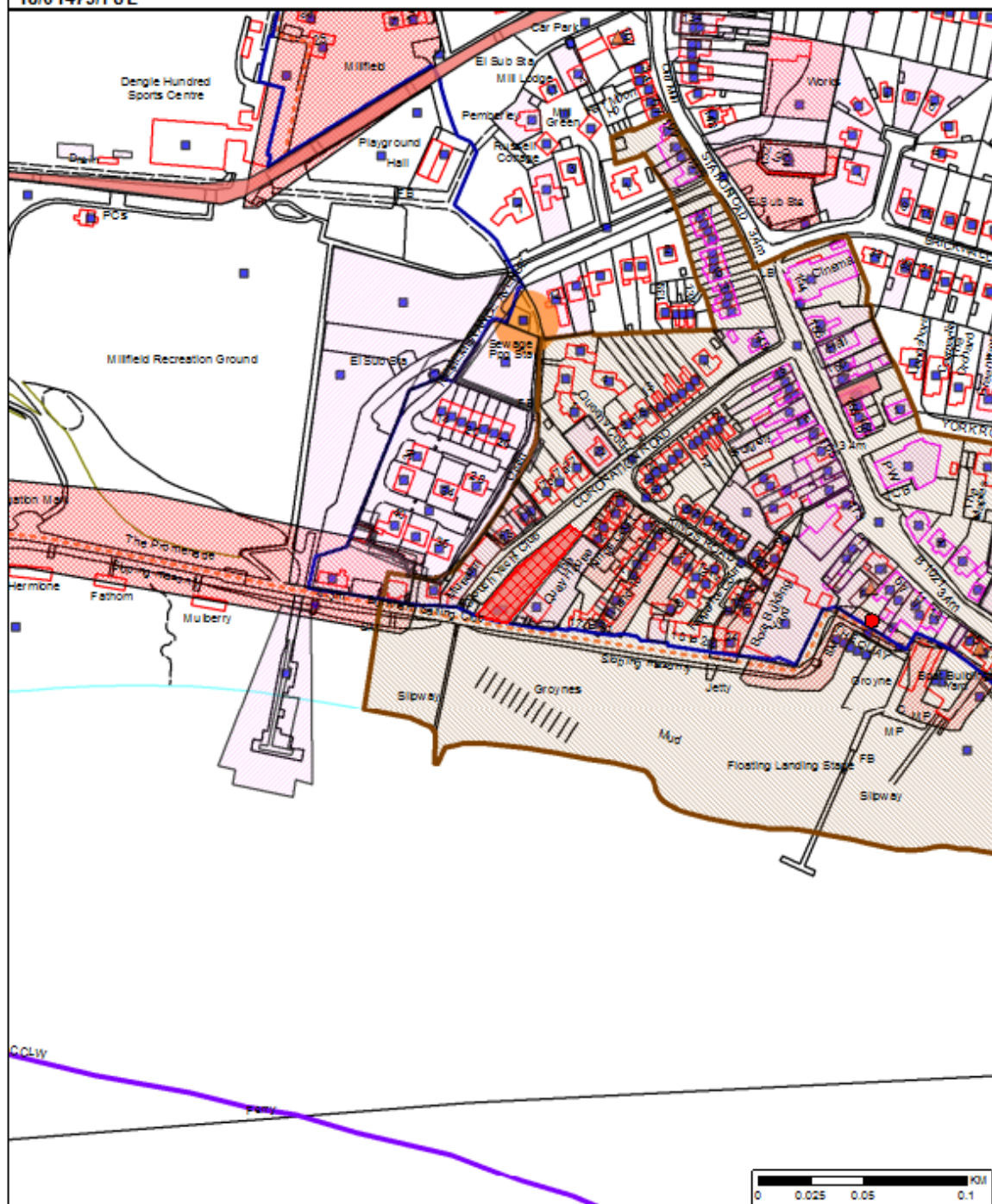
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

The Clubhouse Coronation Road, Burnham-on-Crouch
18/01479/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	13/02/2019
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site measures 701.2m² and is located within the settlement boundaries of Burnham-on-Crouch, towards the south of Coronation Road. The site is occupied by a part three, part two storey building which fronts the seawall. The building was originally built in c.1905 as a sail loft and had been occupied by The Crouch Yacht Club, a private run members club for sailors, since 1907. The use of the building by The Crouch Yacht Club has since ceased. However, the lawful use of the building remains as D2 (leisure).
- 3.1.2 The original, early-20th-century part of the building located centrally between more modern extensions to the north and south, makes a positive contribution to the character and appearance of the Burnham-on-Crouch Conservation Area which is defined to a large extent by the high survival of traditional buildings. The more modern extensions to the buildings which exist to the north and south are, by contrast, less sympathetic in terms of their form, materials and detailing.
- 3.1.3 The site is situated in Flood Zone 3 and lies adjacent to the Crouch Estuary SSSI.
- 3.1.4 Planning permission is sought for the change of use of The Yacht Club to a dwelling including a number of alterations and extensions which consist of:
- The demolition of the modern white metal clad front and side extension.
 - The demolition of the existing two storey accommodation block to the rear, which would be replaced with a 2m high, brick, walled garden area.
 - The creation of a raised terraced area at first floor level to the south of the building which would be enclosed by a brick wall, planter and 1.1m high balustrade.
 - The construction of an extension to the eastern elevation measuring 8.2m to the eaves, 10.1m to the ridge, 3.3m in width and 3.6m in depth. The proposed extension is three storeys in height, with a covered outdoor element at ground floor and projects from an existing three storey side projection.
 - A timber framed cartlodge is proposed to the rear (north) measuring 2.8m to the eaves and 4.8m to the ridge with a width of 6.4m and a depth of 6.1m. The proposed cartlodge will be served by a porous asphalt driveway.
 - The proposal also includes alterations to the fenestration including new openings in all elevations and also the roofspace.
 - The conversion of the carpark to the far north of the site to amenity space.
- 3.1.5 The materials proposed will largely match the existing with the exception of some windows and doors which will be timber and aluminum as opposed to timber and UPVC.

3.2 Conclusion

- 3.2.1 The proposed development would result in the unjustified loss of a community/leisure and tourism facility as it has not been satisfactorily demonstrated that adequate efforts have been made to find an alternative site use, that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable

and alternative based community and/or tourist based use which is a requirement of the Council's adopted policy. In addition to this it is not considered that the benefits of restoring the sail loft building would outweigh the harm identified as a result of the loss of the tourist and community facility. Therefore, this element of the development is contrary to policies S1, S2, D1, E3 and E5 of the LDP and guidance contained within the NPPF.

- 3.2.2 Further to the above the proposal is located within Flood Zone 3 where there is a higher probability of flooding. The proposal is a more vulnerable development and fails both the sequential and exception tests. Given that the Council can demonstrate a five year housing land supply on sites which have been the subject of Sequential Testing and the wider sustainability benefits to the community do not outweigh the flood risk posed the proposal is considered to be contrary to policy D5 of the LDP and guidance contained within the NPPF.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 155-165 Planning and flood risk
- 184- 187 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- E5 Tourism
- D2 Climate Change & Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwelling would be located within the settlement boundaries of Burnham-on-Crouch and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential to within established settlements thereby preserving the appearance and character of the countryside. Burnham-on-Crouch is recognised as being a 'Main Settlement' which has a range of services and opportunities for employment, retail and education, as well as having good public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. Therefore, the principle of the development within this locality is considered acceptable.
- 5.1.2 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited. However, in this instance, it is considered that one additional dwelling would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.3 The proposal would result in the loss of The Crouch Yacht Club's club house, which has been vacant since last summer. Having regard to the lawful use of the site (D2) it is considered that it is a community facility as it provides a sporting facility and one which is similar to public house and thus policy E3 would be relevant in this regard.
- 5.1.4 Policy E3 seeks to retain and enhance the provision of community services and facilities within the District, and when a proposal would result in the loss of a community facility, the application will be required to demonstrate to the Council's satisfaction that:
- 1) The existing business/service is not and cannot be made viable; and
 - 2) Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.

Both of these criteria will be assessed below.

- 5.1.5 It is also noted that sailing within Burnham-on-Crouch contributes towards tourism in the area and that the application building has 17 guest bedrooms within the ground and first floors. Therefore, whilst The Yacht Club requires a membership and therefore, given the provision of the guest bedrooms and use of the site in relation to sailing, it is considered the site represents a tourist attraction to some degree. Consequently policy E5 of the LDP and EC.6 of the BOCNDP are also relevant.

- 5.1.6 Policy E5 of the LDP states that the change of use from tourism uses will only be considered if:
- a) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs;
 - b) The existing business/service is not and cannot be made viable; and
 - c) There is no known demand for existing and alternative tourism use, and the site has been marketed effectively for all alternative tourism related uses.
- 5.1.7 Policy EC.6 of the BOCNDP supports the development of tourist based uses, and seeks to safeguard particular assets. However, the application site is not one of those safeguarded uses.
- 5.1.8 Evidence has been provided by the applicant in relation to the above mentioned policies and has been summarised below:
- In 2015/16 the club approached Savills and Strutt and Parker regarding the marketing of the site for the purpose of redevelopment and Strutt and Parker were instructed to do so.
 - The marketing exercise was completed in March 2016. There had been 2 enquiries from developers in this time but nothing came from the enquiries.
 - Following this Rockhold, a property development company, was instructed to apply for planning permission on the clubs behalf and take a percentage of a resulting sale. However, this fell through in July 2017.
 - The marketing committee also approached local clubs and associations with a view to letting or leasing the club premises for other uses. The only documented evidence of this is from 20th May 2016 where the Burnham Rugby Club met with Strutt and Parker to discuss their potential involvement, but it was said to be too far from the rugby pitch and too high a cost.
 - The owner of the club who is an adjacent neighbour to the site bought the club with the intention of renting the building back to the club at £1000 a year. However, the club did not wish to continue and moved out.
 - The building as a whole is poorly insulated and is inefficient. A Treasurers report has been provided from 2014 which puts forward that the building was not fit for purpose and was responsible in part for the demise of the club.
 - When this is considered alongside the associated bills and rates and the presence of asbestos in the front of the building which a quote has been provided stating its removal will cost in the region of £80,000, the applicant does not consider that a community facility would take the building on.
- 5.1.9 The submitted information provides a good background to the site and some evidence that the site has been marketed and conversations were had with one other club to explore whether there were other viable and appropriate community service based uses of the site. The minutes and social media posts also provide some insight into the efforts of the club to try and find alternative uses for the site.
- 5.1.10 Notwithstanding the above, the evidence provided is somewhat limited and demonstrates that whilst the site has been marketed as a residential development opportunity, there was no evidence provided to suggest that the site had been marketed effectively for other tourism or community based uses, with the exception of the club directly approaching other local clubs and associations. Furthermore, there has been minimal evidence to demonstrate that The Yacht Club use cannot be

made viable. For example there has been no business appraisal or accounts submitted in relation to this. Therefore, it is not considered that it has been suitably demonstrated that the existing use is not viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.

- 5.1.11 Regard is had to the evidence submitted which suggests that asbestos removal would cost between £79,135 and £99,135. However, the cost would only be incurred if the asbestos were to be removed, which there would be no requirement to do if the building were to be retained. Therefore, no weight can be attributed to the information submitted in relation to this.
- 5.1.12 In addition to the above, although there are other sailing clubs within Burnham-on-Crouch and sailing activities will remain within the town, the loss of the club will reduce tourism to some degree within Burnham-on-Crouch, particularly as the loss of the guest accommodation would reduce those guests expenditure in local shops and attractions. There has not been sufficient evidence submitted to demonstrate that there will be no loss of tourism facilities as a result of the development, that the other clubs can meet the needs of this one or that there is no known demand for an alternative tourist use at the site. Therefore, it is not considered that the loss of the community or tourist facility at the site is considered acceptable.
- 5.1.13 The harm resulting from the loss of the community and tourist facility could potentially be outweighed by the benefits of restoring the building back to the original design. However, given that insufficient evidence has been provided in order for the Council to assess the level of conflict with policies E3 and E5, it is not considered that this would be the case. Furthermore, and as will be discussed in greater depth at section 5.3, whilst the restoration proposed would be of some benefit to the character and appearance of the conservation area, there are elements of the historic building, which have not been restored back to the original design, which reduce the benefits of the scheme.
- 5.1.14 A couple of public comments have been received in relation to policies E1 and E5 of the LDP and EC.6, RI.3 and RI.4 of the BOCNDP. The comments consider that the proposal would relate to a loss of an employment and tourism facility and therefore the objectors consider these policies to be relevant.
- 5.1.15 Whilst it is acknowledged that the Yacht Club provides some form of employment, policy E1 of the LDP relates to B1, B2, B8 and similar sui generis uses. Given that The Yacht Club is a D2 (Leisure) use it is not considered that policy E1 is applicable.
- 5.1.16 Policy RI.3 of the BOCNDP seeks to safeguard land and buildings in primary or directly river related employment uses as shown in figure 8 and appendix 1 of the plan and seeks to prevent their change of use to residential, and policy R1.4 seeks to support the re-development of secondary river related employment uses. Whilst The Crouch Yacht Club is listed as a marine and river related land use under appendix 1 of the BOCNDP, the building has not been highlighted on figure 8 (p.59) as a primary or secondary river related employment use which is protected under these policies. Furthermore, as previously discussed the site is not considered to fall within an employment use. Therefore, given that the application site is not highlighted as a protected primary or secondary river related use on this map, it is not considered that

the building is protected by these policies and as such the buildings change of use to residential would not be contrary to these policies. Furthermore, it should also be noted that Burnham-on-Crouch Town Council support the proposal.

- 5.1.17 Having regard to the above assessment it is considered that the proposed development would result in the unjustified loss of a community/leisure and tourism facility as it has not been satisfactorily demonstrated that adequate efforts have been made to find an alternative site use, that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable and alternative based community and/or tourist based use. An assessment as to whether the identified harm could be outweighed by the restoration works proposed on the building will be addressed below.

5.2 Housing Need and Supply

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of 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 policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.4 The proposal would result in one three bedroomed residential unit, suitable for a family. As the Council can now demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements, the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability.

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 local design standards, 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:-
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - 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 MDDG (2017).
- 5.3.5 Policy RI.2, Design Sensitivity of Riverside Developments of the Burnham-on-Crouch Neighbourhood Development Plan (BOCNP) states that development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location. The emphasis for high quality and sensitive design is also reflected in policies HC.2, HO.1 and HO.8 of the BOCNP.
- 5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly Policy D3 of the approved LDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting- including its streetscape and landscape value.
- 5.3.7 One of the main elements of the proposal is the removal of the more modern additions to the north and south of the existing building, revealing the original form of the sail loft building, which plays a part in the character of the Burnham-on-Crouch Conservation Area. Given the prominence of the building from within the Conservation Area and also the seawall, which is central to the character of the town, it is considered that this element of the proposal will improve the appearance of the building and consequently enhance the character and appearance of this part of the Burnham-on-Crouch Conservation Area and the seawall. It is also relevant to note that this view was shared by the Conservation Officer within his comments.
- 5.3.8 In terms of scale and bulk the proposal will result in a smaller and more sympathetic and less domineering building from within both Coronation Road and the seawall and

the stepped heights between the eastern extension and the sail loft building would be read in relation to the taller neighbouring building to the east.

- 5.3.9 The proposed eastern extension which incorporates an existing part of the eastern elevation will have a more contemporary style and will include the addition of modern glazing with a long length window on the rear elevation and differing sized square windows on the eastern elevation. These more modern design features, along with the use of cladding, provides a distinction between the new extension and the original sail loft, whilst maintaining visual cues between the two elements through features such as the gable roof and the referencing of the architectural style of the neighbouring dwelling. Therefore, subject to a condition ensuring that the proposed materials are sympathetic to this part of the conservation area and the existing building, as also recommended by the Conservation Officer, it is considered that the alterations and extension to the eastern elevation would not cause harm to the character and appearance of the Burnham-on-Crouch Conservation Area.
- 5.3.10 The existing building abuts the seawall and the ground floor windows of the building are at a height of 1.4m above the ground floor height of the sea wall. Therefore, given the dominance of the existing building on the footpath, the proposed raising of the Quayside terrace and the construction of a 2.1m high wall and balustrade along the quay is not objected to particularly as views of the building and landscaping will be available through the balustrade.
- 5.3.11 The proposed additional openings are also not objected to as they follow the visual cues of the existing building. Furthermore, the plans state that the windows proposed on the existing sail loft building will be of timber and will therefore, maintain the historic character of the building.
- 5.3.12 The block plan (18-031-00LP2) shows that a walled garden and car port are proposed to the rear of the site in place of the former accommodation block and car park. The proposed 2.1m high wall adjacent to the public footpath would create a dominant feature within the streetscene. However, the wall would not be greater in length and would not be sited any closer to the public footpath than the existing accommodation block to the rear of the building. Furthermore, some planting is proposed on the western side of the wall adjacent to the public realm, which will soften the impacts of the wall. Having regard to this it is not considered that the addition of the wall in place of a 6.7m high building would result in any harm to the character and appearance of the conservation area.
- 5.3.13 To the north of the walled garden would be a 1.8m close boarded fence, measuring 19.1m in length and enclosing a garden area measuring 150.5m² which would serve Quay House, the neighbouring dwelling to the east. It is noted that there is an existing fence in a similar location, but at a minimum of 7.9m from the public footpath, whereas the proposed fence would be 1m from the public footpath. The addition of the fence and the proposed wall in this location would create a 35m long boundary treatment adjacent to the footpath which is dominated by fencing and a wall. However, it is noted that the elevations demonstrate that some planting is proposed in this location. Therefore, it is not considered that the addition of the wall and the fence would result in more demonstrable harm than the existing fence and hardstanding within this part of the site.

- 5.3.14 The proposed cart lodge would be visible from within Coronation Road. However, it is not considered to be a dominant structure and would be read in relation to the residential character of the streetscene. Therefore, there is no objection to the cartlodge.
- 5.3.15 Having regard to the above assessment it is considered that the proposal, by partially restoring the original character of the sail loft, will enhance the character and appearance of the Burnham-on-Crouch Conservation Area and is therefore in accordance with policies S1, D1 and D3 of the LDP, policies RI.2, HC.2, HO.1 and HO.8 of the BOCNP and guidance contained within the MDDG and the NPPF. Furthermore, it should also be noted that 11 letters of support for the application were received which generally commended the proposal for its design and restoration.
- 5.3.16 Notwithstanding the above, whilst the development would provide some enhancement to the character and appearance of the conservation area, it is noted that the restoration would not include the reinstatement of the Arts and Crafts style riverside terrace, which would be considered a commendable act of restoration. Furthermore, the southern elevation of the proposal would have little resemblance to the original character of the building as shown in the image below. Having regard to this, although the proposal would represent an enhancement, it is not considered that the benefits of the restoration work would be so significant as to outweigh the harm resulting from the loss of the community and tourist facility.



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 The proposed dwelling has one directly adjacent neighbour, Quay House. From the information submitted it would appear that Quay House is a residential dwelling. However, it is noted that planning permission was granted in July 2013 to change the use of the dwelling to C1 hotel. Nevertheless, the considerations in regards to neighbouring amenity remain largely the same.
- 5.4.3 The proposal is in close proximity to Quay House, situated a minimum distance of 2.2m from the neighbouring property. The plans submitted under application FUL/MAL/13/00489 show that Quay House has three windows within the western elevation, two at ground floor serving a bedroom and en-suite and one at second floor serving a master bedroom.
- 5.4.4 The proposed eastern part of the dwelling would have seven windows within the eastern elevation, looking towards Quay House. One would be at ground floor and would serve a gym, three at first floor serving a kitchen and store and three at the second floor level serving the master bedroom and an en-suite. There would also be east facing windows in the ground and first floor elevations of the sail loft building at a distance of 5.5m from the neighbouring property which would serve a boot room, entrance hall and bedroom.
- 5.4.5 Given the limited separation distance between the proposal and the neighbouring dwelling and the positioning of the proposed windows in relation those upon the neighbouring property, it is considered necessary to impose a condition requiring that the first and second floor windows within the eastern elevation are obscure glazed. Given that the first floor windows will serve a store and a kitchen and that the second floor bedroom is also served by French doors on the southern elevation it is not considered that the imposition of obscure glazing would detrimentally impact on the amenity of the occupiers of the proposed dwelling.
- 5.4.6 Having regard to the height and position of the proposed roof lights, it is not considered that they would result in undue harm by way of overlooking or loss of privacy.
- 5.4.7 The proposed extension on the eastern elevation will increase the depth of the built form adjacent to the neighbouring dwelling by 3.4m. Given the minor depth of the extension it is not considered that it will result in an overbearing impact on the amenity of the neighbouring occupier.
- 5.4.8 There are three neighbours on the opposite (western) side of Coronation Road, Nos, 23, 21 and 19. Given that the dwellings would be situated a minimum of 11.8m from the application site and there are no additional windows proposed within the first floor of the western elevation it is not considered that the development would result in detrimental harm to the amenity of the neighbouring occupiers within the western side of Coronation Road.
- 5.4.9 No. 2 Kings Court is situated to the northeast of the application site. The proposed dwelling would have views into the rear garden of No. 2 Kings Court. However, given that the first floor windows would be located a minimum of 37.8m from the neighbouring site, at a further distance than the existing accommodation block, which is set 19.3m from the neighbouring dwelling and is of a similar use, it is not considered the level of harm in regards to overlooking or loss of privacy would be

increased by the development. Furthermore, given that the proposed 1.8m fence would project away from the boundary No. 2 Kings Court, it is not considered that the development would result in any undue harm by way of loss of light or by being overbearing.

- 5.4.10 Having regard to the above assessment it is not considered that the development would be detrimental to neighbouring amenity and is therefore, in accordance with policy D1 of the LDP.

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
- 5.5.3 The proposed development would create a three bedroom dwelling and therefore, there is a requirement for two parking spaces. A carport is proposed to the north of the site which will measure 6.4m in width and 6.1m in depth and will therefore provide sufficient parking for two vehicles as required.
- 5.5.4 The proposed access will utilise an existing vehicle crossover. Therefore, it is not considered that the proposal will be detrimental to highway safety. It should also be noted that the Local Highways Authority have been consulted and have raised no objection to the proposal.
- 5.5.5 Having regard to the above the proposal is considered to be in accordance with policies D1, T1 and T2 of the LDP.

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 development would provide in excess of 100m² of private amenity space to the north of the site and also the terraced area to the south of the site. Therefore, there is no objection in regards to amenity space provision.

5.7 Flood Risk

- 5.7.1 Policy D5 of the approved LDP states that all development must:

- Not increase flood risk (including fluvial, surface and coastal) on site and elsewhere;
- Be located in areas where the use is compatible with the NPPF
- Demonstrate that the Sequential Test and, where necessary, Exception Test has been satisfactorily undertaken in accordance with national planning policy; and
- demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding (including fluvial, surface and coastal) through appropriate measures such as Sustainable Drainage Systems (SuDS), flood resilient design, safe access and egress, incorporating identified flood response plans, as well as making best use of appropriate green infrastructure as part of the flood mitigation measures.

- 5.7.2 The application site lies within Flood Zone 3. The proposal relates to the provision of a dwelling on previously developed land.

- 5.7.3 New dwellings and residential uses are considered as being ‘more vulnerable’ based on the Flood Risk Vulnerability Classification (NPPG) and in accordance with the National Planning Policy requires the Exception Test to be applied in addition to the sequential test. Whilst it is noted that a change of use application is not required to pass the sequential test, as the proposal includes extensions and building operations, the development exceeds a change of use and therefore, the sequential test is required to be passed.

- 5.7.4 The sequential test seeks to steer new development to areas at the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available appropriate sites in an area with a lower risk. The availability of such land, in accordance with the NPPF should be provided in the minimum of a “5 year land supply”. The Council can now demonstrate more than five years’ worth of housing since publication of the latest Five Year Housing Land Supply Statement 2017/18 dated October 2018. Therefore, the application site is not needed for residential development at this current time; as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. The LDP allocated sites that were sequentially tested during the LDP preparation and this site is not one of them. Therefore, the site is considered to fail the sequential test and therefore the outcome of the exception test is of reduced relevance.

- 5.7.5 In respect of the Exception Test, paragraph 160 of the NPPF sets out that it must be demonstrated that the development provides wider sustainability benefits to the

community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Where the Sequential Test has been passed, both elements of the Exception Test will have to be passed for development to be allocated or permitted.

- 5.7.6 The submitted flood risk assessment demonstrates that the main living accommodation will be provided at first and second floor and that surface water run-off will be reduced by 30% through the demolition of parts of the building and their replacement with a porous driveway and soft landscaping. Therefore, demonstrating that the development will be safe for its lifetime, without increasing flood risk elsewhere. However, it is considered that the provision of one market dwelling provides minimal benefits to the community and therefore the benefits are not to a degree which outweighs the flood risk posed and the risk to life. Therefore, it is not considered that paragraph 160 of the NPPF has been fully complied with.
- 5.7.7 Therefore, given that the sequential test has not been satisfied it is not considered that the proposal would be acceptable in terms of flood risk and it is not considered that the proposal would provide sustainability benefits to the community to a degree which outweighs the flood risk posed, contrary to policy D5 of the LDP and guidance contained within the NPPF.

5.8 Contamination

- 5.8.1 Policy D2 of the approved MDLP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.8.2 Given the site represents previously developed land and the length of time that this and the surrounding land has been developed for mainly commercial enterprises, it is considered necessary to impose conditions to establish whether there is any contamination present at the site. The Environmental Health Team has been consulted and supports this stance.

5.9 Impact on the SSSI and Protected Habitat

- 5.9.1 The site is located within a sensitive location, adjacent to the Crouch Estuary, which is an area that is subject to a number of international and national coastal nature conservation designations including:
- Sites of Special Scientific Interest (SSSIs),
 - Special Areas of Conservation (SACs),
 - Special Protection Areas (SPAs) and
 - Ramsar site
- 5.9.2 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These

principles are reflected within 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”.

- 5.9.3 The Conservation of Habitats and Species Regulations 2017, section 24 (Assessment of implications for European sites) states that:

‘Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1982 relates to an operation which is or forms part of a plan or project which -

(a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, they must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.’

- 5.9.4 Where any plan or project may have a “likely significant effect” (LSE) on a European site (as in this case) the HRA process must be followed. This is generally considered to consist of four stages which are:

1. Screening for a LSE
2. Appropriate Assessment (AA) and the Integrity Test
3. Alternative Solutions
4. Imperative reasons of overriding public interest (IROPI) and compensatory measures

- 5.9.5 Natural England was consulted as part of the application. However, the proposal falls below the threshold of that which would receive bespoke advice. Therefore, the proposed works were considered against the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Maldon District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

- 5.9.6 The Local Planning Authority have carried out screening for a likely significant effect and it is considered that given the proposal would not result in an increase in built form and it would relate to the minor change of use to a three bedroom dwelling it is not considered that there would be a likely significant effect on the designated site. Therefore, having carried out a ‘screening’ assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the ‘Waddenzee’ ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

5.10 Pre-Commencement Conditions

- 5.10.1 If the application were to be approved pre-commencement conditions regarding contamination are recommended and approval for the use of these conditions has been provided by the applicant's agent in correspondence received on 04.02.2019.

6. ANY RELEVANT SITE HISTORY

- There is no relevant site history

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection	Noted
Natural England	Habitats Regulation Assessment (HRA) should be undertaken	Please see section 5.9

7.3 Internal Consultees

Name of consultee	Comment	Officer Response
Conservation Officer	<p>The removal of most of the modern extensions to reveal the original form of the building, will improve the appearance of the building and, in turn, enhance the character of this part of the conservation area.</p> <p>The success of the scheme will depend partly on the quality of the materials and detailing and this should be managed through conditions.</p>	Please see section 5.3

Name of consultee	Comment	Officer Response
	The proposal will cause no harm to the significance of the heritage asset.	
Economic Development	Cannot support the proposal due to a lack of evidence that the site has been marketed effectively at a rate which is comparable to local market value for its existing use or as a redevelopment opportunity.	Please see section 5.1
Environmental Health	No objection subject to conditions related to foul and surface water drainage and contamination.	Please see sections 5.7 and 5.8

7.4 Representations received from Interested Parties

- 7.4.1 3 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Policy RI.3 of the BOCNDP resists the change of use from river-related employment to residential accommodation. The building has not been marketed as a commercial option, only as a development opportunity therefore, failing to comply with policy E1 of the LDP. If the application is approved it will set a precedent for residential dwellings along the river front. Precedence has been set with the refusal of at least two applications, Priors and the Tea Room Sailing Club Clubhouse.	Please see section 5.1. The previous applications referred to were refused on in relation to flood risk (FUL/MAL/16/00673) and loss of employment, impacts on the character and appearance of the conservation area and a lack of amenity space (FUL/MAL/17/00845) therefore whilst the matters relating to flood risk are relevant, it is not considered that the examples given are relevant in other respects to this application as this application does not relate to a loss of employment. This is expanded upon in section 5.1.
Do not support the change of use to a private residence from a business one. Policy RI.3 is clear on this and policy EC.6 offers support for alternative uses that may improve and enhance the Quay ensuring that the area does not become residential to the detriment of the economy and the town. Policy E5(c) needs to be met robustly and tested alongside policy E1. The proposal would set a precedence contributing to a lack of	The existing use of the site does not fall within an employment use. Therefore, E1 is not considered relevant to this application. This is expanding upon in section 5.1 alongside the consideration of tourism policies.

Objecting Comment	Officer Response
business facilities along the Quay, one of the town's greatest assets.	
Vehicles use the existing car park or the Yacht Club as a turning facility. If the car park is lost more people will park here and people will not be able to turn around. This area must be maintained as a designated turning area.	This part of the site is not a designated turning area and is a car park that serves The Yacht Club. The loss of The Yacht club will therefore, reduce the level of parking required at the site and as noted at section 5.5 sufficient parking is provided for the proposed residential use. It is also noted that the Local Highways Authority has raised no objection to the proposal.

7.4.2 **12** 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
There are 3 other Yacht Clubs in the town. The site would be better being re-developed than demolished and new structures built.	Please see section 5.1
Support the imaginative and sensitive plan	Noted
Welcome the proposal as currently the site attracts anti-social behavior. Parking is restricted on Coronation Road and would be worsened if a new commercial use were to occupy the site. The plans will enhance the area and will make it safer for residents.	Please see section 5.3
There is no interest from potential tenants because the costs of the work needed are too great. The building already in part has a residential use as it has a flat on the ground floor that attracts council tax, but it is currently empty.	Please see section 5.1
The application is in keeping with the surrounding buildings on the waterfront and will enhance the town's heritage.	Noted and please see section 5.3
Interesting and imaginative redevelopment which sympathises with the character and history of the town and the site.	Please see section 5.3
The proposed re-development is sympathetic to the streetscene/waterfront and brings into view the old sail loft. The proposal enhances the environment for the residents and visitors of the town.	Please see section 5.3
Without the change of use the site cannot be sold, demolished and even turned into multiple flats which would bring problems.	Please see section 5.1

Supporting Comment	Officer Response
The building is vacant and could become vandalised or used incorrectly. The building will become an eyesore. There is no option other than a change of use to a dwelling.	The application must be assessed on its own merits and against what is being proposed.
Proposal will repurpose and preserve the original part of this interesting and historical building. It is refreshing to see a planning application that is not an overdevelopment and that enhances the local vernacular.	Please see section 5.3
Support the intention to reinstate the original sail loft. Only concern is the appearance of the remaining existing 1980 built three storey extension which is not in keeping with the original 1900 sail loft. Its height is in excess of the sail loft and the use of cladding was not an original material. The application is therefore, supported on the proviso the design, dimensions, finish and colour of the three storey extension are reassessed to better integrate with the sail loft or adopts a more modern design to emphasis the time differences between construction.	Please see section 5.3
There is a substantial amount of asbestos within the site. All parties need to be aware of specific protection requirements. Therefore risk assessments and asbestos management plan should be approved prior to planning permission.	Asbestos is dealt with via other legislation. However, an informative can be applied advising the applicant of this.
The block plan does not correctly show the car park now owned by Nos 22 and 24 Coronation Road.	The application has been assessed on the basis of the information submitted. The land to the front of Nos. 22 and 24 is depicted on the plans.
The western boundary between the Crouch Yacht Club buildings and land, and the pedestrian pathway forming part of the public highway in Coronation Road, is not defined on the plans. This needs to be defined so that is no encroachment onto the public highway.	The red line boundary does not encroach on the public highway and the Local Highway Authority have raised no objection to the proposal.
This should be used as an opportunity to determine who owns the piece of land to the west of the Crouch Yacht Club building, at the southern end of Coronation Road, between the roadway and top of the	This does not form part of the consideration of this application.

Supporting Comment	Officer Response
Quay. If it's public land then wheelchair access between Coronation Road and the Quay should be considered.	
Plans would improve the current building and would sympathetically improve the view of the quay, demolishing something that has no architectural beauty or relevance.	Please see section 5.3

8. **REASONS FOR REFUSAL**

1. The proposed development is located within Flood Zone 3a and is therefore of a higher probability of flooding. The proposal is for the provision of a dwelling which is classified as a 'more vulnerable' development. Paragraphs 158 and 160 of the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail both the sequential test and the exception test and given that the Council can demonstrate a five year housing land supply on sites which have been subject of sequential testing and that the wider sustainability benefits to the community do not outweigh the flood risk posed as required by the exception test, the development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.
2. The proposed development would result in the unjustified loss of a community/leisure and tourism facility. It has not been demonstrated to the satisfaction of the Local Planning Authority that adequate efforts have been made to find an alternative site use and that the loss of this facility would not unacceptably downgrade the tourist facilities of the District and that there is no viable and alternative based community and/or tourist based use. Furthermore, it is not considered that the benefits to the Burnham-on-Crouch Conservation Area resulting from the restoration of the application building would outweigh the harm caused by the loss of the facility. The development would therefore be unacceptable and contrary to policies S1, S2, D1, E3 and E5 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

Application Number	FUL/MAL/18/01502
Location	Land Adjacent to 29 Pippins Road, Burnham-on-Crouch
Proposal	Proposed development of 2No. three-bedroom houses.
Applicant	Mr I Walker – Bridgewicks Development Ltd
Agent	Mr Adam McLatchie – Front Architecture Ltd
Target Decision Date	12.03.2019
Case Officer	Devan Lawson, Tel: 01621 875845
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

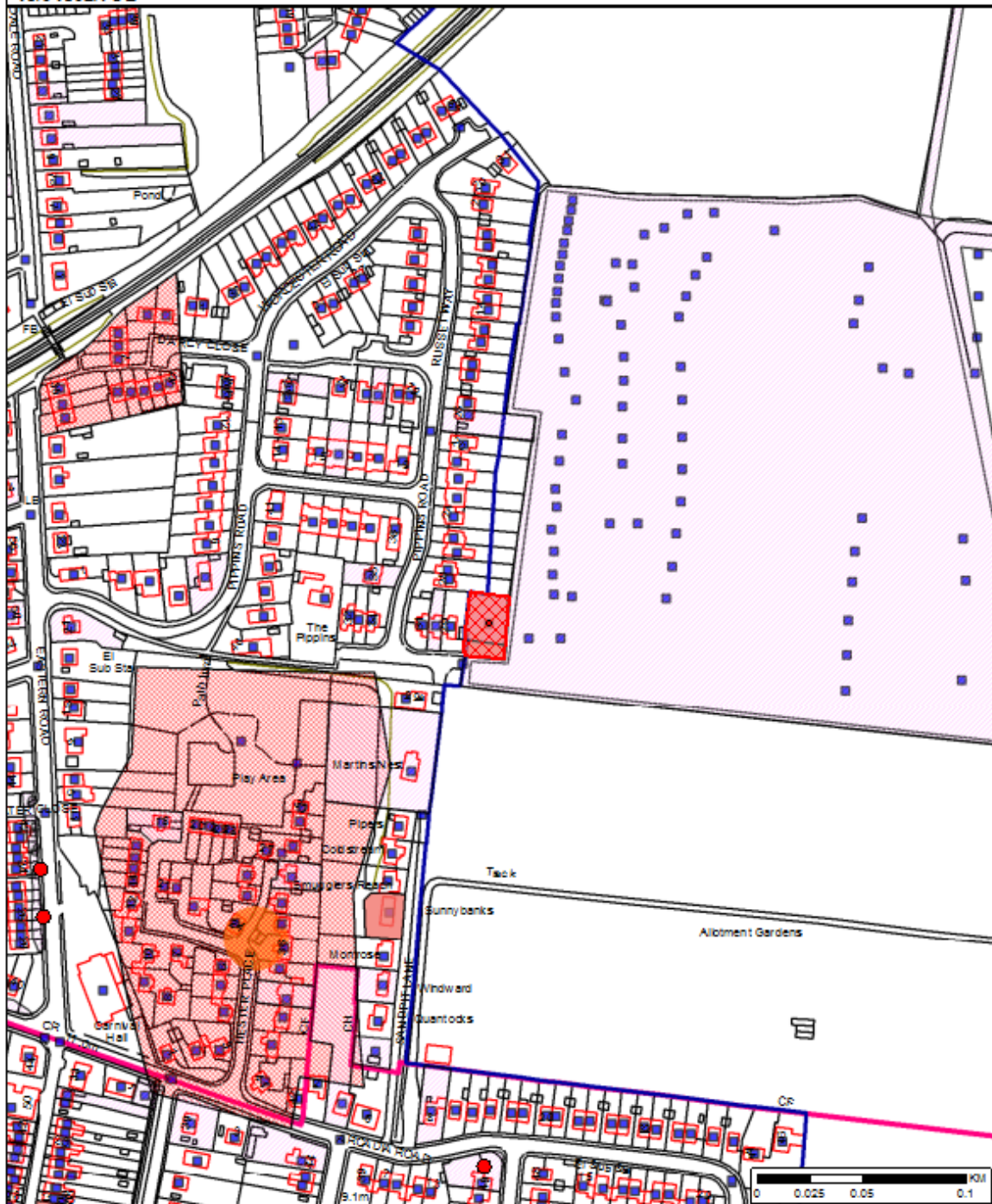
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adj to 29 Pippins Road Burnham-on-Crouch
18/01502/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	12,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	14/02/2019
	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 0.05ha located on the eastern end of Pippins Road. The site lies partially within the defined settlement boundary. However, the majority of the site, with the exception of the southwest corner (approximately 0.002ha), lies outside of the defined settlement boundary of Burnham-on-Crouch. The site comprises a shed, areas of lawn and overgrowth and a wooden fence around the perimeter. There is currently no vehicle access to the site.
- 3.1.2 Although outside the development boundary, the surrounding area is residential in nature. To the north and west of the site are residential dwellings which front Pippins Road and are located within the settlement boundary. To the south are allotment gardens.
- 3.1.3 To the east of the application site is a large housing development for 75 dwellings which was allowed on appeal (OUT/MAL/14/00108 - APP/X1545/W/15/3003529) and is currently under construction (RES/MA/17/00126). The development adjoins the application site on the eastern boundary.

Background

- 3.1.4 As part of the supporting statement submitted with the application it is advised that the site once formed a corner addition to an agricultural field and was sold in 2007, when it then became occupied by some storage units and a hardstanding. However, the use of the buildings and the site has since ceased.
- 3.1.5 The history search conducted with the application supports these findings to some degree. It has been found that a planning application (FUL/MA/08/00598) at the site was refused in December 2008 for the retrospective change of use from agricultural land to domestic curtilage and the erection of storage sheds. The officer's findings noted that the land had been incorporated without planning permission into the garden area of No.29 Pippins Road and included close-boarded fencing to the boundaries and a pair of 1.8m high gates to the southwest of the site adjoining the driveway of No. 29. The site at this time included an area of lawn, a raised open-topped aquarium, hard surfacing and three sheds (one wooden, two metal). The wooden shed was used for domestic purposes whilst the metal sheds were housing a private collection of motorized scooters and provided a place for work to be carried out on them. The application was refused for two reasons:
- 1 The erection of the three sheds upon the extended residential curtilage has resulted in a scale and form of development that is considered to be excessive and inappropriate in this particular setting, out of character with the site and its surroundings.
 - 2 Furthermore, the use of the sheds for the purposes of storing motor vehicles in excess of that regarded as being incidental and ancillary to a residential use, combined with the laying of a substantial area of hardstanding within this countryside location would have an adverse visual impact upon the character of the local landscape that has had a detrimental effect upon the amenities of

the neighbouring properties and the wider locality, contrary to policies S2, BE1, CC6 and CC23 of the adopted Maldon District Replacement Local Plan

- 3.1.6 Following the refusal of the application two enforcement notices were served with reference ENF/1334/20/09 and ENF/1334/19/09, taking effect on the 31st August 2009. The notices attacked the material change of use of the land from residential to a mixed use of residential and storage as well as the operational development. The notices required the dismantling and removal of the two metal storage sheds, the breakup of the concrete hardstanding, the removal of all resulting materials from the land and the cessation of the storage use. As there was no requirement to cease the residential use and the notice covered the application site, the use of the land for residential purposes is lawful.

Proposal

- 3.1.7 Planning permission is sought for the construction a pair of semi-detached three bedroom dwellings, which will include the provision of two vehicle accesses to the southern side of Pippins Road.
- 3.1.8 The proposed dwellings will be situated a minimum of 6.6m from the highway and will measure a combined width of 11.9m and a depth of 10.7m. The dwellings will have an eaves height of 4.9m and a maximum height of 8.9m. They will feature a storm porch on the front elevations.
- 3.1.9 The dwellings are proposed to be constructed from red brick and slate tiles.
- 3.1.10 Each dwelling will have a driveway situated along the side of the house and there will be front gardens laid to lawn, with footpaths to the front doors. The rear gardens will also be laid to lawn.

3.2 Conclusion

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch; it must be noted that the Council's policies seek to direct new residential development to established settlements. However, the previous appeal decision at the adjacent site for 75 dwellings has resulted in a change to the character and appearance of the site, removing its countryside character. The proposal is considered to make more effective use of what is viewed as an under use of land and there have been no significant identified impacts on the intrinsic character and beauty of the countryside. Furthermore, the development is considered acceptable in all other respects. Therefore, the proposal will not result in detrimental harm to the character and appearance of the area to such a degree as to warrant refusal of the application.
- 3.2.2 This approach is consistent with the decision of the South Eastern Area Planning Committee in respect of a development for two dwellings at Mangapp Chase (OUT/MAL/18/01227) near to other residential development that was allowed on appeal.

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
- 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
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7 September 2017)

- Policy HO.1 – New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards SPD
- Maldon District Design Guide 2017 (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application site, as previously stated, lies in part beyond the development boundaries of Burnham-on-Crouch, which run along the western boundary of the application site and along part of the northern boundary.

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.

- 5.1.3 Policy S8 of the LDP indicates that outside defined settlements housing will not normally be allowed and that the landscape will be protected for its own sake. The site is outside the development boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the approved policies. Policy S8 also includes a list of acceptable forms of development within the countryside which does not include open-market housing.
- 5.1.4 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”*.
- 5.1.5 Whilst it is noted that the application site lies mostly outside the development boundary and is therefore, in conflict with policy S8, it is noted that planning permission for 75 dwellings was granted on appeal (OUT/MAL/14/00108 and APP/X1545/W/15/3003529) on the site directly adjacent to the application site to the east. The reserved matters (RES/MAL/17/00126) have subsequently been approved. The site is currently under construction and would be considered to be in the advanced stages, particularly as the dwellings directly to the east of the application site are complete. Given the siting of the neighbouring permission in relation to the application site, it is considered that the proposal would represent an infill development and therefore, policy H4 is relevant.
- 5.1.6 Policy H4 considers that Backland and infill development will be permitted if:
- 1) There is a significant under-use of land and development would make more effective use of it;
 - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;
 - 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
 - 4) The proposal will not involve the loss of any important landscape, heritage features of ecology interests.
- 5.1.7 The granting of permission for 75 dwellings on the neighbouring site has resulted in the application site being land locked by residential properties and gardens. Whilst it is noted that the lawful use of the site was recognised with the previously mentioned enforcement notice to be residential, the site is not currently used for any purposes. The land could be used for agricultural purposes, its original use, without the need for planning permission. However, the site is detached from any neighbouring agricultural fields. Therefore, it is not considered that the land is easily accessible or of sufficient size to be viably used for its original use and therefore could not be utilised effectively. It is therefore, reasonable to consider that the site is underused and development of the site would make more effective use of this redundant site. Furthermore, due to its siting between residential developments, the site would not be considered as open countryside and it offers little to the character and beauty of the

countryside. Consequently, the historic character of the site has been materially altered by the provision of the neighbouring development site. In addition, the proposed dwellings, due to the provision of the dwellings to the east, would not result in the extension of built form or development out further towards the countryside.

- 5.1.8 Having regard to the above, although it is noted that the site lies mostly outside of the development boundary and therefore, is in conflict with Policy S8 of the LDP; given that the site is not considered to form part of the open countryside, and that the provision of residential dwellings on the neighbouring site has resulted in this site being underused, taking a pragmatic stance it is considered that the principle of development for residential purposes at this site is acceptable.
- 5.1.9 The other criteria of policy H4 (2, 3 & 4) will be addressed throughout the remainder of the report.

5.2 Housing Need and Supply

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of 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.
- 5.2.3 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which 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, with around 71% of all owner-occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide two three-bedroom properties. The proposed three bedroom dwellings will therefore not make a significant contribution to the District's Housing need. However, they would result in the net gain of two dwellings.

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 MDDG (2017).

5.3.5 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.

5.3.6 The application site lies mostly outside of the 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.

5.3.7 In relation to the above, as previously highlighted, the site was already accepted to have a residential use. Moreover, the granting of permission for 75 dwellings on the neighbouring site has resulted in the application site being land locked by residential properties and gardens which has materially altered the historic character of the site. Therefore, due to its siting between residential developments, the site would not be considered as part of the open countryside and it is thought to offer little to the intrinsic character and beauty of the countryside. In addition, the proposed dwellings, would not result in the extension of the built form or development out further towards

the countryside. Therefore, it is not considered that the development would adversely impact on the intrinsic character and beauty of the countryside.

- 5.3.8 The proposed dwellings would front Pippins Road which is a residential street. The dwellings to the west of the site consist of two storey terraced properties, constructed from brick and hanging tiles. The new build dwellings to the west are larger detached dwellings, with a larger ridge height and feature a mix of brick and render.
- 5.3.9 The proposed dwellings in terms of their scale, bulk and layout are considered to assimilate with the grain of development within the area, as the building line would follow that of the existing dwellings on Pippins Road and the depth of the dwellings would not exceed the depth of the dwellings to the west. Furthermore, the height of the dwellings although greater (0.9m) than the dwellings to the west are lower (0.3m) than the new builds to the east, thereby creating a 'stepped' appearance with the neighbouring dwellings.
- 5.3.10 The design of the dwellings are considered to be in keeping with the neighbouring properties due to the use of a side facing gable roof, the storm porch and the pallet of materials which is proposed to match the adjacent development. Furthermore, the fenestration references the visual cues of the neighbouring new builds. Therefore, it is considered that the addition of the dwellings would not harm the character and appearance of the area or countryside and would assimilate with the architectural style of the neighbouring properties to an acceptable degree.
- 5.3.11 It is also considered that the proposed boundary treatments, as illustrated, would be sympathetic to the style of dwelling proposed and would not have a dominating impact on the character and appearance of the area. However, a condition should be imposed requiring specific detailing of the proposed boundary treatments as the proposed elevations appear to depict a 0.8m picket fence, whereas the streetscene elevation portrays a hedgerow to the front boundaries of the site.
- 5.3.12 Having regard to the above assessment it is considered that the design of the proposed dwellings is acceptable and would not cause harm to the character and appearance of the site, streetscene or countryside in accordance with policies S1, S8 and D1 of the LDP, Policy HO.8 of the BOCNDP and guidance contained within both the MDDG and the NPPF.

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 The application site has four directly adjacent neighbouring dwellings. No. 28 Pippins Road is located to the north of the site at a minimum distance of 12.1m from the proposed dwellings and the boundary of No. 29 Pippins Road, to the west, is located 4.3m from the proposed dwellings. The boundary of the new build dwelling to the east is a minimum of 3.1m from the proposal and the boundary of the new build to the northeast is 12m from the rear of the proposed dwellings.

- 5.4.3 Given that the dwellings would be located a minimum of 12.1m from the rear boundary, which adjoins the far end of the approximately 24m long garden of No. 28 Pippins Road, it is not considered that the proposal would result in undue harm to the amenity of the occupiers of No.28. Some views of the garden area would be possible, but due to the orientation of the properties, the harm would not be at a level that would justify the refusal of the application.
- 5.4.4 Likewise, the neighbouring new build to the northeast of the application site is located 21m from the shared boundary and angled away from the proposed dwellings, obscured from view by a couple of garages. Having regard to the orientation of the neighbouring dwelling and the separation distance it is also not considered that there would be undue harm to the amenity of the occupiers of the dwelling to the northeast.
- 5.4.5 There are no windows in the side elevation of the new build to the east and the first-floor window within the proposed dwelling would serve a bathroom and could therefore, reasonably be conditioned to be obscure glazed. Furthermore, whilst the proposal would extend further than the rear of the neighbouring dwelling by 4.1m, the distance between the two dwellings would be 5.7m, with a garage sited between them. Therefore, it is not considered that the proposal would result in undue harm by way of overlooking, loss of privacy or by being overbearing on the occupiers of the dwelling to the east.
- 5.4.6 There is one first floor window in the side elevation of No. 29 Pippins Road, which is obscure glazed and appears to serve a landing. There is also one window proposed in the first-floor western elevation of the proposed dwelling which would serve a bathroom. Given that the two dwellings would be a minimum of 8m apart it is not considered, subject to condition requiring obscure glazing of the window within the first floor side elevation it is not considered that the development would result in undue harm by way of loss of light or privacy, overlooking or by being overbearing on the neighbouring occupiers.
- 5.4.7 Taking the above assessment into consideration the proposal is not considered to detrimentally impact on neighbouring amenity in accordance with policy D1 of the LDP.

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 are 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 adopted vehicle parking standards state that a three-bedroom dwelling should provide two parking spaces and parking bays should measure 2.9mx5.5m. The proposed parking area to the side of the dwellings provides sufficient space to accommodate the required level of parking. Therefore, there is no objection in this regard.
- 5.5.4 The proposal includes the provision of two drop kerb accesses, one per dwelling, on the northern side of Pippins Road. The proposed accesses are not considered to detrimentally impact on highway safety and therefore, are not objected to. Furthermore, the Highways Authority has been consulted and has raised no objection in this regard subject to conditions.
- 5.5.5 Having regard to the above, it is considered that the proposed parking provision and vehicle access is acceptable in accordance with policies S1, D1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).
- 5.6.2 The proposed dwellings would each be provided with private amenity space in excess of 100sqm. Therefore, there is no objection in this regard.
- 5.6.3 The proposed soft landscaping will consist of grass to the rear garden area and either hedge planting or a 0.8m picket fence to the frontages. The supporting statement also suggests that there will be planting beneath the ground floor windows of the dwellings. Whilst the level of soft landscaping is welcome and is considered to provide an attractive frontage, a condition should be imposed requiring the detailing of the exact siting and species of the proposed planting will be required.

5.7 European Designated Sites

- 5.7.1 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.

- 5.7.2 The development of two dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) a 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 two dwellings

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.

- 5.7.3 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.
- 5.7.4 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 additional 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 additional dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

5.8 Other Material Considerations

- 5.8.1 Environmental health has proposed conditions for surface water drainage and foul drainage. Given that scale of the development it is considered that conditions in this regard are necessary and should be imposed if the permission is granted.
- 5.8.2 Upon conducting a site visit it was noted that areas of the site are overgrown and therefore there may be potential for protected species to be located within the site. However, given that the application site is situated centrally between other residential developments it is unlikely to offer great potential for wildlife. Therefore, there is no objection in this regard.

5.9 Pre-Commencement Conditions

- 5.9.1 No pre-commencement conditions are proposed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/08/00598** – Retrospective change from agricultural land to domestic curtilage (garden) and erection of three storage sheds. Application Refused
- **ENF/1334/19/09** – Enforcement Notice for the change of use from residential to mixed use of residential and storage.
- **ENF/1334/20/09** - Enforcement Notice for the operational development on site including three buildings and hardstanding.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response received at the time of writing this report	-

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	The development does not fall within the remit of that which would warrant bespoke advice. However a HRA should be undertaken	Addressed at section 5.7
Local Highway Authority	No objection subject to conditions.	Noted and addressed at section 5.5

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to drainage conditions	Addressed at section 5.8

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 001, 200 Rev A, 201 Rev B, 202 Rev B, 203 Rev A. Design and Access Statement 28.11.2018.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development works above ground level shall take place until written details 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.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
 - Discharge rates/location
 - Storage volumes
 - Treatment requirement
 - Detailed drainage plan
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site, it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1-year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 5 Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed in writing, by the local planning authority. The development shall then be maintained in accordance with the approved details.

REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 6 No development work above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure that adequate provision is made for foul drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 7 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the east and west elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON In the interest of neighbouring amenity in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 8 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and maneuvering of all vehicles, including construction traffic shall be provided at all times during construction. These areas shall be kept clear of the highway.
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policies T1 and T2 of the LDP.
- 9 The vehicular accesses as shown on planning drawing 200 Rev A shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall be no wider than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies T1 and T2 of the LDP.
- 10 No unbound material shall be used in the surface treatment of the car parking areas.
REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the LDP.
- 11 There shall be no discharge of surface water from the development onto the Highway.
REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policies T1 and T2 of the LDP.
- 12 Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.
REASON In the interest of reducing the need to travel by car and promoting sustainable development in accordance with policies S1, T1 and T2 of the LDP.
- 13 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 200 Rev A for two cars to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity
REASON To ensure adequate space is provided for parking off the highway in the interest of highway safety in accordance with policy T2 of the LDP.
- 14 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.151515
- 15 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works

occurring above ground level at the application site. These details shall include, for example:

- i. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority (LPA). If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the LPA gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

INFORMATIVES

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future

The work will be undertaken by a competent person in accordance with the Essex

Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

Application Number	HOUSE/MAL/19/00065
Location	Farcroft, Burnham Road, Latchingdon, Essex, CM3 6HA
Proposal	Retention of close boarded fence
Applicant	Mr G Carr
Agent	Sue Bell - Sue Bell Planning Consultant
Target Decision Date	15.03.2019
Case Officer	Nicola Ward
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In by Councillor M Helm Reason: Public Interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Farcroft, Burnham Road, Latchingdon
19/00065/HOU SE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	19/00065/ HOUSE
	Date:	2/18/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for a close boarded fence located to the front boundary of the application site, adjacent to Burnham Road. The development has already been carried out and therefore the application is retrospective in nature. The fence, which is the subject of this application, measures 34m long by 1.8m high and is made of timber boards supported by concrete posts that measure 1.9m high, and stand on concrete gravel boards.

3.2 Conclusion

- 3.2.1 Whilst it is noted that the development would not be detrimental to the amenity of neighbouring occupiers or the highway safety, it is considered that the erection of the fence, by reason of its height, length, and prominent positioning has resulted in a dominating feature within the site which is causing demonstrable harm to the streetscene. Therefore, the development is contrary to policies S1, S8 and D1 of the approved Maldon District Local Development Plan (MDLDP), and guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 2-14 Achieving sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 80 – 84 Building a strong, competitive economy
- 128 – 132 Achieving well-designed places
- 170 - 183 Conserving and enhancing the natural 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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing facilities in association with residential accommodation is considered acceptable in line with policies S1, and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

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

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

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

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

- a) Architectural style, use of materials, detailed design features and construction method. 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 In addition, policy H4 requires all development to be design-led and to be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.5 The adjacent property 'Greenacres' hosts a low set wooden lattice style fence to the front boundary of the site which provides sufficient visibility when driving into and out of the site. It was noted from a site visit that the property 'Thatch Cottage' hosts a 1.8m high fence along the front boundary. However, it must be noted that the entrance to the site is 8m in width and has tall hedging and trees located behind the fencing. It is considered that due to the height and scale of the hedging and trees, sited behind the fencing at Thatch Cottage, that the harm caused by the fencing in place is mitigated to some degree and therefore, does not have an adverse impact on the amenity of the character and appearance of the area.
- 5.2.6 The close board timber fencing subject of this application is located along the front boundary, only 2m from the carriageway. The fence measures 34.3m in length with a 5.5m gap for the site entrance and has an overall height of 1.9m in height. It is considered to be of limited architectural merit with rudimentary design. In relation to its size, height and appearance it would be a conspicuous form of development which introduced an incongruous addition to the streetscene and eroded the semi-rural character of the area.
- 5.2.7 In addition, the fencing, due to its extensive length and it being clearly visible from the roadside, results in an overpowering and harsh addition which has a demonstrable impact on the character and appearance of the area and exacerbates the harm of the semi-urban feature in this semi-rural setting. Therefore, it is considered the development is not in keeping with the neighbouring frontages and fails to contribute positively to the streetscene.
- 5.2.8 A comment has been received in relation to the subject fencing being a security aid for the application site, due to the height and size of the previous hedging located to the front boundary and the unaltered 5.6m wide existing access, it is not considered that the subject fencing would provide more security to the site than that of the previous hedging boundary treatment. Furthermore, there is no evidence that this residential dwelling is at particular risk of crime, above any other property in a semi-rural setting, or that this would be the only available option.
- 5.2.9 It is considered that due to the design, height, scale and prominent location of the fence the development results in an inappropriate and harsh form of development that is detrimental to the character and appearance of both the application site and surrounding locality. Therefore, it is considered that the development would not be in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The development due to its nature and siting does not have any impact upon the amenity of any neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 strives to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 It is noted that the road is high speed and is used frequently and therefore, it is particularly important that safe visibility splays are provided. The angle and location of the fence currently compromises the visibility splays in both directions for vehicles emerging from the application site. This has the potential to result in a detrimental impact on highway safety. However, it must be noted that the visibility splays available are similar in nature to those previously on site due to the hedges that have now been removed. Therefore, on balance, the development is acceptable in terms of its impact on highway safety. In this instance the Highways Authority has no objection to the development on the basis of the original arrangements.

6. ANY RELEVANT SITE HISTORY

- **FUL/MA/95/00055** – Proposed dog boarding kennels – Approved 5th April 1995
- **FUL/MAL/97/00085** – Proposed Cattery – Approved 12th March 1997
- **FUL/MAL/01/00920** - Change of use of existing goat breeding building to boarding cattery – Approved 28th November 2001
- **FUL/MAL/01/00921** - Erection of new boarding kennel building in connection with existing boarding kennel business – Approved 28th November 2001
- **FUL/MAL/04/00349** - Amendment of siting and appearance of boarding kennels approved under MAL/01/00921- 28/11/2001 – Approved 27th May 2004
- **FUL/MAL/06/00071** - Extensions to form extra storeys, alterations and attached car port. – Refused 1st March 2006
- **FUL/MAL/07/00316** - Summerhouse containing canine hydrotherapy pool – Approved 17th August 2007
- **FUL/MAL/15/01230** - Erection of new kennel and cattery buildings – Approved 11th March 20016
- **LDP/MAL/18/01278** - Claim for lawful development certificate for proposed rear/side single storey extension. – Refused 20th December 2018
- **LDP/MAL/19/00033** - Claim for lawful development certificate for proposed rear/side single storey extension. – Pending Consideration

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No Objection	Noted

7.3 Representations received from Interested Parties

- 7.3.1 8 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
<ul style="list-style-type: none">• The fencing is safer when driving in and out of the site.• The road is a dangerous road and it is safer to drive out of the site.• Fencing makes it more visible to see in both directions of oncoming traffic• Aids security aspects• Much better visibility, accessing the property since removal of the hedge and replacing it with the fence.• This is quite a fast road and it is essential that you can see clearly to be able to exit safely.	Addressed within sections 5.2.7 and 5.4.2

8. REASON FOR REFUSAL:

- 1 It is considered that the development by reason of its height, length and prominent location has resulted in a dominating feature within the site. The development is considered not to be in keeping with the prevailing boundary treatment within the area and fails to contribute positively to the character and appearance of the area. Therefore, the development is contrary to policies S1, S8 and D1 of the approved Maldon District Local Development Plan, and guidance contained in the National Planning Policy Framework.

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