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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

31 January 2020

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 10 FEBRUARY 2020** at **7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor R P F Dewick
	VICE-CHAIRMAN	Councillor M W Helm
	COUNCILLORS	M G Bassenger B S Beale MBE V J Bell R G Boyce MBE Mrs P A Channer, CC A S Fluker A L Hull N J Skeens W Stamp

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 10 FEBRUARY 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 13 January 2020, (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. **19/01163/FUL - Sun and Anchor, The Street, Steeple** (Pages 17 - 36)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

6. **19/01181/FUL - Mangapp Manor, Southminster Road, Burnham-on-Crouch**
(Pages 37 - 52)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

7. **19/01194/HOUSE - 29 Mill Road, Burnham-on-Crouch, Essex CM0 8PZ** (Pages 53 - 62)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

8. **19/01214/OUT - Land at Bellsgate, Maldon Road, Latchingdon** (Pages 63 - 74)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

9. **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 – 8.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. 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.



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
13 JANUARY 2020**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, V J Bell, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B S Beale, MBE.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 November 2019 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on highways, access and all planning related matters.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 7 FUL/MAL/19/01143- Sea End Caravan Park, Belvedere Road, Burnham-on-Crouch, Essex CM0 8AB – as he had friends and relatives who spent time there.

Cllr A L Hull declared a non-pecuniary interest in Agenda Item 5 – HOUSE/MAL/19/01092 – 8 The Cobbins, Burnham-on-Crouch, Essex, CM0 8QL, as she knew the residents.

5. **HOUSE/MAL/19/01092 - 8 THE COBBINS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QL**

Application Number	HOUSE/MAL/19/01092
Location	8 The Cobbins, Burnham-On-Crouch, Essex CM0 8QL
Proposal	Conversion of the existing double garage into residential accommodation, first floor extension, alterations to roof of existing dormer and a replacement detached double garage.
Applicant	Mr & Mrs Lambert
Agent	Raymond Stemp Associates
Target Decision Date	24.12.2019
Case Officer	Annie Keen
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor W Stamp Reason: D1 – public interest

A Members' Update was submitted detailing a comment from Burnham-on-Crouch Town Council.

Following the Officer's presentation, the Applicant, Mrs Jenny Lambert, addressed the Committee.

Councillor W Stamp opened the discussion addressing section 6 of the report *Other Matters* pointing out that the applicant had submitted supporting medical information which was available on the website. She proposed that the Committee support the application as not everyone could afford to go into a home, furthermore there were a number of larger extensions in the area and the family should be applauded for their efforts. This was duly seconded.

The Lead Specialist Place reminded the Committee that this application was identical to the previously refused second application submitted. In response to a query from Councillor Stamp regarding personal statements and material planning considerations he clarified that in planning case law 'special personal circumstances' as in this case, were material consideration, however 'personal circumstances' were not.

Councillor Fluker, referring to the scale, bulk and position of the proposed application said it was not contrary to the Council's Planning Policy and would support Councillor Stamp's proposal. The conversion was a great improvement in that the applicant had tried to make it as attractive as possible. He proposed that the application be approved, contrary to the Officer's recommendation and subject to the use of appropriate materials in keeping with the street scene.

The Chairman put Councillor Stamp's proposal to approve the application, contrary to the Officer's recommendation, to the Committee. This was agreed subject to standard conditions to include time, materials, plans etc delegated to Officers.

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

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

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, 19-6619 01.A, 19-6619 02.A, 19-6619 03B, 19-6619 04.A

REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as set out within the plans hereby approved.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

4. The garage shown on the submitted block plan 19-6619 03B dated June 2019, shall only be used for the parking of vehicles and purposes incidental to the dwelling known as No.8 The Cobbins, Burnham-on-Crouch.

REASON: To protect the amenity of the site and the surrounding area and to ensure the development would not have a detrimental impact on the free flow of traffic and highway safety, in accordance with policies H4 and D1 of the approved Local Development Plan and the Maldon District Vehicle Parking Standards SPD.

6. **HOUSE/MAL/19/01124 - 36 ANCHORAGE VIEW, ST. LAWRENCE, ESSEX, CM0 7JH**

Application Number	HOUSE/MAL/19/01124
Location	36 Anchorage View, St Lawrence, Essex CM0 7JH
Proposal	Two storey part rear/side extension with single storey rear
Applicant	Mr and Mrs R Connors
Agent	Greg Wiffen - Planman
Target Decision Date	23.12.2019
Case Officer	Annie Keen
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Policy regarding extensions Effect on residential amenity

Following the Officer's presentation, the Applicant, Nina Connors, addressed the Committee.

Councillor Mrs P A Channer, C C opened the debate as she had called in the application. She wanted to address concerns from the Parish Council regarding street scene, bulk and design alongside her concerns relating to the potential adverse impact on residential amenity. The Officers clarified that the development was not considered to result in any unacceptable harm by way of overlooking or shadowing and would not detrimentally impact upon the provision of private amenity space or car parking. Furthermore, it was considered that, on balance, the side/rear two storey extension by reason of its scale and design would not detrimentally harm the appearance or character of the locality or the host dwelling.

Following this clarification Councillor Channer proposed that on balance and given sensible extensions were a good thing overall, the application be approved in accordance with the Officer's recommendation and this was seconded.

Councillor A S Fluker added that the Officers had confirmed that the extension complied with policies D1 and H4 of the LDP, no neighbours had objected, and the back extension was permitted development.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation to the committee and it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, NC01, NC02 Rev 1, NC03 Rev n1.
 3. The materials used in the construction of the development hereby approved shall match those used in the host dwelling.
- 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.

7. FUL/MAL/19/01143 - SEA END CARAVAN PARK, BELVEDERE ROAD, BURNHAM-ON-CROUCH, ESSEX CM0 8AB

Application Number	FUL/MAL/19/01143
Location	Sea End Caravan Park, Belvedere Road, Burnham-On-Crouch, Essex, CM0 8AB
Proposal	Variation of condition 2 on approved planning application FUL/MAL/95/00407 (Retention of consent refs. BUR/23/51 without compliance with condition 3 BUR/21/59 condition 1 and MAL/909/77 condition 3 to allow occupancy of caravans from 1 March to 30 November annually) to allow occupation of the site at any time of the year
Applicant	Mr M Annis - Rice & Cole Ltd.
Agent	Mr Mark Southerton
Target Decision Date	29.01.2020
Case Officer	Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Major application The application was previously refused against officer recommendation.

A Members' Update was submitted detailing a comment from Essex County Council's Highways Authority.

Councillor Bell opened the discussion by noting that following the submission of a revised Flood Risk Assessment, it had been demonstrated that the proposal would not result in increased flood risk, therefore the previous reason for refusal had been overcome. She said it would be essential to monitor the conditions through enforcement going forwards.

Councillor Skeens expressed concern regarding the potential creation of 24/7 caravan sites that may create bigger problems at a later stage.

Councillor A S Fluker acknowledged the valid points made but said that given the precedent already set by Eastland Meadows Country Park, together with the outcome of the Flood Risk Assessment, it was difficult to defend a refusal. He proposed that the application be approved, in accordance with the Officer's recommendation. This was seconded.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation and it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No holiday accommodation shall be used as a person's sole or main place of residence.
3. The holiday accommodation shall be used for holiday purposes only.
4. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
5. The proposed development shall be implemented in accordance with the forms of mitigation included in section 5 of the submitted "Habitats Regulations Assessment" (written by Southern Ecological Solutions, dated 30/05/2019) and be retained as such in perpetuity.
6. The use of the site hereby permitted shall be implemented in accordance with the recommendations included in the submitted Flood Risk Assessment, dated October 2019 and the Flood Warning and Evacuation Plan submitted with this application. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.

8. FUL/MAL/19/01189 - LAND SOUTH OF CHARWOOD AND EAST OF ORCHARD HOUSE, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/19/01189
Location	Land South of Charwood And East of Orchard House, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construct cul-de-sac road with turning head and vehicular and pedestrian access off stoney hills, erect three detached bungalows and three detached garages, lay out parking spaces and form gardens and amenity areas (amended proposal)
Applicant	Mr Burrows - Virium Technology Limited

Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	08.01.2020 (EoT to be agreed for: 17.01.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In – Councillor W Stamp called this application in on the basis of policy D1.

A Members' Update was submitted detailing representations from Burnham-on-Crouch Town Council. Following the Officer's presentation, the Agent, Stewart Rowe, addressed the Committee.

Councillor W Stamp, having called-in the application acknowledged the adverse impact the various developments at Stoney Hills had on residents of all ages over the past two years. It was an ongoing building site with limited access and no place for children to play outside. She was aware that there was no planning consideration to bring to bear but wished to apologise on behalf of Burnham Town Council for the continuous disruption to the lives of residents.

These concerns were echoed by the Committee as a whole who felt that the Planning Inspectorate was to blame for the poor decisions resulting in an estate by stealth, destroying lovely countryside. The Lead Specialist Place acknowledged these comments and stressed the need to maintain an agreed five year land supply to ensure no reoccurrence.

In response to a question regarding the dumping of waste, the Lead Specialist Place drew Members' attention to the Construction Method Statement on page 73 of the report that covered the disposal of waste materials by licensed waste contractors.

Councillor Fluker agreed with all the comments raised and hoped the building on site was nearing an end, when things could return to normal. He proposed that since the application was for the erection of bungalows the application be approved in accordance with the Officer's recommendation. This was seconded.

The Chairman put the proposal to approve the application in accordance with the Officer's recommendation, to the Committee and it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with approved drawings 1150/01; 1150/02A; 1150/03A; 1150/04A; 1150/05 and 1150/06.
3. Prior to their use in the 3. development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to

the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall 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 occupation 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 shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust, noise and dirt during construction Hours and days of construction operations.
7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off

rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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 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.

8. No development above ground level shall be occur 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. The vehicle parking areas and garages hereby approved shall be constructed in accordance with the approved plans and be retained in perpetuity. The vehicle parking areas and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
10. Notwithstanding the details submitted with this application, no development shall, commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include
 - (i) a survey of extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
Human health,
Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
Adjoining land,
Groundwaters and surface waters,
Ecological systems
Archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

11. No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [11], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [12]. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [13].

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

15. The trees and hedges identified for retention in the Arboricultural Impact Assessment & Method Statement, dated 28 June 2019, which is attached to and forms part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.
16. Notwithstanding condition 15, prior to the commencement of the development, further details in relation to the construction techniques to ensure retention and protection of the Oak tree T1 shall be submitted to and approved in writing by the Local Planning Authority.

There being no further items of business the Chairman closed the meeting at 8.29 pm.

R P F DEWICK
CHAIRMAN



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

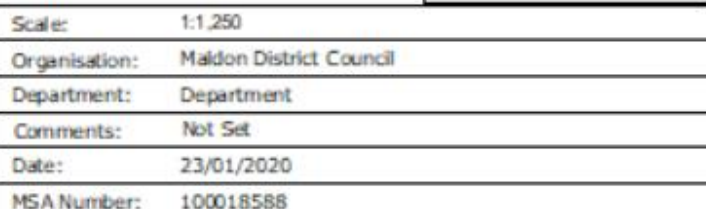
Application Number	19/01163/FUL
Location	Sun and Anchor, The Street, Steeple
Proposal	Demolition of the Sun & Anchor Public House and erection of 6 dwelling houses
Applicant	Gray & Sons (Chelmsford) Ltd
Agent	Mr Mark Jackson
Target Decision Date	16.02.2020
Case Officer	Anna Tastsoglou & Devan Hearnah
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Councillor M W Helm – Policy E3

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

Application Site

- 3.1.1 The application site of 0.29ha comprises a public house, which is noted to have been closed in excess of two years, and associated outbuildings. The site is located predominantly within the defined settlement boundary of Steeple. However, the most westerly part of the site lies outside of the settlement boundary. The area of the site located outside of the settlement boundary measures approximately 100m².
- 3.1.2 The surrounding area largely consists of linear residential development fronting The Street. To the north of the site is undeveloped countryside, some of which consists of dense vegetation. Steeple Village Hall is located to the northeast of the site. There is a cul-de-sac further to the northeast known as Garden Fields and one to the west called Baker Mews. However, apart from those, as stated above, the pattern of development in the surrounding area is generally linear development fronting the highway.
- 3.1.3 There are listed buildings in close proximity to the application site, Sun Cottage and Anchor Cottage to the east and The Church of St Lawrence and All Saints to the west. Sun Cottage lies directly adjacent to the site.

Proposal

- 3.1.4 Planning permission is sought to demolish the existing public house and construct four detached dwellings and one pair of semi-detached dwellings. Each dwelling would be served by its own private amenity space and car parking in the form of a driveway and/or garage. The dwellings will consist of two, two-bedroomed one, three-bedroomed, one, four-bedroomed dwelling and two five bedroomed dwellings.
- 3.1.5 Plots 1 and 2 would feature a pair of semi-detached dwellings with two bedrooms and two en-suites. The building would measure 5m to the eaves and 8.8m to the top of the hipped roof. The bulk of the building would have a width of 11m and a depth of 8.1m. There would be single storey projections on the south and west elevations, which would provide each dwelling with an entrance hall. They would measure 2.9m in width and 1.3m in depth.
- 3.1.6 Plot 3 would be a two storey, four-bedroom dwelling with a detached garage. The dwelling would be L-shaped with an eaves height of 5m, a ridge height of 8.5m, a width of 8.6m and a maximum depth of 11.7m. The detached garage would measure 3.5m in width and 7.8m in depth with an eaves height of 2.3m and a ridge height of 3.8m.
- 3.1.7 Plot 4 would be a two-storey detached dwelling with three bedrooms, one of which benefits from an en-suite. The dwelling would have an eaves height of 4.2m and a ridge height of 8.4m. There would be dormer window on the principal elevation and a gable projection to the front with an eaves height of 5m and a ridge height of 8m, and a single storey flat roof rear projection with a roof lantern, measuring 3m to the top of the parapet roof and 3.9m to the top of the roof lantern. The bulk of the

dwelling would measure 6.7m in width and 9.3m in depth. The front projection would extend 1.1m from the principal elevation and would have a width of 4.3m. The single storey rear projection would have a width of 4.9m and would extend 3.4m.

- 3.1.8 Plot 5 would be a two storey, five bedroom, detached dwelling with a carport and detached garage. The dwelling would have double pitched roof, with two storey front and rear gable projections. To the south elevation would be a side projection with a dormer window over the proposed carport. There would also be a single storey flat roof extension, with a roof lantern to the rear. The bulk of the dwelling would have an eaves height of 5m and a ridge height of 8.5m. The south side projection would have an eaves height of 4.4m and a ridge height of 8m. The front and rear gable projections would have a height of 8.4m. The single storey rear projection would have a height of 3.2m to the top of the flat roof and 4m to the top of the roof lantern. The dwelling would have a maximum width of 12.6m and a maximum depth of 16.2m.
- 3.1.9 The proposed garage to serve plot 5 would be set to the rear of the proposed dwelling and would measure 3.5m in width and 7.5m in depth, with an eaves height of 2.3m and a ridge height of 3.9m.
- 3.1.10 Plot 6 would be a two storey dwelling with five bedrooms and an attached garage, sited forward of the principal elevation. The dwelling would have a hip to gable roof running front to back and double pitch gables projecting from the northern elevation. There will also be a hipped projection to the rear and a single storey rear element. The proposed garage would be connected to the house via a single storey link accommodating a study. There would also be a dormer window on the principal elevation. The dwelling would have an overall width of 10.2m and a maximum depth of 23.7m, inclusive of the garage which has a depth of 6.4m and a width of 6.3m.
- 3.1.11 Plot 6 would have an eaves height of 5m and a ridge height of 8.2m. The single storey rear projection would have a height of 3.1m to the top of the flat roof and 4m to the top of the roof lantern. The attached garage would have an eaves height of 2.3m and a ridge height of 4.1m.
- 3.1.12 The proposed dwellings will be constructed from brickwork, render and timber boarding, with clay plain roof tiles. The windows will be timber.
- 3.1.13 Plots 3 and 4 will be accessed directly from The Street, whilst plots 1,2,5 and 6 will be accessed via a proposed driveway also taken from The Street. The construction of the driveway will result in the removal of two trees. A further four trees will be removed from the front of the site and two to the rear, where the dwelling at Plot 6 would be situated. The proposal includes landscaping plans for new hedgerows to the front, rear and western boundaries of the site and twelve new trees along the boundaries of the site. The existing trees to the front of the site are proposed to be replaced with four Hawthorn trees.

3.2 Conclusion

- 3.2.1 The proposed development as a result of its design, scale, bulk and siting is considered to result in demonstrable harm to the character and appearance of the site and the area. Furthermore, the proposal would result in the unjustified loss of a

community facility and would not provide sufficient off street vehicle parking provision. In the absence of any benefits such as affordable housing, and given that the housing mix does not meet the Council's aims for smaller units, it is not considered that there are benefits that would weigh in favour of the development and the proposal is considered contrary to policies S1, H2, H4, D1, D3, E3, T1 and T2 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 91-92 Promoting healthy and safe communities
- 117-118 Effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- D1 Design quality and built environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E1 Employment
- E3 Community Services and Facilities
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The majority of the application site lies just within the settlement boundary (which runs along The Street at this point) for the village and so would comply with policies S1 and S8 of the LDP. Policy S8 identifies Steeple as being a “smaller village” which

means that it has few or no public services including public transport. Nevertheless, the site would be regarded as being within a sustainable location and the development would involve the net gain of six dwellings.

- 5.1.2 Although part of the application site would lie outside of the settlement boundary, given the limited area, the only part of the site affected would relate to the access and there is already some hardstanding within this part of the site, taking a pragmatic stance, although the development in this part of the site is contrary to Policy S8, it is not considered reasonable to raise an objection solely on these grounds.
- 5.1.3 Further to the above, within the NPPF there is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.1.4 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal of six dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses.
- 5.1.5 Policy E3 recognises that land and facilities providing community services are often under threat from proposals for alternative uses such as residential development. The Policy states that given the importance of community facilities to local residents, there is a need to secure and maintain their functions across the District. Therefore, the proposal seeks to ensure that before any community facility is lost, firstly that the existing business/service is not and cannot be made viable and secondly that effective marketing has been undertaken to demonstrate that there is no viable appropriate alternative community service-based use. The Policy does not explicitly require that the existing building is retained but seeks to ensure that the site continues to provide a community service or facility. Therefore, before a proposal for an alternative use such as residential is considered options for re-developing the site for alternative community-based uses should be explored.
- 5.1.6 The proposal would result in the loss of one of the village pubs of which there are two. Whilst it is noted that the public house is currently closed and regard has been had to the statement by Gray & Sons submitted with the application there has been no evidence submitted as part of this application that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based use, and nor has it been demonstrated effectively that the existing business/service is not and cannot be made viable. The information submitted only provides the opinion that *'a building of that size, in a relatively remote part of the District, within a small settlement, it is highly unlikely that an alternative community use could be found or would be successful.'* However, without any evidence to substantiate this claim, it is not possible to understand whether a relaxation in relation to Policy E3 would be acceptable.

- 5.1.7 Considering the above, it is not considered that it has been demonstrated that the loss of the public house would not result in a negative impact on the local economy or that the loss accords with Policy E3 of the LDP.
- 5.1.8 Given that the proposal will result in the loss of Public House, which is regarded as a community service, it is not considered that sufficient evidence has been provided at this stage to demonstrate to the Council that criteria 1 and 2 of Policy E3 have been met.
- 5.1.9 Considering the above, the economic and social benefits of the proposal are considered minor. Furthermore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.10 Maldon District Council has undertaken a full assessment of the Five-Year Housing Land Supply (FYHLS) in the District and has 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. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, it is not considered that there are any material considerations which would prevent an application being determined in accordance with Policy E3 of the LDP.

5.2 Housing Need & Mix

- 5.2.1 As stated above 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 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 the 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, two bedroom homes, one three bed, one four bed and two five beds. Therefore, 33% of the dwellings will be classed as smaller units, which is well below the 60:40% split required by the SHMA. In this respect, the proposal would make a negligible contribution to improving the Councils housing stock.

5.3 Affordable Housing

- 5.3.1 Policy H1 of the LDP states that housing developments of more than 10 dwellings or more than 1,000sqm will be expected to contribute towards affordable housing. Within Rural South East Lower the expected requirement is 25%. Any relaxation of this requirement will only be considered where the Council is satisfied that such requirement will render any development proposals unviable.
- 5.3.2 It is noted that the total internal floor space for the development would be 993m² and therefore is 7m² under the requirement for affordable housing. Whilst affordable housing is therefore, not required and could not form its own reason for refusal, it should be noted that the lack of affordable housing does not weigh in favour of the development and does not provide any benefits that would overcome the harm resulting from the loss of the community facility and the harm on the character and appearance of the area which will be discussed below.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.
- 5.4.2 It should be noted that good design is fundamental in creating better places to live 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”.

- 5.4.3 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.

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017)
- 5.4.5 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.4.6 In addition to the above, policy D3 of the approved Maldon District Local Plan (MDLP) states alterations to listed buildings will be required to “*preserve or enhance its special character, appearance, setting-including its streetscape and landscape value- and any features and fabric of architectural interest.*”
- 5.4.7 The proposed dwellings to the front of the site conform with the building line of the dwellings to the west within The Street, and therefore, it is considered that the dwellings conform to the building line to an acceptable degree, albeit it is noted that the dwellings and most notably the listed buildings to the east sit further forward than the proposed dwellings. In terms of the dwellings towards the rear, which are set back within the site, it is noted that there are cul-de-sac developments within the surrounding area, such as Garden Fields to the east and Blackwater Mews to the west. However, the neighbouring cul-de-sacs serve a number of dwellings, forming their own cul-de-sac arrangement situated around the access road. In contrast due to the limited number of dwellings proposed in the backland location as part of this application, their contrived orientation in relation to other dwellings in the vicinity of the site and the lack of visual relationship with the neighbouring built form, it is considered that the siting of the two dwellings to the rear of the site would result in an inappropriate form of backland development, which does not reflect and is to the detriment of the prevailing pattern of development within the surrounding area.
- 5.4.8 The proposed dwellings fronting The Street, would vary in height from 8.4m to 8.8m, they would have differing widths and would each feature a different roof profile and overall design. Whilst variation in developments is considered a good design quality, there is a concern that the extent of the differences between the four plots results in a contrived form of development, with dwellings that bear little relation to one and other and the existing neighbouring built form.
- 5.4.9 Further to the above, whilst it is noted there are dwellings located opposite the site which are of a more modern design, it is considered that given the proximity to the Listed Building to the east the development should reflect the distinctive nature and character of Steeple. Gable projections are not a feature which reflects the original character of Steeple and are therefore considered to erode the character and appearance of the area. Further to this, the heights of the proposed dwellings are substantially taller than the listed cottages to the east. Whilst it is noted that the proposed dwellings would be set back, given their substantial height it is still considered that the scale and bulk of the dwellings would detract from the setting of the listed buildings to some degree.,

- 5.4.10 The dwellings to the rear of the site (Plots 5 and 6) are considered to have over complicated roof forms, with differing heights and are overly large in scale and bulk. Of particular concern is the siting of the double garage serving plot 6, which would be awkwardly positioned in relation to the first-floor windows and would prevent an active road frontage. In terms of layout the dwellings are of a significant depth and width, which results in a cramped appearance that is not in keeping with neighbouring plot sizes or layouts. For these reasons it is considered that the proposed dwellings to the rear of the site would result in demonstrable harm to the character and appearance of the area.
- 5.4.11 It is noted that effort has been made to ensure that the proposed materials are complimentary to the historic character and appearance of the area in particular through the use of timber windows and timber weatherboarding. Furthermore, the choice of brick and render is in keeping with the materials used on the existing pub and neighbouring dwellings. However, it is not considered that the use of sympathetic materials alone overcomes the harm on the character and appearance of the wider area and neighbouring listed buildings identified above.
- 5.4.12 For the reasons stated it is considered that the proposed dwellings as a result of their size, scale, bulk, siting and design would result in an overly large and contrived form of development, which appears cramped within the site and erodes the architectural character of Steeple. Therefore, it is considered that the proposal would result in material harm to the character and appearance of the site and wider area.
- 5.4.13 Using the terminology of the NPPF and the LDP, the proposal is considered to cause 'less than substantial harm' to the significance of the neighbouring listed buildings. Therefore, the harm must be weighed against the public benefits of the proposal. In this instance it is considered that the public benefits resulting from the loss of a public house, a community facility, in favour of six dwellings, which do not meet the Council's housing mix targets and offers no affordable homes, are extremely limited. Therefore, it is not considered that the public benefits overcome the identified harm on the setting of the neighbouring listed buildings.
- 5.4.14 For the reasons identified above, it is considered that the proposal would result in material harm to the character and appearance of the, site, area and setting of the neighbouring listed buildings. The proposal is therefore, contrary to policies S1, D1, D3 and H4 of the LDP, and guidance contained within both the MDDG and the NPPF.

5.5 Impact on Residential Amenity

- 5.5.1 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 overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers. This is supported by the MDDG.
- 5.5.2 The proposed site is situated between existing residential dwellings. The land to the rear of the site had temporary permission for the use as a touring caravan and camping site for 3 years. This temporary consent expired in July 2016 (13/00128/FUL). The northeast corner of the land to the rear has permission to store caravans (14/01199/FUL). Therefore, whilst there may be minor disturbance as a result of

maneuvering caravans in and out of the land to the rear which is accessed through the proposed estate road, given that the use of a camping site has expired, it is not considered that the neighbouring uses would be detrimental to the amenity of the future occupiers of the development.

- 5.5.3 The proposed dwellings are detached, with the exception of Plots 1 and 2, and have a reasonable separation distance between each property, in terms of neighbouring amenity, and also the existing neighbouring dwellings on The Street. Plots 5 and 6 to the rear of the site would have direct views into the amenity space serving Sun Cottage, The Street. However, given that the views would be of the rear part of the garden, which is likely to be in less frequent use and given the number of trees within the neighbouring garden, it is not considered that there would be detrimental harm resulting from a loss of privacy or overlooking.
- 5.5.4 The dwelling at Plot 4 would extend further to the rear than the Sun Cottage, directly to the west. However, the proposed dwelling would be located 8.4m from the shared boundary, therefore, it is considered that any reduction in light received would not be substantial and the proposal would not have an overbearing impact on the occupiers of Sun Cottage.
- 5.5.5 The window in the first floor side elevation of Plot 2 would serve a landing and would face onto two, first floor side elevation windows serving en-suites within Plot 3. Also Plot 4 would have a first floor window in the eastern side elevation serving a landing, Plot 5 would have two first floor windows in the southern elevation serving a bathroom and what would appear as a walk in wardrobe and Plot 6 would have two first floor windows in the southern side elevation serving en-suite bathrooms. To ensure that none of these windows result in overlooking a condition requiring they be obscure glazed would be necessary if the application were to be approved. However, the windows serving the landing and bedroom 5 of Plot 6 would not be required to be obscure glazed as the look out onto the field to the north.
- 5.5.6 For the reason discussed above it is not considered that the proposal will result in any unacceptable harm by way of overlooking, loss of light or loss of privacy. Furthermore, the proposal would not have an overbearing impact, and nor would the future occupiers be subject to unacceptable noise impacts resulting from the use of the site to the rear. Therefore, in this respect the proposal is considered to be in accordance with Policies D1 and H4 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, as well as ensuring sufficient parking facilities in relation 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.
- 5.6.2 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.

- 5.6.3 The adopted VPS require that a one-bedroom dwelling provides one parking space, a two or three bedroom dwelling two spaces and a four or more bedroom three spaces. A parking bay should measure 2.9mx5.5m and a garage to accommodate a car should be 3mx7m (6mx7m for a double garage).
- 5.6.4 All of the proposed dwellings would be served with sufficient car parking, with the exception of Plot 6. The double garage provided at plot 6 will measure 6.3m wide and 6.4 in depth. Given the insufficient depth, it is not considered that the garage could accommodate any vehicles and sufficient cycle storage as required within the VPS. Furthermore, there would only be space to park one car on the hard standing to the front of the garage. Given that there is no cycle storage provision anywhere else within the site, it is especially important that the proposed garages meet the size requirements of 6mx7m. In addition, given that Plot 6 would house a five-bedroom dwelling, it is considered that the minimum car parking provision would be essential, especially in Steeple where access to public transport is limited. Having regard, to this it is not considered that the shortfall in vehicle parking provision is acceptable as it may result in increased on street parking to the detriment of the free flow of traffic. Therefore, the development is contrary to Policy T2 of the LDP.
- 5.6.5 It is noted that provision has also been provided for the neighbouring dwellings to park their vehicles. Given that there is no requirement to provide this as part of a scheme, the limited provision of one parking space is not objected to in relation to the neighbouring properties.
- 5.6.6 The proposal would utilise an existing access but would result in the intensification of its use. However, whilst no response has yet been received from the Essex County Council Local Highway Authority, given that there is sufficient turning space within the site and the access would serve only four dwellings, the proposed access is unlikely to be objected to. There is also unlikely to be an objection to the proposed drop kerb accesses from The Street, serving Plots 3 and 4, as there is already a drop kerb within this part of the site serving the public house.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for

dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

- 5.7.2 Each dwelling would be provided with an area of private amenity space in excess of the requirements. Therefore there is no objection in this regard.
- 5.7.3 In terms of landscaping, it is considered that sufficient soft landscaping would be provided and that the species would be native. Furthermore, there is no objection to the loss of the trees as shown on plan 2801/109, as they are not considered to be of significant amenity value and would be replaced. However, it is considered a condition requiring the exact detail of hard and soft landscaping should be imposed if the application were to be approved, to ensure that the details are suitable for the surrounding area.

5.8 Planning Balance

- 5.8.1 The proposal would result in the net gain of six residential dwellings. However, given that the proposal would also result in the unjustified loss of a community facility, would not provide any benefits in terms of affordable housing, would result in demonstrable harm on the character and appearance of the conservation area and would provide insufficient car parking facilities and that the Council can demonstrate a five year housing land supply, it is not considered that the benefits of the development outweigh the harm. Therefore, the proposal is considered contrary to Policies S1, D1, D3, H4, E3 T1 and T2 of the LDP and guidance contained within the NPPF and the MDDG.

5.9 Nature Conservation and Biodiversity

- 5.9.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*'
- 5.9.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.3 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.9.4 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.9.5 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.9.6 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.9.7 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.9.8 To accord with Natural England’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

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

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

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £ 733.80 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

- 5.9.9 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

- **14/01199/FUL** - Change of use of land for the storage of caravans. Approve.
- **13/05136/DET** - Compliance with Conditions Notification: Condition 5 - scheme for the upgrading of the area at the front of the site (13/00128/FUL - Change of use of the land for the use as a touring caravan and camping site for 3 years). Conditions cleared.
- **13/00128/FUL** - Change of Use of the land for the use as a touring caravan and camping site for 3 years. Approved
- **11/01152/FUL** - Continued use of mobile home to rear of pub (previous approval under 08/00882/FUL). Approved.
- **10/00596/LDE** - Claim for Lawful Development Certificate for an existing use of general camping and touring caravans, rallies and boot sales on the adjoining field. Refused.
- **10/00248/LDE** - Claim for Lawful Development Certificate for an existing use of general camping and touring caravans, rallies and boot sales on the adjoining field. Refused.
- **08/00882/FUL** - Proposed mobile home to rear of pub. Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology		
Anglian Water Services	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.
Essex County Council Highways Authority	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection but given the site is previously developed a phase 1 contaminated land survey should be carried out. Other conditions relation to drainage and construction management have also been proposed.	Noted, if the application were to be approved contamination conditions could be imposed along with the other proposed conditions.
Conservation Officer	No response received at the time of writing this report	Noted any update will be communicated through the Members Update.
Tree Consultant	No response received at the time of writing this report	Noted any update will be communicated through the Members Update.
Strategic Housing Team	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

7.4 Representations received from Interested Parties

- 7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> A new or updated pub or restaurant would have been more welcomed. The proposal seeks to protect the heritage of Steeple by respecting the design of the Sun and Anchor Cottages. Enough parking spaces should be left for the owners of Anchor Cottage. 	<ul style="list-style-type: none"> Addressed at section 5.1. Addressed at section 5.4. Addressed at section 5.6

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The neighbouring listed cottages set an attractive streetscene when entering the village and there is concern that the siting of the houses will erode this. • Overlooking into neighbouring properties. • Access must be maintained to Sun and Anchor Cottages via the side gate of Sun Cottage. • Sun and Anchor Cottages should be notified when archeological investigations take place and any heavy machinery is to be used, to prevent harm to the buildings. • A SuDS scheme is required due to current road water issues. • A risk assessment should take place to ensure that there will be no damage to the existing pipes. • What measures are put in place during works to prevent disruption. • There is no village shop or post office. There are no evening bus services and taxis are expensive. The only bus service to Broomfield Hospital is on a Sunday. A service is required Mon-Fri to attend appointments. • The owners should consider the future prosperity of the area with its growing population and future employment possibilities potentially resulting from a new power station at Bradwell. 	<ul style="list-style-type: none"> • Addressed at section 5.4 • Addressed at section 5.5 • The proposal does not appear to remove this access. Although this is a land ownership issue which is a civil matter and cannot be dealt with via this application. • Any archaeological works will be required to be undertaken by a recognised archaeological contractor and will respect the neighbouring listed cottages. • This could be agreed via a condition. • This is a civil matter. • There is other legislation that covers disruption caused during works. • Addressed at section 5.1 • The application must be assessed on the current situation and context of the site. Therefore, it is not possible to factor in any future possibilities that haven't been confirmed. • Addressed at section 5.6

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The access is located on a bend with poor visibility. The neighbouring dwelling has had its front wall knocked down three times as a result of car collisions. • There have been a number of accidents within the village over the years. There has been no improvement in traffic management of speed discipline as a result. • If the proposal introduced improvements to highway infrastructure, traffic controls, the junction etc. to reduce future risks then the proposal could be supported which is on balance an improvement to a derelict building. 	<ul style="list-style-type: none"> • Addressed at section 5.6 • Given that these works are not proposed as part of the application they cannot be considered.

7.4.2 1 letter of comment has been received. The comments are listed in the table below:

Comment	Officer Response
<ul style="list-style-type: none"> • Where will the people be living in Clapboard Cottages Park? It will be dangerous to park on the street and cause disruption to the free flow of traffic. 	<ul style="list-style-type: none"> • It is noted that some neighbouring residents currently use the site to park their vehicles. However, as this is not a formal arrangement in planning terms it is not possible to manage the loss of this parking provision through a planning application.

8. **REASONS FOR REFUSAL**

- 1 The proposed development would result in the loss of a community facility. No suitable justification or evidence has been provided to demonstrate that the existing business/service is not and cannot be made viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based service use. The development would therefore be contrary to policy E3 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).
- 2 The proposal involves the erection of six dwellings adjacent to listed buildings. The proposed dwellings by reason of their design, scale, mass, bulk and positioning would result in a cramped and contrived form of development,

which fails to accord with the historic character and appearance of Steeple and also the prevailing pattern of development . Furthermore, the dwellings to the front of the site due to their height, scale, bulk and design are considered to cause some harm the setting of the adjacent listed buildings, which would not be outweighed by the public benefits of the propsoal. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework and there would not be significant benefits that would outweigh the harm identified.

- 3 The proposed development would fail to provide adequate on-site parking provision for Plot 6. The proposal would therefore be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

Application Number	19/01181/FUL
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue.
Applicant	Mr Mark Sadleir
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	10.02.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Member Call In by Councillor W Stamp Reason: D1

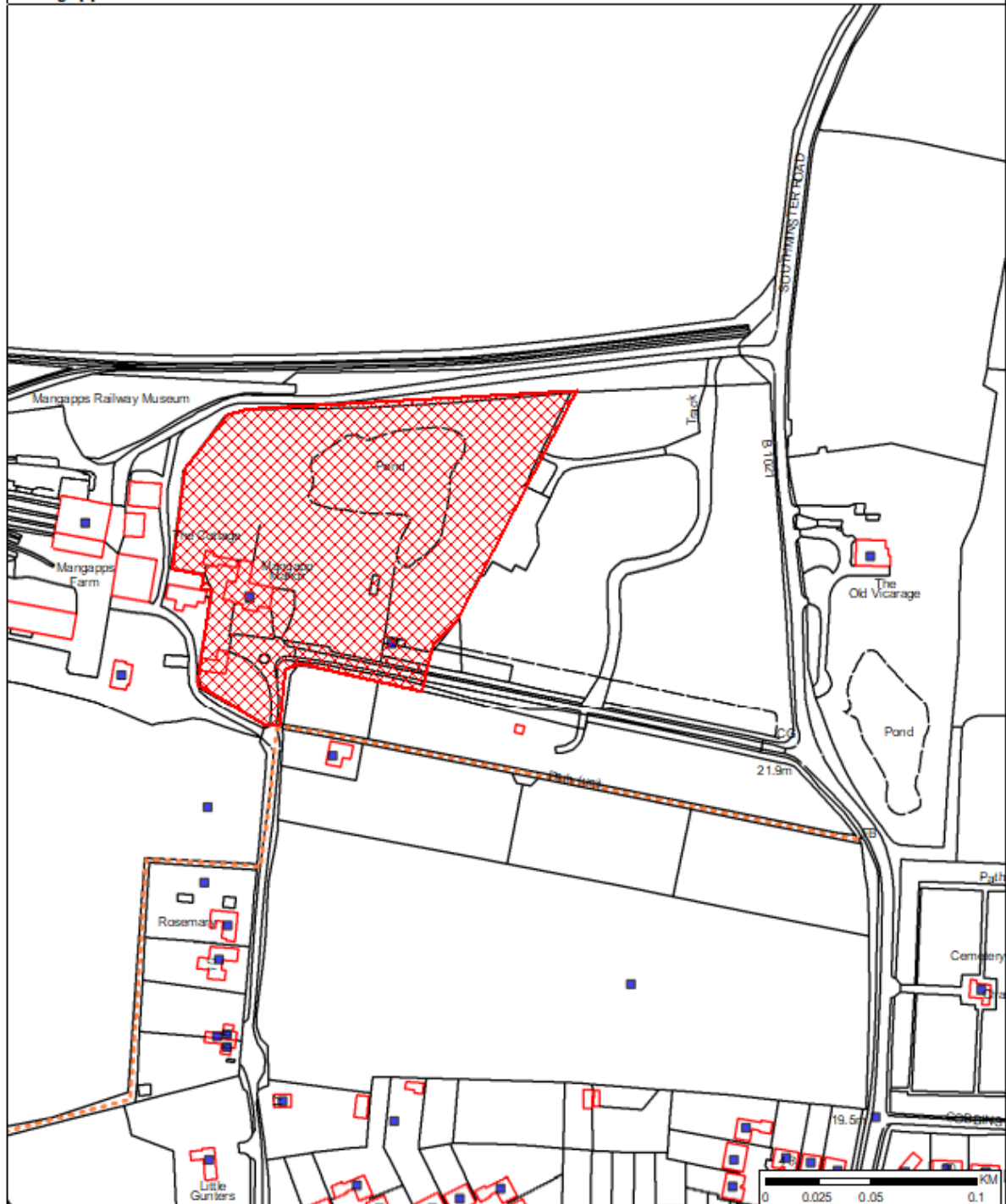
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

19/01181/FUL
Mangapps Manor



 <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 Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	24/01/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is an irregular shape measuring approximately 1.9ha and is located on the western side of Southminster Road, outside of the 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 on the northern side 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 (14/00845/OUT, APP/X15454/W15/3009772).
- 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 (08/00027/FUL) 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 08/00516/FUL which varied the number of guests allowed at the functions and the access arrangements. Following this an application was approved (09/00007/FUL) 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 08/00516/FUL 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.
- 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, to be used for the storage of cars and motorcycles.
- 3.1.6 The proposed building would have a hipped design. It will measure 8.5 metres deep and 15.6 metres wide. It will have an eaves height of 2.7 metres and a ridge height of 6.2 metres. There will be two gable projections to the north and south elevation, which will measure 6 metres wide and 0.9 metres deep. They will measure 2.7 metres high to the eaves and 5.4 metres high overall. There will be a clock tower located on top of the roof. There will be two shutters and one door on the south elevation, a high-level window on the east and west elevation and three sets of glazing on the north elevation.
- 3.1.7 The materials consist of plain tiles, black painted weatherboarding, a red brick plinth and black stained window frames.

- 3.1.8 It is noted that this application is a resubmission of two previously refused applications, 18/01374/FUL and 19/00656/FUL. The reason for refusal for 18/01374/FUL was:

'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.'

- 3.1.9 The difference between application 18/01374/FUL and 19/00656/FUL are:

- The style, design and materials of the outbuilding
- A reduction in size
- A supporting statement justifying the location and design of the proposed outbuilding

- 3.1.10 The reason for refusal for application 19/00656/FUL was:

'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 residential 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.'

- 3.1.11 The outbuilding proposed under this application is identical to the outbuilding proposed under application 19/00656/FUL. No amendments have been made to this application. A letter has been submitted which debates the location of the residential curtilage and argues that the proposed outbuilding is sited within the curtilage. This will be discussed in section 5.1 of the report.

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, would result in overly large and incongruous form of development which would create an urbanising impact to the detriment of 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. The proposal is not considered to have overcome the concerns raised in the previous

application. No amendments have been made from the previous application and 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 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
- 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:

- Maldon District Vehicle Parking Standards (VPS)
- Maldon District Design Guide (MDDG)
- National Planning Policy Guidance (NPPG)
- Burnham-on-Couch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 It is important to first discuss the issue of residential curtilage. The Agent has submitted information and plans with the application stating that he considers the

location of the outbuilding to be situated within the established residential curtilage of Mangapp Manor. The Council do not consider this to be the case.

- 5.1.2 The submitted information states that on a site of this size with a shared driveway of over 200m in length, that a 50m distance between the proposal and host dwelling is not excessive. The statement considers that the siting of the outbuilding is completely appropriate to its use and that the use is entirely ancillary to the residential use of the main house. The submission also refers to outline consent for 80 dwellings on the adjacent land to the south (14/00845/OUT & 18/01077/RES) and states on that basis any objection would be unfounded. Firstly, it is worth noting that the Council does not dispute that the structure and use would be ancillary. However, this is irrelevant to the determination of the application. Furthermore, the principle of a large residential development is substantially different in nature to the current application.
- 5.1.3 Firstly, it is important to establish what is meant by the term residential curtilage. Curtilage is defined within the Permitted Development Rights for Householders Technical Guidance as *‘land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.’*
- 5.1.4 Case Law (Lowe v Secretary of State [2003] EWHC 537 (Admin)) (Appendix 1) states that *‘The expression of ‘curtilage’ is a question of fact and degree. It connotes a building or piece of land attached to a dwellinghouse and forming one enclosure with it. It is not restricted in size, but it must fairly be described as being part of the enclosure of the house to which it refers. It may include stables and other outbuildings, and certainly includes a garden, whether walled or not... But it cannot possibly include the whole of the parkland setting in which Alresford Hall lies, nor the driveway along which the fence was erected. It could not be sensibly contended that the site of the fence was attached to the hall, or that it formed once enclosure with it, or was part of the enclosure of it’*
- 5.1.5 In the case of the Burford v Secretary of State for Communities and Local Government & Anor, Court of Appeal - Administrative Court, June 23, 2017, [2017] EWHC 1493 (Admin) (Appendix 2) the Judge considered that *The land on which the building subject to the enforcement notice was not on land comprising curtilage of the dwellinghouse because it was ‘physically separated from [other land] by fences and hedges until at least November 2015’. The land was therefore unattached to the land surrounding the dwellinghouse and not forming an enclosure with it. ‘Curtilage’ is an area of land ‘attached to’ a house and ‘forming one enclosure with it.’*
- 5.1.6 Having regard to these definitions it is considered that there is a clear curtilage to Mangapp Manor, which does not include the whole application site. The curtilage at Mangapp Manor is considered to be confined to the area to the west of the tree belt that runs northeast to southwest across the site as can be seen on the image below.



- 5.1.7 The aerial image shown above demonstrates that there is dense vegetation, which separates the curtilage from the siting of the proposed outbuilding. Whilst it is noted that the area to the east of the tree belt consists of manicured gardens, given the clear enclosure around Mangapp Manor, created by the vegetation and the fact that the area to the east is lawfully a wedding venue use, which would be expected to have manicured gardens, it is considered that where the proposed outbuilding would be located would be sited outside of the existing residential curtilage.
- 5.1.8 The grounds of Mangapp Manor currently have a mixed use of residential and a wedding venue. In March 2008, planning permission (08/00027/FUL) 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. The permission is relied upon by the Applicant within their submission. This permission was subsequently amended under the terms of 08/00516/FUL which varied the number of guests allowed at the functions and the access arrangements. The area of land to the east of the site, beyond the pond was considered under application 08/00516/FUL 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.
- 5.1.9 The Applicant has included the below plan within their submission which relies on the permission granted under the terms of 08/00027/FUL. The submitted plan shows an 'associated garden area' to the west and 'a field which lies beyond the recognised curtilage to the east'. The plan states that the area titles were taken from the Officer's Report from that application. However, it would appear that this plan has been based on the site description from that report and not on a plan depicting exactly where the boundaries between those two parts of the application site are located.



5.1.10 However, the Location Plan supporting both that application and 08/00516/FUL shows that part of the area of land to the east of the pond, where the proposed outbuilding would be sited and is considered by the Applicant to be within the residential curtilage, in fact falls within the land used for the wedding venue use and is not residential. The location plan from the 2008 application is shown below.



5.1.11 Given that the wedding use/marquee appeared to still be in place in 2017, which can be seen in aerial photographs, and that no planning application has yet been approved to change the use of this area, the current lawful use of this land remains as part of the wedding venue use. This current application includes the proposed change of use of the site including this area of land to residential and therefore it cannot currently be

considered part of the residential curtilage as it does not currently have a residential use; its lawful use is as a wedding venue.

- 5.1.12 Further to the above, it is noted that even if permission is granted for the change of use of this area of land to residential, this would represent a change of use for planning purposes but would not automatically mean that this area is included within the established residential curtilage of the site. It is noted that the residential curtilage of a house is not necessarily co-extensive with the planning unit and it is not possible to change the use of the land to use as residential curtilage. In support of this is appeal decision APP/P0240/CX/13/2210233, decided on the 16 July 2014 in Shefford and related to whether land forms part of a residential curtilage. In that decision the Inspector stated that *'The term curtilage must not be confused with the planning unit, or with a use of land... As a matter of fact, and degree, the term defines an area of land in relation to a building, rather than a use of land.'* Therefore, having regard to the above assessment in relation to the clear delineation between the residential curtilage and land, if the change of use to residential were to be granted, the proposed outbuilding would still be located outside of the residential curtilage and there would be an objection in principle to the development on those grounds.
- 5.1.13 Therefore, it is considered that the area of land where the outbuilding is proposed to be located, is not within the residential curtilage of Mangapp Manor and the application will be assessed accordingly.
- 5.1.14 It is also noted that the Applicant refers to permission on the adjacent land for 80 dwellings. However, the considerations in an application are materially different to the considerations of a proposed outbuilding. For instance, the principle issue of residential curtilage in this case would not apply to 80 dwellings and the benefits of a residential scheme of that magnitude would be of a different consideration to a personal outbuilding. Therefore, the neighbouring permission does not provide the grounds for granting permission for the proposed development.
- 5.1.15 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.
- 5.1.16 The justification for the outbuilding is that it is required for the storage of classic cars and in the Applicant's opinion that the use is ancillary to the residential use, the location is appropriate in terms of the use, it creates an entrance to the site and avoids adverse effects on the setting of the manor house. However, the justification for the personal need for car storage is not considered to overcome the environmental and visual harm identified in the section 5.2 and consequently the proposal is contrary to policies S1 and S8 of the LDP.
- 5.1.17 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 09/00007/FUL and

the change of use of the land designated under application 08/00516/FUL for wedding facilities and functions back to residential use.

5.1.18 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 marketed effectively for all alternative tourism related uses.

5.1.19 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.

5.1.20 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 Council's control.

5.1.21 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.

5.1.22 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;
- 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. 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 outbuilding has a relatively traditional appearance including the hipped roof and the materials, which consist of black painted boarding, red plain tiles and a brick plinth. However, whilst the overall style is of a more traditional appearance, due to

the fenestration pattern, roof style and gable projections, it is considered to have a more dwelling-like appearance rather than an outbuilding.

- 5.2.9 In terms of its footprint of 144 square metres and overall height of 6.2 metres, it would be considered a large addition in the proposed location. This is considered to also contribute to the unjustified sprawl of the residential use and domestication of the countryside.
- 5.2.10 Whilst it is noted that it would replace an existing stable, it would be significantly larger than the existing stable and, as stated above, would have a more dwelling-like appearance.
- 5.2.11 In addition to the above the proposal would be partially 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.
- 5.2.12 Whilst it is noted that there are existing trees within the site and hedgerows sited along Southminster Road, 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.
- 5.2.13 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 and bulk and 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 over 40 metres. 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 are 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. 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 Footpath number 2 in Burnham-On-Crouch runs to the south of the site. If this application were to be approved, a condition could be included to ensure this footpath is maintained free and unobstructed at all times in order 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 Other Material Considerations

- 5.6.1 It is important to note that due to the positioning of the outbuilding outside of the residential curtilage, if this application were to be approved, a condition could not be included to ensure the outbuilding is only used for purposes incidental to the dwelling known as Mangapp Manor.

6. ANY RELEVANT SITE HISTORY

- **90/00992/FUL** - Formation of landscaped embankments. Approved no conditions.
- **08/00027/FUL** - 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.
- **08/00516/FUL** - Variation of condition 15 (relating to maximum no's of guests) and removal of conditions 9,10,11 &12 (relating to access) of 08/00027/FUL - 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
- **08/05074/DET** - Compliance with conditions notification of 08/00516/FUL - Conditions: 6, 10 and 12. Condition Cleared.
- **08/05156/DET** - Compliance with Conditions notification: 08/00516/FUL - Condition 6 - Noise insulation. Condition Cleared.
- **09/00007/FUL** - Change of use of room for marriage civil ceremonies. Approved.
- **17/01300/OUT** - Addition of barn within grounds of Mangapp manor and associated access. Application withdrawn.
- **18/01374/FUL** - Change of use from wedding venue to residential (C3) and the construction of an outbuilding including an associated access, boundary treatments and car parking. Application refused
- **18/01374/FUL** - Change of use from wedding venue to residential (C3) and the construction of an outbuilding including an associated access, boundary treatments and car parking. – Refused
- **19/00656/FUL** - Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue – Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Representations received from Interested Parties

7.2.1 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 residential 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
10 FEBRUARY 2020

Application Number	19/01194/HOUSE
Location	29 Mill Road, Burnham-On-Crouch, Essex CM0 8PZ
Proposal	Demolition of 2 existing conservatories and garage. Erection of side extension incorporating new garage, and entrance porch. Alterations to roof creating a chalet bungalow incorporating rear facing balcony.
Applicant	Mr & Mrs David Marchant
Agent	Michael Lewis - Bailey Lewis
Target Decision Date	EOT 14.02.2020
Case Officer	Annie Keen
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call in – Councillor W Stamp Policy D1

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

29 Mill Road, Burnham-on-Crouch
19/01194/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	17/01/2020
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Mill Road within the settlement boundary of Burnham-on-Crouch. The building on-site is a single storey detached bungalow with a rear projection, two conservatories to the rear, photovoltaic panels to the southern roof slopes and a detached garage. The dwelling and garage are finished in cream render.
- 3.1.2 Planning permission is sought for extensive development of the site including the demolition of two conservatories to the rear of the dwelling and a garage located to the west of the dwelling. Permission is sought for the erection of a rear extension, the provision of habitable accommodation within the roof, a porch to front of the dwelling and an attached garage. The existing roof would be altered from a hip to a gable and would be raised to form a chalet bungalow. Solar panels are proposed to the roof as well as a recessed balcony to the rear.
- 3.1.3 The proposed increase in roof height to the front of the dwelling would create a one and a half storey dwelling measuring 8.7 metres with width with a maximum measurement of 9.2 metres in width. The dwelling would measure 7.5 metres in depth with an eaves height of 3.6 metres and a ridge height of 6.5 metres, creating two bedrooms at first floor level to the front of the dwelling. This would increase the roof height of the front of the dwelling by 1.1 metres in height, creating a gable style roofline with two dormer windows measuring 1.6 metres in width and 2.9 metres in depth with an eaves height of 1.6 metres and a pitched roof height of 2.3 metres.
- 3.1.4 The proposed one and a half storey rear extension would measure 2.6 metres in width at ground floor level and 12.7 metres in depth, linking to the proposed garage which would measure 3.5 metres in width and 7.5 metres in depth. The proposed eaves height would measure 2.5 metres with a maximum height of 5.6 metres. This would result in an increase of 0.8 metres in height to the top of the flat roofed section. The proposed inset balcony would measure 3.5 metres in width and 2 metres in height.
- 3.1.5 The proposed porch would measure 2.1 metres in width, 1.2 metres in depth with an eaves height of 2.6 metres and an overall roof height of 3.5 metres to the top of the gable style roof.
- 3.1.6 The proposed finished materials would be rendered in sand/cement and painted with HardiePlank weatherboarding at first floor level. The roofing tiles would be plain tiles to match that of the existing with white uPVC window and doors.
- 3.1.7 This application is a resubmission of the previously refused application 19/00906/HOUSE which was refused for the following reasons:
- 1 *The proposed development by reason of its scale, bulk and design, is considered to be a large, unsympathetic and incongruous addition to the existing dwelling, which would detrimentally impact upon the character and appearance of the dwelling itself, the streetscene and the locality. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

2 *The proposed development would, as a result of its bulk, depth, height and proximity to the boundaries, be dominant and overbearing and result in an unneighbourly form of development to the adjoining neighbours at 31 and 27 Mill Road, to the detriment of residential amenity and contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.8 The alterations made to the current application are a reduction in the proposed height of the roof to the front of the dwelling by 0.6 metres. This would result in an increased roof height of 1.1 metres from what is currently in situ and the removal of a flat roof section to the front of the garage. The proposed plans therefore show a very limited reduction in the scale of the development overall.

3.2 Conclusion

3.2.1 The proposed development, by way of its scale, bulk and design is considered to be a large and unsympathetic form of development that would detrimentally impact upon the character and appearance of the dwelling and the locality. Whilst it is noted some amendments to the design have taken place these are not considered to have overcome the concerns identified previously. Additionally, the development would result in an unneighbourly form of development due to its height and depth being overbearing along the eastern and western boundaries.

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
- 117 – 123 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 the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

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 the approved Local Development Plan (LDP).
- 5.1.2 The principle of extending an existing dwellinghouse and 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 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”.

- 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

- 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 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.
- 5.2.6 The proposed development would raise the roof of the existing dwelling and include the installation of dormer windows to the front elevation and a recessed balcony to the rear elevation, enabling accommodation at first floor level. The development would also project to the west of the dwelling creating a rear/side extension to form a garage and closet at first floor level. The resultant development would raise the roof height of the existing dwelling by 0.6 metres.
- 5.2.7 The proposed design of the first floor extension to the main dwelling would create a raised gable style roofline with two dormer windows to the front elevation. The proposed design of the front elevation takes cues from neighbouring dwellings. However, whilst the increase in roof height of 1.1 metres would result in a roof height similar to No.31 Mill Road, due to the orientation and narrow width of the neighbouring roof line and the subservient side projection, the gable style roof has a lesser impact on the streetscene than the proposal. In contrast, the dwelling to the east of the application site, No.27 Mill Road, which is of a similar style to the host dwelling, has a lower ridge line and eaves height which is considered to be more in keeping with the street scene. Furthermore, the proposed development would include two dormers to the front which would add additional bulk to the development. It is therefore considered, that taking into account the proposed increase in roof height to the main dwelling in combination with the proposed roof design, the development significantly alters the character of the dwelling and the locality more widely.
- 5.2.8 The proposed ground floor extension would extend from the existing rear projection and the rear elevation of the dwelling, resulting in an increase in accommodation at ground and first floor levels and including the creation of a garage. The roof height of the existing rear projection would increase by 0.8 metres to match that of the proposed addition. The proposed roofline would form a hipped to gable style roof with a large flat roofed section. Due to the proposed development having different roof styles than that of the main dwelling, the proposed development would result in a contrived roofline that would further reduce the limited architectural merit of the scheme. Due to the overall scale of the extension and the inconsistent mix of roofing styles, the proposed extension would form an unsympathetic and bulky rear/side projection which would detrimentally impact upon the appearance of the host dwelling, which is a small-scale bungalow, and the locality.
- 5.2.9 The front porch would be located centrally on the front elevation with a pitched roof and glazed panels either side of the front door. It is considered the design of the porch

is in keeping with the host dwelling and therefore no objections are raised in regard to the porch.

- 5.2.10 The design of the proposed windows and doors are considered acceptable and the proposed balcony to the first floor rear projection would not detrimentally impact upon the appearance of the host dwelling.
- 5.2.11 The proposed finished materials would be sand/cement painted render with HardiePlank weatherboarding at first floor level and plain roof tiles. It is considered the proposed materials are in keeping within the locality and therefore are considered acceptable.
- 5.2.12 The proposed solar panels would be fitted to the southern roof slope of the main dwelling. Whilst the solar panels detract from the appearance of the dwelling, they are functional in design and are located to the rear and therefore would not impact upon the appearance of the streetscene. It is noted the solar panels would provide an alternative energy source, however this would not outweigh the concerns raised in the report.
- 5.2.13 This application is a resubmission of a previously refused application 19/00906/HOUSE, which proposed a similar form of development. This previous application was refused due to the proposed scale, bulk and design of the development. The proposed increase in height was considered to result in a bulky form of development with the flat roofed projection to the front of the proposed garage being considered unsympathetic. Furthermore, the proposed roof design to the rear projection which included a flat roofed middle section was considered to result in a contrived roofline when read in conjunction with the gable roof to the front. The current application has removed the flat roof section to the front of the garage and reduced the height of the roof to the front elevation, however no other changes have been made. It is therefore considered the proposed development has not addressed all the concerns raised by the previous application.
- 5.2.14 It is therefore considered the proposed development, due to its scale, bulk and design would detrimentally impact upon the appearance of the host dwelling and the streetscene contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 in 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 proposed development would be situated 3.1 metres away from the neighbouring dwelling to the east, No.31 Mill Road. The development would project 13.2 metres beyond the rear elevation of the neighbouring dwelling and would be located 1.2 metres from the shared boundary. Due to its bulk, height and depth it is considered

the development would result in an overbearing and dominating form of development which would be an unneighbourly addition to the site, creating a sense of enclosure along the shared boundary. Whilst it is noted a representation has been made regarding the proposed door at ground floor level it is considered this would not result in overlooking of the neighbouring dwelling, furthermore the plans show a window at ground floor level and rooflights facing the eastern boundary. It is considered, whilst the ground floor door and window would not result in overlooking due to the boundary fencing shielding views of the neighbouring private amenity space, the proposed rooflights which appear to be set 1.5 metres above floor level, are likely to result in overlooking and therefore if the application was to be approved a condition could be imposed for the rooflights to be obscure glazed. These rooflights are secondary to bedroom 1 and thus would not result in poor living conditions of the future occupiers.

- 5.3.3 The neighbouring dwelling to the west, No.27 Mill Road, would be situated 1.8 metres from the proposed development site and 4.9 metres from the proposed dwelling. The proposed development would be a minimum of 0.8 metres from the shared boundary. Due to the bulk, depth, two storey nature of the development and proximity of the development to the shared western boundary, it is considered the development would result in an overbearing form of development, impacting upon the private amenity space of the neighbouring occupiers. Additionally, the plans show there would be a window on the western elevation at first floor level. Whilst it is considered the proposed window would result in overlooking of the neighbouring occupier's private amenity space the plans state this window, which serves as a dressing room, would be obscure glazed and therefore no objections are raised in regard to this, subject to this being secured by a condition.
- 5.3.4 The proposed development site would be situated a minimum of 8.1 metres from the neighbouring site to the north and 20 metres from that neighbouring dwelling. Due to the separation distance it is considered the proposed development would not detrimentally impact upon the neighbouring occupiers by way of overlooking or overshadowing.
- 5.3.5 The proposed development would be situated 38.5 metres from the rear boundary. There are no dwellings to the rear of the site and therefore the proposed development would not result in overlooking or overshadowing of any occupiers to the rear of the application site.
- 5.3.6 As described above, this application is a resubmission of previously refused application 19/00906/HOUSE which was refused due to the impact upon the neighbouring dwellings. Whilst the proposed development to the front of the dwelling has been reduced in height, no alterations are proposed to the rear/side extension which, due to the scale and close proximity of the development to the boundaries, was considered to have an overbearing impact on the neighbouring dwellings to the east and west. It is therefore considered the proposed development has not addressed these concerns.

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 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 proposed dwelling would have four bedrooms, with the proposed development creating three bedrooms at first floor level. The Maldon Vehicle Parking Standards SPD states the required parking provision for a dwelling of four bedrooms or more is three car parking spaces measuring 2.9 metres in width by 5.5 metres in depth with garage parking measuring 3 metres in width and 7 metres in depth. The plans show there would be adequate parking provision to the front of the dwelling and within the proposed garage (minimum of 1 space within the garage and 2 within the front curtilage of the dwelling). It is therefore considered the proposed development would be in accordance with policy D1 and T2 of the LDP.

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 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 existing garden on the site is in excess of the standard contained within the Essex Design Guide of 100m². The garden area will remain in excess of 100m² after the construction of the proposed development; therefore the proposed extension is in compliance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAL/104/86** – Extension – Conditional
- **19/00906/HOUSE** - Demolition of two existing conservatories and garage. Erection of rear extension, porch, garage, Juliette balcony, solar panels and alterations to dwelling to create a chalet bungalow. - Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

8. REASONS FOR REFUSAL

- 1 The proposed development by reason of its scale, bulk and design, is considered to be a large addition to the existing dwelling, which would detrimentally impact upon the character and appearance of the dwelling itself, the streetscene and the locality. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development would, as a result of its bulk, depth, height and proximity to the boundaries, be dominant and overbearing and result in an unneighbourly form of development to the adjoining neighbours at 31 and 27 Mill Road, to the detriment of residential amenity and contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

Application Number	19/01214/OUT
Location	Land At Bellsgate, Maldon Road, Latchingdon
Proposal	Proposed detached dwelling.
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	11/02/2020
Case Officer	Louise Staplehurst
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Reason – LDP policies relating to Sustainable Development, Design Quality and the Built Environment, Settlement Boundaries and the Countryside and Replacement Dwellings.

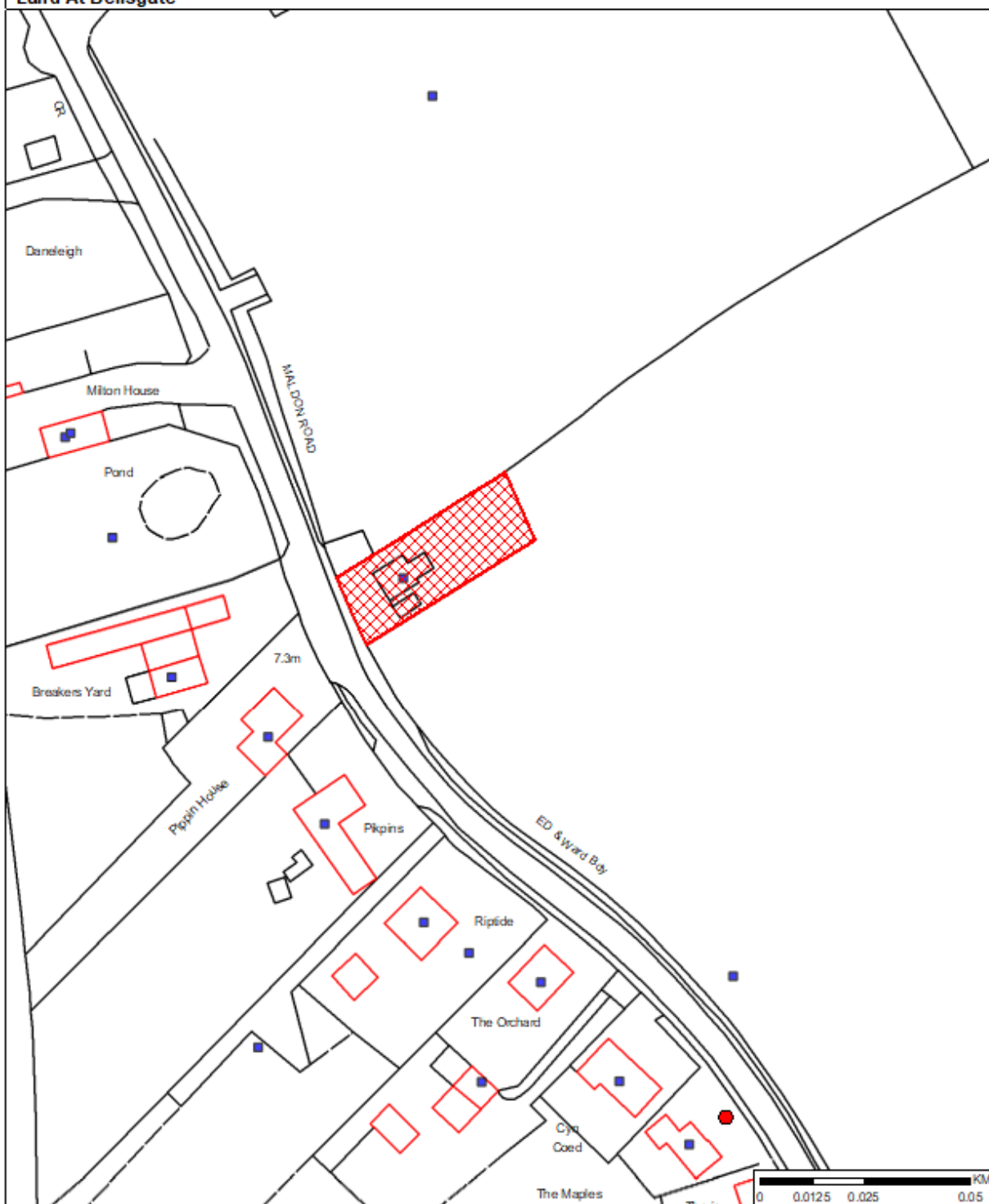
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

19/01214/OUT
Land At Bellsgate



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	23/01/2020
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Maldon Road, outside of the settlement boundary of Latchingdon. The site is occupied by a fire damaged former dwelling, with what appears to be building materials being stored on site. The area to the north, east and south of the site is characterised by open agricultural fields. The area to the west, across Maldon Road and the wider surrounding area are characterised by a range of dwelling types and a mix of commercial and industrial sites.
- 3.1.2 Outline planning permission is sought for the principle of a two-storey dwelling. The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. The application has identified that this application is to consider the principle of the development only. The considerations of access, scale, appearance and landscaping will form the subsequent reserved matters applications, should outline permission be granted for this proposal. Nevertheless, all material planning considerations are relevant where applicable to this application.
- 3.1.3 The indicative block plan shows the proposed dwelling at the site with an area likely to be used for parking at the front and amenity to the rear.
- 3.1.4 A Design and Access Statement has been submitted with the application which states that the site is currently occupied by a fire damaged detached dwelling with an attached garage and that the proposed dwelling will replace this. The existing access will be used. The dwelling is proposed to be wheelchair accessible.

3.2 Conclusion

- 3.2.1 It is considered that, due to the location of the proposal outside of the defined settlement boundaries, the proposed development would harmfully alter the character of the area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site, representing the sprawl of built form outside of a defined settlement boundary. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP) (2017) and Government advice contained within the National Planning Policy Framework (NPPF) (2019).

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
- 59-79 Delivering a sufficient supply of homes
- 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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

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 It is therefore necessary to assess whether the development should be considered a new dwelling in the countryside or as a replacement dwelling. The key consideration of this relates to the matter of abandonment.
- 5.1.3 The property on the site has been fire damaged. It is important to firstly assess whether the residential use of the property has been abandoned as this will indicate whether the proposal must be assessed as a replacement dwelling or a new dwelling. In considering this, the relevant assessment factors are those confirmed in the case of *Hughes v South Holland District Council* (2000) which was determined by the Court of Appeal.
- 5.1.4 The relevant factors relevant to establishing whether or not a residential use has been abandoned are assessed below.

Physical Condition of the Building

- 5.1.5 The property is in a poor state of repair and has been severely damaged by fire. The property has no roof and some of the walls have fallen down. Site visits and photos evidence that the property has been open to the elements for a period of time and as such has suffered considerable damage whereby the structural integrity of the dwelling is questioned. The application lacks evidence in relation to the structural integrity of the building to prove whether or not the property could be refurbished or would require demolition and rebuilding. The dwelling internally has been open to the elements and this is likely to have had a demonstrable impact upon the structural integrity of the dwelling. The application does not include any robust, sound justification as to the physical condition of the dwelling. Whilst the applicant has failed to prove the structural integrity of the building, it is an undisputed matter of fact that the property is in an advanced state of dereliction and is physically incapable of being lived in as a dwelling, amounting to positive evidence of the residential use having been abandoned.

The length of the period of non-use as a dwelling

- 5.1.6 The application form states the building has been disused since 2013. However, the Council's records show that the building was fire damaged in 1995. This was when the Valuation Office considered the dwelling to be uninhabitable from. This period of 24 years is considered to be a significant time of non-use as a dwelling.

Intervening use

- 5.1.7 It is noted that there are materials being stored on the site, which appear to relate to the scrap yard opposite the site, also owned by the applicant, which supports the view that the residential use of the site has ceased.

Evidence of owner's intentions throughout the period of non-used

- 5.1.8 There is no evidence to indicate any steps were taken to prevent the property falling into a state of dereliction. However, it does appear that the site has been cleared recently from overgrown planting. It is considered that there is no evidence put forward to demonstrate that the owner's intentions were to restore the property and limited positive steps undertaken since the property was unoccupied to keep the residential use alive. Limited activity recently is not considered to evidence any intention to retain the residential use through the last 24 years.

Overall

- 5.1.9 The onus lies with the applicant to prove that the residential use of the site has not been abandoned. It is considered that this has not been proven and as such, having regard to the above, the residential use of the site is considered to have been abandoned and therefore the proposal will be assessed as a new dwelling and not as a replacement dwelling.
- 5.1.10 The application site lies outside of the defined settlement boundary of Latchingdon as defined in the LDP. Policies S1, S2 and S8 of the approved MDLDP seek to support

sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a specific purpose as listed under policy S8 (a)-(m).

- 5.1.11 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.
- 5.1.12 On the basis of the information provided, the proposal would not fall within any of the categories listed within policy S8. It is therefore considered that the principle of development would be unacceptable unless material considerations outweigh this presumption.

5.2 Housing Need

- 5.2.1 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. The proposed dwelling will not make a significant contribution to the District's Housing Need, but it will result in the contribution of one dwelling. However, it is not considered that the provision of one residential unit would contribute substantially enough to the District's housing need as to justify residential development within the countryside.
- 5.2.2 In addition to the above, the Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five-Year Housing Land Supply Statement, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a housing land supply in excess of five years against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus, the authority is able to meet its housing need targets without recourse to allowing development which would otherwise be unacceptable.

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;

- 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 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.

- 5.3.6 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.

- 5.3.7 An indicative block plan has been provided showing the possible positioning of the dwelling however no further details of elevation plans have been provided. Notwithstanding the lack of detail, the proposal would result in a detached dwelling being set within an open area. Whilst it is acknowledged there are dwellings within

the vicinity of the site, these are located predominantly on the western side of the road. Whilst the application site fronts onto Maldon Road, the immediate surrounding area consists of open fields. A dwelling in this location would appear isolated in its appearance and would be highly visible from the surrounding area, resulting in harm to the rural nature of the area, on the eastern side of Maldon Road. Whilst it is noted that there is an existing structure on the site, the erection of a dwelling in this location along with associated residential paraphernalia would increase the domestication and urbanisation of the site and the surrounding area.

- 5.3.8 Further in relation to the existing structure on the site, it is noted that the structure is dilapidated and in a state of disrepair and therefore, does not make a positive contribution to the character and appearance of the countryside or the surrounding area. However, just because there is a structure causing existing demonstrable harm to the character and appearance of the area, this does not provide reasoning to allow other inappropriate development that would also result in detrimental harm as highlighted above. Furthermore, any perceived benefits of improvement of the untidy site are not considered to outweigh the harm, particularly when considering the storage use appears to be unauthorised.
- 5.3.9 Of relevance to this is paragraph 130 of the NPPF which states '*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.*'
- 5.3.10 In this instance it is not considered that a two-storey dwelling, in this highly visible countryside location, which would result in the further domestication and urbanisation of the site and the surrounding area, would take the available opportunity for improving the character and quality of the area. Therefore, in this respect the proposal is contrary to the guidance contained within the NPPF.
- 5.3.11 The intrinsic character of the countryside is that it should be open and free from unnecessary development. Erecting a dwelling at this site and the associated domestic paraphernalia would therefore erode the character and appearance of the site and represent the intrusion of residential development into the site, the dwelling would be highly visible from Maldon Road and all other views, due to the lack of any boundary treatments or planting shielding the site from view. As such it is considered that the erection of a dwelling at the site would have a harmful visual impact on the countryside that is contrary to the LDP policies.
- 5.3.12 Due to the resultant domestication and urbanisation of the rural site, the proposal would significantly harm the character and appearance of the site and the intrinsic character and beauty of the surrounding area.

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 There are no immediate neighbouring dwellings to the east, west or north of the site. The neighbouring dwellings to the south are located across Maldon Road, over 23 metres away from the southern boundary of the site. Due to the separation distance across the road, the proposal would therefore not result in any significant impact on the neighbouring residential sites in terms of a loss of light or loss of privacy.
- 5.4.3 It is considered that the future occupiers of the proposed dwelling would have acceptable living conditions and would not be overlooked or overshadowed by neighbouring sites.

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 application does not state how many bedrooms the dwelling will include. However, the maximum level of parking required by the adopted parking standards is a minimum of 3 parking spaces for a four plus bedroom dwelling, measuring 2.9 metres wide and 5.5 metres deep. Whilst the plans are indicative, it is considered that three parking spaces of these dimensions could be provided at the site with sufficient space to access and egress the site.
- 5.5.4 There are no alterations proposed to the access of the site.

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 Whilst the plans are indicative, the area to the rear of the indicatively shown dwelling would measure over 400 square metres and therefore sufficient amenity space could be provided.

5.7 Sustainability

- 5.7.1 The site is located 275m outside of the settlement boundary of Latchingdon. Latchingdon is described as a smaller village, containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities. However, it is noted that Latchingdon has a number of facilities including shops/takeaway facilities, a petrol station, a public house, community hall, public recreation fields, allotment gardens, a church and a primary school. Furthermore, there is a bus stop located 190m to the north of the site, which provides services to Chelmsford. Therefore, on balance it is considered that the site is not remote from everyday facilities and would not result in a development being overly reliant on the private motor vehicle.
- 5.7.2 In relation to the above, having regard to the content of policy T2, although the proposal would be accessible by public transport, it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that was discussed in the above sections.
- 5.7.3 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal of one dwelling. Equally, there is no guarantee that the construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Furthermore, whilst the residents of the proposed dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is not considered that the benefits would be substantial. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.7.4 In social terms, development should assist in supporting a strong vibrant and healthy community, but the scale of the development is limited and thus the impacts on the community would be minimal. Nevertheless, it is noted that the site is in fair proximity to services needed for day to day living and so it is not considered that the occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities. However, given the limited scale of the proposal it is not considered that the social and economic benefits of the development would outweigh the harm in terms of environmental unsustainability, which have been discussed above.

5.8 Ecology and Impact on Designated Sites

- 5.8.1 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.
- 5.8.2 The development of one dwelling 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 one dwelling

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

Test 2 – the integrity test

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

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

- 5.8.3 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.
- 5.8.4 The Essex Coastal Recreational Avoidance and Mitigation Strategy has been adopted by the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

6. ANY RELEVANT SITE HISTORY

There is no relevant planning history for this site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response at the time of writing the report.	N/A

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Highway Authority	No response at the time of writing this report.	N/A

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received for this application.

8. REASONS FOR REFUSAL

1. The application site lies within a rural location outside of the defined settlement boundary of Latchingdon 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. It is considered that, due to the location of the proposal outside of the defined settlement boundaries, the proposed development would harmfully alter the character of the area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site, representing the sprawl of built form outside of a defined settlement boundary. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and government advice contained within the National Planning Policy Framework.
2. In the absence of a completed legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European Designated Nature Conservation sites, the development would have an adverse impact on those European Designated Nature Conservation sites, contrary to policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.