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

22 August 2019

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 2 SEPTEMBER 2019 at 7.30 pm.**

in the Council Chamber, Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor R H Siddall

COUNCILLORS

E L Bamford
M F L Durham, CC
Mrs J L Fleming
K W Jarvis
J V Keyes
C P Morley
Miss S White

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

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
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 2 SEPTEMBER 2019

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 5 August 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. **FUL/MAL/19/00728 - Land Opposite Bluebell Barn, Lower Burnham Road, Latchingdon** (Pages 15 - 26)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **OUT/MAL/19/00740 - Atherstone Lodge, Fambridge Road, Mundon** (Pages 27 - 40)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

7. **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 – 6.
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, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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.



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor R H Siddall
Councillors	M F L Durham, CC, Mrs J L Fleming, K W Jarvis, J V Keyes, C P Morley and Miss S White
Ex-Officio Non-Voting Member	Councillor(s) Mrs P A Channer, CC

322. CHAIRMAN'S NOTICES

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

323. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor E L Bamford.

324. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 July 2019 be approved and confirmed.

325. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest as he was a Member of Great Totham Parish Council. A further non-pecuniary interest was declared in Agenda Item 9, FUL/MAL/19/00674 - Birchwood Farm, Birchwood Road, Cock Clarks as he had previously conducted business with the Applicant.

Councillor M F L Durham, 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 C P Morley declared a non-pecuniary interest in Agenda Item 9, FUL/MAL/19/00674 - Birchwood Farm, Birchwood Road, Cock Clarks as he knows the applicant.

Following the Members declaration of interests, the Chairman advised the Committee that Councillor K W Jarvis was yet to undergo his training and therefore not able to vote on any item.

Councillor K W Jarvis requested that it was noted in the minutes that he was disappointed in Maldon District Council as, despite ongoing correspondence, no training opportunity had been presented to him. He continued, saying that this prevented him fulfilling his role as an elected official; this comment was supported by other Members of the Committee.

In response to Councillor K W Jarvis's comments the chairman advised that she would relay this information to the Leader.

326. FUL/MAL/19/00456 - EIGHT ACRE FARM, BIRCHWOOD ROAD, COCK CLARKS

Application Number	FUL/MAL/19/00456
Location	Eight Acre Farm, Birchwood Road, Cock Clarks
Proposal	Change of use of Kennels to annexe and associated works. Construction of a replacement stable building and the addition of a ménage, hay barn and horse walker pen. New gates and boundary treatments to the site entrance
Applicant	Mr and Mrs Nash
Agent	Mr Andrew Houghton
Target Decision Date	15.08.2019
Case Officer	Devan Lawson
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major Application Member Call In Councillor Miss S White - Public Interest

Following the Officer's presentation, Mr Robert Nash, the Applicant, addressed the Committee.

Councillor Mrs P A Channer joined the meeting during this item of business.

Councillor Miss S White, opening the discussion, queried why the application was up for refusal given the countryside location and the fact that competition horses require little land for grazing.

Members queried the need for an annex, when its intended use could be met by the main dwelling. Councillor Miss S White proposed that the application be approved as there was a potential need for an annexe as, if tied to the use of stables, there would be no adverse impact to the countryside. She further suggested that a condition be added to ensure the annexe was not sold separately to the main dwelling. This was duly seconded.

The Lead Specialist Place advised that the building proposed was that of a works dwelling to support the business rather than an annexe, as it was materially different to and independent of the main dwelling. It was agreed that were the motion to approve

the application be carried that conditions be delegated to Officers, in consultation with both the Chairman and Councillor Miss White.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation with conditions to be agreed subsequent to the meeting, in consultation with the Chairman, Councillor Miss White, and Officers. Upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** with conditions to be determined conditions to be agreed subsequent to the meeting, and in consultation with the Chairman, Councillor Miss S White, and Officers.

Councillor Mrs P A Channer apologised for her late arrival to the meeting, and declared a non-pecuniary interest in all agenda items as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

327. FUL/MAL/19/00506 - THE BELL PUBLIC HOUSE, THE STREET, PURLEIGH

Application Number	FUL/MAL/19/00506
Location	The Bell Public House The Street Purleigh
Proposal	Replacement sewerage treatment plant within boundary of extended public house.
Applicant	Mr & Mrs Julian Webb - The Bell PH
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	29.07.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Call in: Councillor Miss S White Reason: Public Interest

Councillor J V Keyes declared a non-pecuniary interest in the application as he occasionally frequents The Bell Public House as a patron.

The Chairman drew the Committees attention to the Members' Update which confirmed the withdrawal of this application.

328. FUL/MAL/19/00538 - WICKHAM GROVE, LANGFORD ROAD, WICKHAM BISHOPS

Application Number	FUL/MAL/19/00538
Location	Wickham Grove Langford Road Wickham Bishops
Proposal	Application for replacement dwelling (renewal of FUL/MAL/16/00595)
Applicant	Mr & Mrs M Wollner
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	12.08.2019
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS

Reason for Referral to the Committee / Council	Major Application
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The Officers presented their report to the Committee, after which a brief discussion ensued acknowledging that this was an extension of a prior application and that there had been no relevant changes to legislation within that period.

Councillor M F L Durham proposed that the application be approved in accordance with the Officer's recommendation, which was duly seconded. Upon the Chairman putting the proposal to the Committee, a vote was taken, and the application was approved.

RESOLVED that the application be **APPROVED** in accordance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 16.3347/L401, 0423/000 Rev A, 0423/024 Rev A, 0423/007 Rev A, 0423/006 Rev A, 0423/005 Rev A, 0423/004 Rev A, 0423/046, 0423/042 Rev A, 0423/043 Rev B, 0423/045, 0423/038 Rev A, 0423/039 Rev A, 0423/040 Rev A, 0423/041 Rev A, 0423/034 Rev B, 0423/022 Rev B, 0423/021 Rev B, 0423/020 Rev B, 0423/021 Rev B, 0423/0012 Rev C, 16.3347/M006, 16.3347/M007, 16.3347/M008, 0423/030 Rev A, 0423/029 Rev A, 0423/028 Rev B, 0423/027 Rev A, 0423/025 Rev A, 0423/026 Rev A, 0423/044, 16.3347/L401. REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 3 No development above ground level shall take place until details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No works above ground level shall occur until detailed plans of any alterations to the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the scheme as approved.
- 5 No works above ground level shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally

- planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
- 6 No development above ground level shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
 - 7 No development above ground level shall commence until details of the surface water drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
 - 8 No development above ground level shall commence until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
 - 9 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter. The development shall be carried out in accordance with the details/samples as agreed.
 - 10 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
 - 11 The outbuildings hereby permitted shall only be used for those purposes' incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexe accommodation.
 - 12 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.

329. HOUSE/MAL/19/00653 - HEATH HOUSE, 13 HEATHGATE, WICKHAM BISHOPS

Application Number	HOUSE/MAL/19/00653
Location	Heath House, 13 Heathgate, Wickham Bishops
Proposal	Section 73A application for the removal of existing conservatory and erection of single storey rear extension
Applicant	Mr Gary Howard
Agent	Mr Martin Gray
Target Decision Date	13.08.2019
Case Officer	Hayleigh Parker-Haines
Parish	WICKHAM BISHOPS PARISH COUNCIL
Reason for Referral to the Committee / Council	Member Call In – Councillor M F L Durham – Local Concerns

The Officer presented their report to the Committee, advising that this was a retrospective application which included pictures of the dwelling. The Chairman advised the Committee that the reports contained an error and that the applicant should be showing as Mr Keith Whitelock with Mr Terry Burton as the agent.

Speaking on behalf of the neighbours Ms Alicia Lai, an Objector, and Mr Keith Whitelock, the Applicant, addressed the Committee.

Councillor K W Jarvis opened the discussion informing the Committee that he had visited the property, and that the extension contradicted D1 of the Local Development Plan (LDP) as it impacted the neighbour's amenities, was overbearing, and caused a loss of light to their property.

A lengthy discussion followed where both Members and Officers made comment that they were not enthused by retrospective applications. An acknowledgement of the previous conservatory was made, with the dimensions of the new extension and roof, and the distance from the neighbouring property was considered. For clarification, the Lead Specialist Place advised Members that there was a need for a retrospective application due to the projection of the upper rear extension being over 50% of the existing dwelling.

Councillor Mrs J L Fleming proposed that the application be deferred to allow time for a site visit to be organised, and this was duly seconded.

The Chairman then put Councillor Mrs Fleming's proposal to the Committee, and upon a vote being taken the deferral was agreed.

RESOLVED that the application be **DEFERRED**.

330. FUL/MAL/19/00674 - BIRCHWOOD FARM, BIRCHWOOD ROAD, COCK CLARKS

Application Number	FUL/MAL/19/00674
Location	Birchwood Farm, Birchwood Road, Cock Clarks
Proposal	Erection of building for oyster purification and ancillary aquiculture storage by the Maldon Oyster Company
Applicant	Mr Emans - Maldon Oyster Company
Agent	Kate Jennings - Whirledge & Nott
Target Decision Date	07.08.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In The planning application is called in by Councillor Miss S White due to public interest.

The Officer presented their report to the Committee, making reference to the Members' Update which advised of a representation being received in objection to the application. After which Mr Richard Emans, the Applicant, addressed the Committee.

Councillor Miss S White opened discussion on the application noting that it complied with the Local Development Plan (LDP) and the Corporate Plan. Further comments were made on how drainage could be conditioned, and that the structure would be hidden from view once built as it was set back from the road.

Councillor Miss S White then went on to propose that the application be approved, contrary to the Officer's recommendation, with conditions to the water and drainage at the site. This was duly seconded.

A further discussion ensued with Members commenting on how the prospective building would be in keeping with those already in situ, the site was immaculately kept and, in addition to the support this would offer this local business, the benefits gained from the application would outweigh any detriment to the countryside.

Due to the complex nature of the application the Committee agreed to consider the proposal with any conditions to be delegated to Officers in consultation with the Chairman subsequent to the meeting.

The Chairman then put the proposal to approve, subject to conditions, to the Committee and upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** subject to delegated conditions

331. TPO 5/19 - SOUTH WOOD INCLUDING WICK WOOD, FAIRWINDS FARM, ULTING

Application Number	TPO 5/19
Location	South Wood including Wick Wood, Fairwinds Farm, Ulting
Proposal	Confirmation of TPO 5/19
Owners	Mark Parish, Spencer & Patricia Firth, John & Judith Tomlins, Peter & Valerie Jones, Goran & Julie Stewart, Gavin & Cassandra Armitage, Northumbrian Water Limited and William & Vicki Barrett.
Confirmation by	07.11.19
Case Officer	Sophie Mardon
Parish	ULTING
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

The Officer presented their report to the Committee after which a brief discussion ensued where Members made reference to the site being ancient woodland.

The Chairman proposed the Officer's recommendation to confirm the Tree Preservation Order (TPO). Upon the proposal being put to a vote the TPO was confirmed.

RESOLVED that the Tree Preservation Order (TPO) be confirmed.

There being no further items of business the Chairman closed the meeting at 8.34 pm.

MRS M E THOMPSON
CHAIRMAN

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2019**

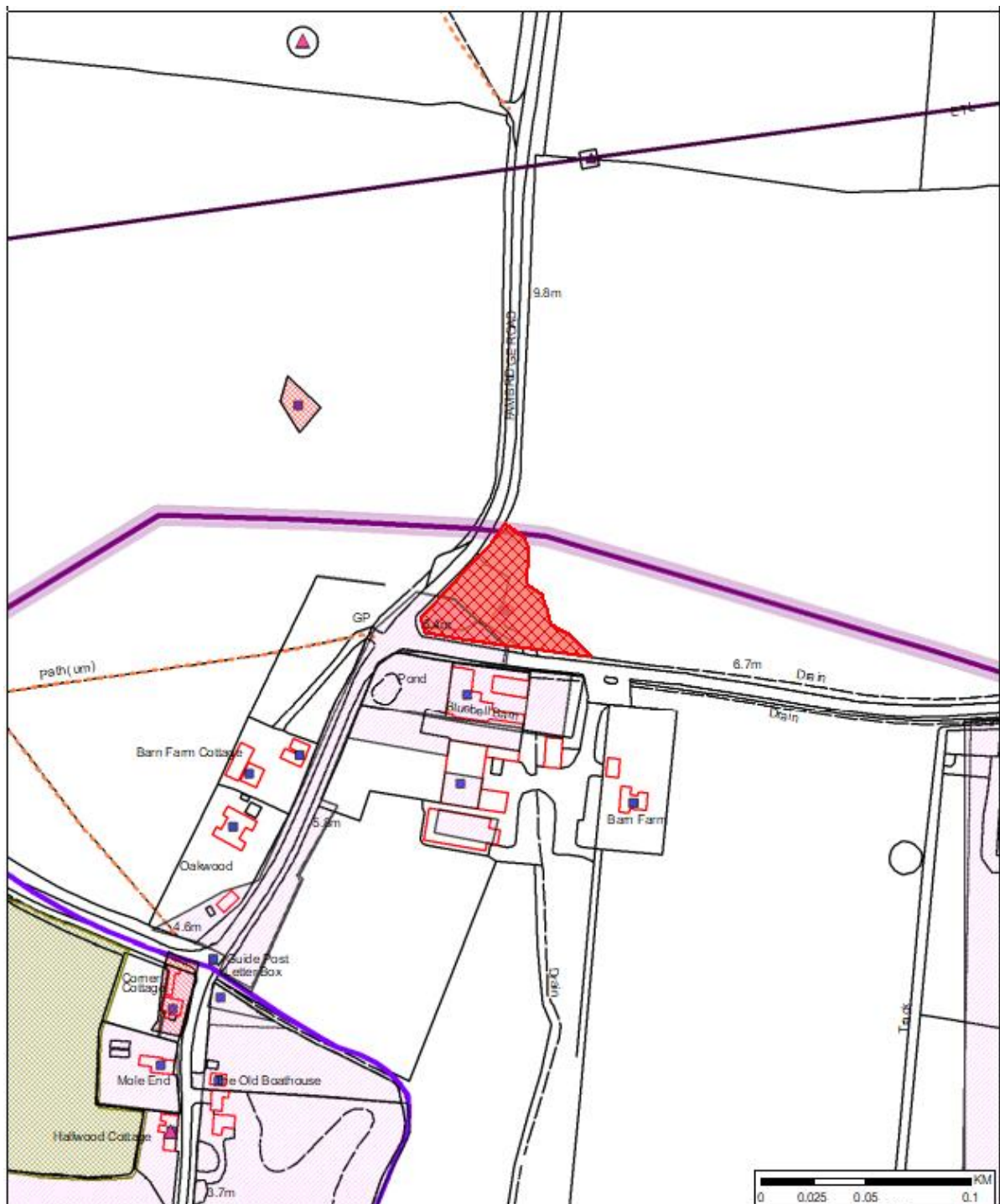
Application Number	FUL/MAL/19/00728
Location	Land Opposite Bluebell Barn, Lower Burnham Road, Latchingdon
Proposal	Development of a farm shop incorporating a seafood counter and removal of existing building
Applicant	Mr M Lancaster
Agent	Mrs Elizabeth Milne - Whirledge And Nott
Target Decision Date	23.08.2019
Case Officer	Hannah Bowles
Parish	Cold Norton
Reason for Referral to the Committee / Council	Member call in by Councillor Miss S White due to public interest (prominent location).

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a corner plot, located on the east side of Fambridge Road and the south side of Lower Burnham Road. The site is occupied by a dilapidated storage shed used in association with a mobile sea food unit, which operates from the site on a Friday – Sunday.
- 3.1.2 The application site measures 0.23 hectares and is the corner of larger field within the applicant's ownership. It is surfaced with unbound gravel hardstanding which is used for car parking in association with the mobile sea food business. It is located outside of the settlements of the district.
- 3.1.3 Planning permission is sought for the removal of the dilapidated shed and the construction of a food shop measuring 16m in length, 5m in width, with a front projection which measures 3m in depth and 4m wide. The height to the top of the ridge would be 5m. The proposed materials would be black boarding and black corrugated profile sheeting. A bin store to the north of the shop is proposed and would measures 2.4m by 5m.
- 3.1.4 There are two existing accesses to the site, one from Fambridge Road and one from Lower Burnham Road, which would be retained for the proposed development. The car parking provision the front of the building would be retained and utilised for the proposed shop.
- 3.1.5 The proposal states that the proposed development would be a farm shop. However, it is noted that the proposed shop would not fall within the definition of a farm shop (a shop which sells produce from a farm directly to the public). An example of the produce proposed to be sold would be fruit, vegetables, ready made meals, ice-cream, meat, eggs, locally produced wine and beer, dairy products etc. and the shop would incorporate a sea-food counter.

3.2 Conclusion

- 3.2.1 The proposed shop would expand and replace an existing business which has been present on the site since around 1998, therefore, it is supported in principle. The proposed building would replace an existing dilapidated storage shed of a similar size and is considered to have an acceptable visual impact. The Highway Authority has been consulted and raised no concerns in respect of highway safety and adequate car parking provision in accordance with the Council Vehicle Parking Standards, is provided. Therefore, it is considered that the proposed development complies with the policies contained within the LDP and 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 2019 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
- 54 – 57 Planning conditions and obligations
- 80 – 84 Building a strong, competitive economy
- 124 – 132 Achieving well-designed places
- 148 – 169 Meeting the challenge 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:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E2 Retail Provision
- E4 Agricultural and Rural Diversification
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The application site lies outside of any defined development boundary where policies of restriction apply. However, the NPPF urges local planning authorities (LPAs) to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Further, policy S8 of the LDP states the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined

categories. This list of acceptable development includes, under stipulation (f) *‘Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5)’*

- 5.1.3 It is not considered that policy E5 *‘Tourism’* is directly applicable to the proposed development. However, it is considered that policy E4 *‘Agricultural and Rural Diversification’* is, the policy states:

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

1) There is a justifiable and functional need for the building/activity;

2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and

3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.”

- 5.1.4 With regard to criterion (1), the proposed building would be used in association with the expansion of an existing and established business ‘Seafood King’ a mobile fish stall, which has been operating out of the application site since around 1998. The proposed food shop which incorporates a sea food counter, would negate the need for the existing business. Therefore, given the present of the long-established business, it is considered that the proposed shop has a justifiable and functional need.
- 5.1.5 Criterion (2) is met, given the existing business on the site, which the proposed shop would replace.
- 5.1.6 In relation to criterion (3), given that the business is established and would replace the mobile fish stall ‘Seafood King’ which has an established client base in this location; it would be considered unreasonable to insist the proposal is re-located to within the settlement boundary.
- 5.1.7 Whilst it is noted that policy E2, Retail Provision, states *‘Additional retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of centre or out-of-centre sites be considered.’* In this instance given the existing use of the site an objection on this ground would be difficult to justify. Further, it is considered that the development would meet all the criteria of policy E4 of the LDP.
- 5.1.8 On this basis, the principle of the development is acceptable. Other material planning considerations will be discussed in the following sections of the report.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design seek to create a high quality built environment for all types of development.

- 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 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.

- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 The proposed building would replace an existing dilapidated shed, used for storage in association with the ‘Seafood King’ and the mobile fish stall, which operates out the site Friday-Sunday. The existing building measures 6m by 7.5m and is 3.2m in height. The proposed building would be sited in a similar position and is larger at 16m by 5m (including canopy) with a front projection measuring 4m by 3m. It would be constructed of black weatherboarding with black corrugated profile sheeting to the roof.

- 5.2.7 The design of the building, which has an appearance similar to a barn, is typical for a rural area and does not detract from the character and appearance of the site or the locality. The increased scale is not considered to detrimentally impact the site or surrounding area, particularly given the proposed landscaping, which would mitigate the visual impact from certain vistas. The removal of the existing building and the mobile fish stall and its replacement with a more visually pleasing building, is considered to enhance the site. Therefore, it is considered that the proposal is in compliance with the policies contained within the LDP and the guidance contained within the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The closest neighbouring property 'Bluebell Barn' is located in excess of 40m from proposed shop, on the opposite side of the road. Given the distance it is not considered that the proposal would result in overlooking, a loss of light or domination to the detriment of the neighbouring occupiers.
- 5.3.3 The intensification of the use of the site particularly Monday to Thursday would result in more vehicular movements to and from the site, however, the opening hours of the proposed shop would be conditioned. Therefore, this is not considered to result in a detrimental impact to the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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 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.

- 5.4.3 The Maldon District Vehicle Parking Standards specify that an A1 shop located outside of a town centre, should provide 1 space per 20m². The retail space provided (labelled farm shop and seafood shop on the proposed floor plan) measures around 60m², therefore there is requirement of three car parking spaces to be provided. The proposed site plan shows ten car parking spaces, to the front of the proposed building. Therefore, no concerns in respect of car parking provision are raised.
- 5.4.4 The proposed development would utilise the existing accesses from the Fambridge Road and Lower Burnham Road. The highway authority has been consulted and raised no objection in terms of highway safety. Therefore, there are no concerns to raise in this respect.

5.5 Other Material Considerations

- 5.5.1 The Environmental Health Department have been consulted however, a response has not been received at the time of writing this report. It is expected that conditions will be suggested. These will be relayed via the members update.
- 5.5.2 It is noted that the applicants have suggested that the opening hours be 9am – 5pm, however considering the existing opening hours, the location of the shop and the passing trade and the existing customers it is considered appropriated to implement a condition allowing the shop to open from 8am to 7pm.
- 5.5.3 As stated above, whilst the shop does not fall within the definition of a farm shop, given the rural locality of the proposed shop it is considered appropriate to condition the building to be sell only food and drink and restrict the permitted change of use.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/00/00574** - Continued siting of mobile fish stall – Approved.
- **FUL/MAL/99/00023** - Retention of consent ref: FUL/MAL/98/0196 without compliance with condition 5 to allow opening times of fish stall to include Friday afternoons – Approved.
- **FUL/MAL/98/00196** - Siting of mobile fish stall between March and October for weekend and bank holidays only (retrospective application) – Approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	No objections, subject to the conditions required by ECC Highways being complied with, to ensure highway safety during development and also following completion of works.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection, subject to conditions.	Noted and conditions should be implemented should the application be approved.
National Grid	Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.	Noted and informative will be added should the application be approved.

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: 18/52/01, 18/52/02, 18/52/03.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external materials to be used in the construction of the building hereby permitted shall be as specified within the application.
REASON: In the interests of the character and appearance of the rural area, in accordance with Policies D1, S1, S8 of the Maldon District Approved Local Development Plan, and the NPPF.
- 4 The use hereby permitted shall only be undertaken between the hours of 08:00 – 19:00 Monday to Sundays and Public Holidays.

- REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 5 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1700 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of the occupiers of neighbouring residential properties, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan.
- 6 The premises shall only be used as a shop, which sells only food and drink, and for no other purpose including any purpose as defined within Class A1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: The site lies in an isolated rural location any other retail outlet would be unacceptable in this location, given the rural location of the development in accordance with policies E2 and E4 of the Maldon District Local Development Plan.
- 7 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 in accordance with policy T2 of the LDP.
- 8 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 policy T2 of the LDP.
- 9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public 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 policy T2 of the LDP.
- 10 Prior to the first use of the shop hereby permitted the existing business 'Sea Food King' shall cease operating out of the site and all associated paraphernalia shall be removed from the site.
REASON: To ensure the proposed development is undertaken in accordance with the approved proposals, to avoid the net increase of businesses at the site in accordance with policies S8, E4 & H4 of the Maldon District Local Development Plan.

INFORMATIVES

1. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

2. 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.

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2019**

Application Number	OUT/MAL/19/00740
Location	Atherstone Lodge, Fambridge Road, Mundon
Proposal	Outline application, with matters of access, layout, appearance and scale for determination, to demolish chalet bungalow and garage. Erect three pairs of semi-detached houses (6no. dwellings) to provide accommodation for seasonal workers ancillary to the business at rear of site.
Applicant	Mr Paul Scott - Ben Rigby Game Ltd
Agent	Mr Stewart Rowe - The Planning and Design Bureau Ltd
Target Decision Date	05.09.2019
Case Officer	Hannah Bowles
Parish	Purleigh
Reason for Referral to the Committee / Council	Member Call In Councillor Miss Sue White Public interest (neighbours)

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 9 of this report.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a rectangular parcel of land located on the western side of Fambridge Road, measuring 0.14 hectares. It occupies a low-level dwelling with rooms within the roof space, a detached double garage and its associated residential curtilage. Ben Rigby Game Ltd (described as a meat preparation, packing, storage and distribution premises) operates its business to the rear of the site in agricultural style buildings and the subject land is within the same ownership. The site lies outside of the settlement boundary of Purleigh, in a rural setting. The area is characterised by sporadic agricultural and residential development and open and undeveloped fields.
- 3.1.2 Outline planning permission is sought for the construction of six dwellings in the form of three pairs of the semi-detached houses. The matters of access, scale, layout and appearance are to be considered at this stage, the matter of landscaping has been reserved for consideration at a later date. The dwellings are proposed to be used for seasonal workers in association with the business at the rear of the site.
- 3.1.3 The proposed dwellings would be sited centrally within the plot, in a linear arrangement orientated to face Fambridge Road. The three pairs of semi-detached dwellings would be handed replicas of each other measuring 8.5m in depth, 10.9m in width and would extend 7.5m to the ridge. In terms of appearance a central front facing gable flanked with two small gable roofed dormers are proposed to the front and rear elevations of the proposed dwellings and two pitched roof storm porches are proposed over the front doors. The proposed materials are weatherboarding to the walls and slate roof tiles.
- 3.1.4 It is pertinent to note that an application, within the land as outlined in blue on the location plan (reference FUL/MAL/17/00962), for the retention of the use of land for the stationing of caravans to accommodate temporary workers, ancillary to meat preparation, packing and storage and distribution premises, was refused and dismissed at appeal (November 2018). The application was refused for the following reasons:
- '1. The use of caravans for residential purposes has resulted in a form of unsustainable development which, due to its design, siting and layout, is causing demonstrable and detrimental harm upon the character and appearance of the rural area. Thus, the development is in conflict with policies S1, S8, D1, H4 and H7 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.*
- 2. The close proximity of the caravans to the plant used as part of the commercial use on the site has resulted in a development which is detrimental to the residential amenity of its current and future occupiers. Furthermore, the lack of appropriate amenity space for each unit and the poor layout of the development are causing additional harm in terms of overlooking, overshadowing and overpowering effects upon the amenity of the current and future occupiers of the development. The development is, therefore, contrary to policy S1, D1 and D2 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.'*

The Inspector for the appeal concluded the following:

- *‘The Council are of the view that the caravans are also an incongruous feature in this rural area. Whilst it is not unusual to find one caravan amongst former agricultural buildings or in the corner of a field, the group of four, in particular, and their residential use, result in a significant and harmful change to the appearance of the rural scene. Although views of them could potentially be screened with new landscaping, this would take time to mature. In addition, the intensity of the use, by virtue of its very nature, harms the sporadic residential character of the area.’*
- *‘I consider that without information about existing accommodation or other options in the area it has not been demonstrated that there is a functional need for the caravans on site. As such, providing the housing on site for the butchers appears to be a convenient solution rather than the result of adequate, prior investigations.’*
- *‘The Planning Practice Guidance advises that circumstances where a temporary planning permission may be appropriate include where a trial run is needed, in order to assess the effect of the development on the area, or where it is expected that planning circumstance will change in a particular way at the end of the period. The appellant’s business is not newly established and, as such, a trial run would serve no purpose and the LP was recently adopted in July 2017.’*

3.1.5 It is also pertinent to note that permission for ‘Demolition of existing bungalow, erection of new retail shop with office and general stores, four two-bedroom flats above including private parking for flats, public parking for shop and new widened access from main road’ was granted in 2013 under reference FUL/MAL/13/00419. This permission has expired and is materially different to the residential development proposed. Therefore, limited weight has been attributed to this previous decision.

3.2 Conclusion

3.2.1 Having taken all material planning considerations into account, including a previously dismissed appeal for a similar proposal on the larger site (as outlined in blue) an objection is raised to the principle of the proposed development. Insufficient evidence and justification in relation to the functional need of the proposed dwellings in the proposed location has been submitted. Further, the layout, scale and appearance of the dwellings are in stark contrast to the development present in the rural area and would significantly and demonstrably harm the character and appearance of the rural area. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework (NPPF), Policies S1, S8, D1, H7 and H4 of the Maldon District Local Development Plan (MDLDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport

- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 170-177 Conserving and enhancing the natural 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
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- H7 – Agricultural and Essential Workers Accommodation
- T1 – Sustainable Transport
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved MDLDP.
- 5.1.2 Policies S1, S2 and S8 of the approved MDMDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes, under stipulation g, *‘Agricultural and essential workers’ accommodation (in accordance with Policy H7)*.
- 5.1.3 Policy H7 states:

'Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
- 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
- 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
- 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and*
- 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.*

In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.'

- 5.1.4 In relation to stipulations 1 and 2, at the time of the previous application for the retention of caravans for seasonal workers, it was considered that it had not been demonstrated that there was a functional need for the workers at the site (as outlined in blue on the submitted location plan). The following has been provided within the submitted planning statement, it is stated:

'..the increase in the amount of meat to be processed during the shooting seasons is very significant and cannot be dealt with by existing permanent staff. As a consequence additional boners, skimmers, and filleters must be employed to cope with the extra work. This is unavoidable. However, because the work is only temporary it is not attractive to UK residents, who if skilled or semi-skilled butchers, will inevitably have a full-time job already elsewhere in the country. Accordingly, it should not be in dispute that additional, temporary, seasonal staff are required from beyond the UK' A timetable of the Gamebird and Waterfowl, Ground Game and Deer open seasons has been supplied to substantiate this.

- 5.1.5 Whilst the need for the workers was not and is not disputed, the need for the accommodation to be located at the site formed part of the Councils reason for refusal and this was upheld by the Planning Inspector. The appellant has provided the following justification for the need of the seasonal workers to be located at the site:

- The staff need to be immediately available to work shifts if a consignment of meat arrives outside normal hours or at short notice. The staff do not have cars and the site is inaccessible by public transport.
- It is the desire of the seasonal staff to save as much money as possible whilst in the UK.
- It is a simple fact that Ben Rigby Game Ltd will struggle to recruit seasonal staff in the future if it cannot offer accommodation on site or conveniently located to it because it is competing for labour with other rural enterprises across the UK.

There may be accommodation available to rent in surrounding villages and towns which, in an abstract sense, could be occupied by seasonal staff. However, references and deposits would have to be provided and this would require considerable pre-planning and collaboration on the part of the potential occupiers/workers before coming to the UK and in any case, there is no affordable way for staff to reach their place of work without a car.

- The cost of renting a dwelling, even if shared is also expensive and far more so that the free or subsidised caravan accommodation found in other southern UK agricultural and rural enterprises. Therefore, there is no suitable accommodation nearby that can meet the needs of Ben Rigby Game Ltd and the expectations of seasonal staff required to make the business function.

5.1.6 The personal circumstances of the potential seasonal workers is not considered to amount to justification for six dwellings at the application site. A similar argument was put forward at the time of the appeal and the Planning Inspector stated: *'In this case the appellant puts forward that there is a business-related, functional need for an additional 20 butchers to work throughout the shooting season. He currently employs 21 permanent butchers who fillet, skin and bone carcasses but he does not detail where they live in relation to the site. At the height of the season the butchers have to be available to work a 24 hour shift pattern to handle the high number of carcasses that arrive from the game estates at all times of the day and night and that is why the seasonal butchers need to be on site. However, no evidence is provided as to why suitable accommodation is not available in the area other than a statement that seasonal workers cannot afford to rent accommodation in the area and that there are no local bus routes that serve the site. In addition, there is no explanation as to why, if there is a need for 20 additional butchers, the caravans appear only to provide accommodation for ten butchers.'* It is not considered that the evidence submitted with this application overcomes the previous reason for refusal in this respect.

5.1.7 In respect of stipulation 3, no concerns with regards to the viability of the business were raised at the time of the previous application (17/00962), it did not form part of the Councils reason for refusal and the Inspector for the appeal concluded in their decision:

'Whilst no specific evidence has been provided to demonstrate viability, it appears from the detailed description of the operation and the investment made in the buildings, such as the new "Box" building, that the business is viable.'

5.1.8 The requirement of criteria 4 of policy H7 is that the proposed structure is commensurate with the needs of the enterprise. In this case it is stated that the proposed dwellings would be utilised by up to 24 seasonal staff members, four workers to a dwelling. It is considered that the two bedroomed dwellings are of a size and nature appropriate to meet specified needs of the enterprise. However, the need has not been backed up by sufficient justification or evidence to satisfy this point.

5.1.9 Moving on to criteria 5 of policy H7, the requirement is that "the development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area and is acceptable when considered against other planning requirements." The visual impact of the proposed dwellings will be assessed further below, but as far as is relevant to this policy, it is considered that it cannot be

argued that the proposed dwellings have been “designed to minimise adverse impact upon the character and appearance of the area” especially given that the height of the proposed dwellings has increased from the dwelling currently present on site and the siting of the dwelling in close proximity to the highway.

- 5.1.10 Given the above assessment, it is not considered that the proposed development is in compliance with policy H7 of the Maldon District Local Development Plan and therefore the proposal is not supported 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:

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

- 5.2.4 *“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”.*

- 5.2.5 This principle has been reflected to the approved MDLDP. The basis of policy D1 of the approved MDLDP 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’.

- 5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

- 5.2.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the MDLDP, 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 MDLDP, neighbourhood plans and other local planning guidance.

- 5.2.8 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is 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.
- 5.2.9 The application is outline in nature with matters of access, appearance, scale and layout for consideration, landscaping has been reserved for consideration at a later date.
- 5.2.10 The application site is located within a rural area, characterised by sporadic residential and agricultural development. There is no formal building line and the dwellings within the vicinity of the site are detached and set within spacious plots. Individual design varies. The site is currently occupied by a low level dwelling, with rooms within the roof space. It is simplistic in design and not considered to be a prominent feature within the streetscene. It measures 14m by 10.3m and measures 6.4m to the ridge.
- 5.2.11 The proposed development of three pairs of semi-detached dwellings, a total of six dwellings on the site, is considered to have a significant impact on the character and appearance of the rural area. The dwellings are set in a linear formation and are handed replicas of each other. The built form extends almost the entire width of the plot, with only around 1m between each building. The height of the proposed semi-detached dwellings is over 1m taller than the existing dwellings on site.
- 5.2.12 The cumulative scale, layout and uniform appearance of the proposed development is considered to significantly and demonstrably harm the character and appearance of the rural area. The proposal would result in a prominent and intrusive development which is in stark contrast to the development within the surrounding area. Therefore, it is considered that the proposal is contrary to policy D1 of the MDLDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved MDLDP 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. Similarly, policy D2 of the approved MDLDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 There are no residential dwellings immediately adjacent to or opposite the application site, the closest dwelling to the proposed development is 'Redoaks Farm' located on the opposite side of the road. There is a separation distance in excess of 40m dwelling to dwelling with Fambridge Road in between. Therefore, even considering the intensification of the use, it is not considered that the proposed development would result in overlooking, a loss of light or domination to the detriment of the neighbouring occupiers.
- 5.3.3 The Environmental Health team have been consulted and raised concerns in relation to the noise of the business to the rear of the site and the impact this may have on the amenity of the future occupiers of the dwellings. It is noted that the existing use of the site is for residential purposes. However, the proposal would result in an intensification of the use and it is noted that the business is not subject to any planning controls. Therefore, in line with the stance taken by the Planning Inspector for permission 17/00962/FUL a condition requiring a noise assessment to be submitted would be implemented, should the application be approved.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved MDLDP seeks to create additional sustainable transport opportunities. 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 MDLDP 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 proposal for six two bedroom dwellings which results in a requirement of twelve car parking spaces. Whilst only six spaces have been shown on the proposed plan, it is considered that a condition could be implemented to ensure the adequate amount of parking provision is provided, given the space to the front of the dwellings, it is considered that twelve parking spaces could be easily accommodated.

- 5.4.4 In terms of access it is proposed to close the existing access to the site which is located centrally along the front boundary of the site and utilise the existing access used for 'Ben Rigby Game Ltd' located to the north of the site. The highway authority has been consulted and raised no objection to the proposal. Therefore, no concerns in this respect are raised.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved MDLDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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 25m² for flats.
- 5.5.2 The proposed development would provide six two bedroom dwellings resulting in a requirement of 50m² of private amenity space per dwelling. Given the nature of the proposal a communal garden area to the rear of the site, which measures 450m² is proposed. This is in excess of the recommended standard. Therefore, no concerns in this respect are raised.

6. Other Matters

European Designated Sites

- 6.1 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.
- 6.2 The development of six 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) 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 six 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.

- 6.3 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.
- 6.4 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 six 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 six dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

7. ANY RELEVANT SITE HISTORY

- **FUL/MAL/12/01067** – Demolition of existing bungalow, erection of new retail shop with office and freezer stores, four two bedroom flats above including private parking for flats, public parking for shop and new widened access from main road. – REFUSED [07.03.2013]
- **FUL/MAL/13/00419** – Demolition of existing bungalow, erection of new retail shop with office and general stores, four two bedroom flats above including private parking for flats, public parking for shop and new widened access from main road. – APPROVED [02.07.2013]
- **FUL/MAL/17/00962** - Retain use of land for the stationing of caravans to accommodate temporary workers, ancillary to meat preparation, packing and storage and distribution premises. – REFUSE [19.12.2017] and APPEAL DISMISSED [12.11.2018]

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to conditions.	Noted.
Natural England	Site falls within zone of influence.	Noted. Please see section 6 of this report.

8.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Noise concerns.	Discussed within section 5.3 of this report.

9. REASONS FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The provision of six dwellings in the form of three pairs of semi-detached dwellings would be in stark contrast with development present within the area and would substantially and demonstrably alter the character of the site and rural area and have an unjustified visual impact on the countryside. Further, insufficient information has been submitted to demonstrate the functional need to house seasonal workers, in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

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