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

29 March 2019

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 8 APRIL 2019** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor A S Fluker

COUNCILLORS

Mrs B F Acevedo
B S Beale MBE
R G Boyce MBE
Mrs P A Channer, CC
Mrs H E Elliott
P G L Elliott
M W Helm
R Pratt, CC
N R Pudney

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

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
MONDAY 8 APRIL 2019

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

2. **Apologies for Absence**

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

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

4. **Disclosure of Interest**

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

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

5. **OUT/MAL/18/01034 - Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex** (Pages 15 - 46)

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

6. **OUT/MAL/18/01387 - Red Lyons Business Centre, Burnham Road, Latchingdon** (Pages 47 - 66)

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

7. **HOUSE/MAL/19/00116 - 8 The Cobbins, Burnham-on-Crouch** (Pages 67 - 78)

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

8. **FUL/MAL/19/00120 - Land Rear of St. Vincent, 2A King Edward Avenue, Burnham-on-Crouch** (Pages 79 - 96)

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

9. **HOUSE/MAL/19/00122 - Oakleigh, 48 Mountview Crescent, St. Lawrence** (Pages 97 - 108)

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

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

Reports for noting:

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

- **Other Area Planning and Related Matters** – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

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

Fire

In event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

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

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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



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

PRESENT

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

935. CHAIRMAN'S NOTICES

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

936. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs H E Elliott.

937. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 February 2019 be approved and confirmed.

938. DISCLOSURE OF INTEREST

Councillor R Pratt, CC declared a non-pecuniary interest in several items of business as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor M W Helm declared a pecuniary interest in Item 5 - OUT/MAL/18/01034 - Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex, as he was a neighbour. He informed the Committee that he would leave the Chamber for this item of business.

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

Councillor Helm left the Chamber for the first item of business – Agenda Item 5 – OUT/MAL/18/01034 – Mapledean Poultry Farm, Mapledean Chase, Mundon.

939. OUT/MAL/18/01034 - MAPLEDEAN POULTRY FARM, MAPLEDEAN CHASE, MUNDON

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

A Members' Update was submitted clarifying that comments from waste management were not relevant to the application as they don't provide a Trade Waste Collection Service.

Following the Officer's presentation, Mr Martin Read, the Applicant, addressed the Committee.

A long discussion ensued on this application. Members debated the policies in the Local Development Plan (LDP) and the need for rural diversification. It was noted that this application chimed with their objectives to support local businesses. This was particularly timely given the ever-growing new population and the need for jobs locally. There were no objections from residents, the Environment Agency and Anglia Water.

The issue of alternative sites was discussed, however, those reported by Officers were deemed to be unsuitable due to distance from the application site and the fact that they had not been developed. The consensus was that should this be refused it would be a missed opportunity as it was a site that would provide employment opportunities.

The Chairman then requested from Members reasons for approval contrary to the Officer's recommendation. It was agreed that the benefits of the development would outweigh the harm caused in terms of flood risk. Furthermore, given that Policy E1 states that '*new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District*' demonstrates that the application was acceptable for approval.

Councillor Beale proposed that the application be approved contrary to the Officer's recommendation, subject to conditions and the completion of a S106 agreement. This was seconded by Councillor Fluker.

Due to the complexity of the conditions required the Committee agreed that these be delegated to Officers and the Chairman to agree following the meeting. The Chairman then put the proposal to approve to the Committee and this was carried.

Councillor Boyce asked that his vote against approval be recorded.

RESOLVED that the application be **APPROVED** subject to the delegated conditions being finalised and agreed with both Officers and the Chairman following the meeting, together with the completion of a S106 agreement in relation to highway improvements and Travel Plan monitoring fee.

Councillor M W Helm returned to the meeting.

940. FUL/MAL/18/01374 - MANGAPP MANOR, SOUTHMINSTER ROAD, BURNHAM-ON-CROUCH, ESSEX

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

Following the Officer's presentation, Mr Mark Sadleir, the Applicant, addressed the Committee.

Councillor Pudney expressed concern regarding the application due to its size and bulk. A discussion ensued regarding this issue and the negative impact of the design of the building. It was considered that the proposed outbuilding would result in unacceptable urban sprawl into the countryside.

The Chairman put the Officer's recommendation to refuse to the Committee and this was carried.

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

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

941. FUL/MAL/18/01479 - THE CLUBHOUSE, CORONATION ROAD, BURNHAM-ON-CROUCH, ESSEX, CM0 8HW

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

A Members' Update was submitted detailing comments from the Environment Agency and a summary of a further letter of support.

The Committee as a whole felt that this was a good use of the site and that going back to the original form would enhance the conservation area. It was noted that the club had struggled for years without success therefore there was no real loss of facilities. This option was really welcome as currently the building was an eyesore and this proposal would be a major improvement in the area.

The Chairman then requested from Members reasons for approval. It was agreed that this application be approved contrary to the Officer's recommendation, as it complied with policies S1, D1 and D3 of the Local Development Plan. Furthermore, the benefits to the conservation of the area in developing the site outweighed the harm outlined in the report. It was stressed that working in partnership with the Conservation Officer and setting the correct conditions around materials, joinery, windows etc. would be crucial to ensure a sympathetic result that blended with the area.

Councillor Pratt proposed that the application be approved contrary to the Officer's recommendation and this was seconded. The Chairman put the proposal, along with the conditions to approve to the Committee and it was agreed.

RESOLVED that the application be **APPROVED** subject to the conditions being finalised and agreed by both Officers and the Chairman following the meeting.

942. FUL/MAL/18/01502 - LAND ADJACENT TO 29, PIPPINS ROAD, BURNHAM-ON-CROUCH, ESSEX

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

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

A debate ensued regarding the street scene and the difference between new build and old. It was noted that given the approval of 75 houses in the area this application did not constitute harm. Members felt that given the surrounding completed development the Officer's recommendation to approve was correct.

Councillor Fluker proposed that given the size, scale and bulk of the design the application be refused contrary to the Officer's recommendation and this was duly seconded.

The Chairman put the proposal to the Committee and this was refused. The Chairman then put the Officer's recommendation to approve to the Committee and this was carried.

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: 001, 200 Rev A, 201 Rev B, 202 Rev B, 203 Rev A. Design and Access Statement 28.11.2018.
- 3 No development works above ground level shall take place until written details of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
- 4 No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
 - Discharge rates/location
 - Storage volumes
 - Treatment requirement
 - Detailed drainage plan
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy

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

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary

storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site, it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1-year event) OR demonstrate 50% betterment of the current rates.

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

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

- 5 Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed in writing, by the local planning authority. The development shall then be maintained in accordance with the approved details.
- 6 No development work above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 7 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the east and west elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- 8 Areas within the curtilage of the site for loading / unloading / reception and storage of building materials and maneuvering of all vehicles, including construction traffic shall be provided at all times during construction. These areas shall be kept clear of the highway.
- 9 The vehicular accesses as shown on planning drawing 200 Rev A shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall be no wider than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.
- 10 No unbound material shall be used in the surface treatment of the car parking areas.
- 11 There shall be no discharge of surface water from the development onto the Highway.
- 12 Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

- 13 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 200 Rev A for two cars to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity
- 14 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 15 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

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

943. HOUSE/MAL/19/00065 - FARCROFT, BURNHAM ROAD, LATCHINGDON, ESSEX, CM3 6HA

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

A Members' Update was submitted detailing supportive comments from an additional letter received post publication of the report.

Following the Officer's presentation, Mr G Carr, the Applicant, addressed the Committee.

A debate ensued regarding the impact of this application, the fences on surrounding properties and safety issues. Members sympathised with the applicant, however, the negative impact of these high fences on the street scene was also noted. It was agreed that the development was not in keeping with the prevailing boundary treatment in the area and contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan.

Councillor Fluker proposed that the application be refused in accordance with the Officer's recommendation and this was seconded.

The Chairman put the Officer's recommendation to the Committee and there being an equality of votes he exercised his casting vote in support of the Officer's recommendation to refuse.

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

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

There being no further items of business the Chairman closed the meeting at 9.02 pm.

R P F DEWICK
CHAIRMAN



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

to
SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019

Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	28 th November 2018 (EOT agreed: 15.03.2019)
Case Officer	Anna Tastsoglou
Parish	MUNDON
Reason for Referral to the Committee / Council	Major Application The application is presented to Members to agree the conditions suggested by Officers.

1. SUMMARY

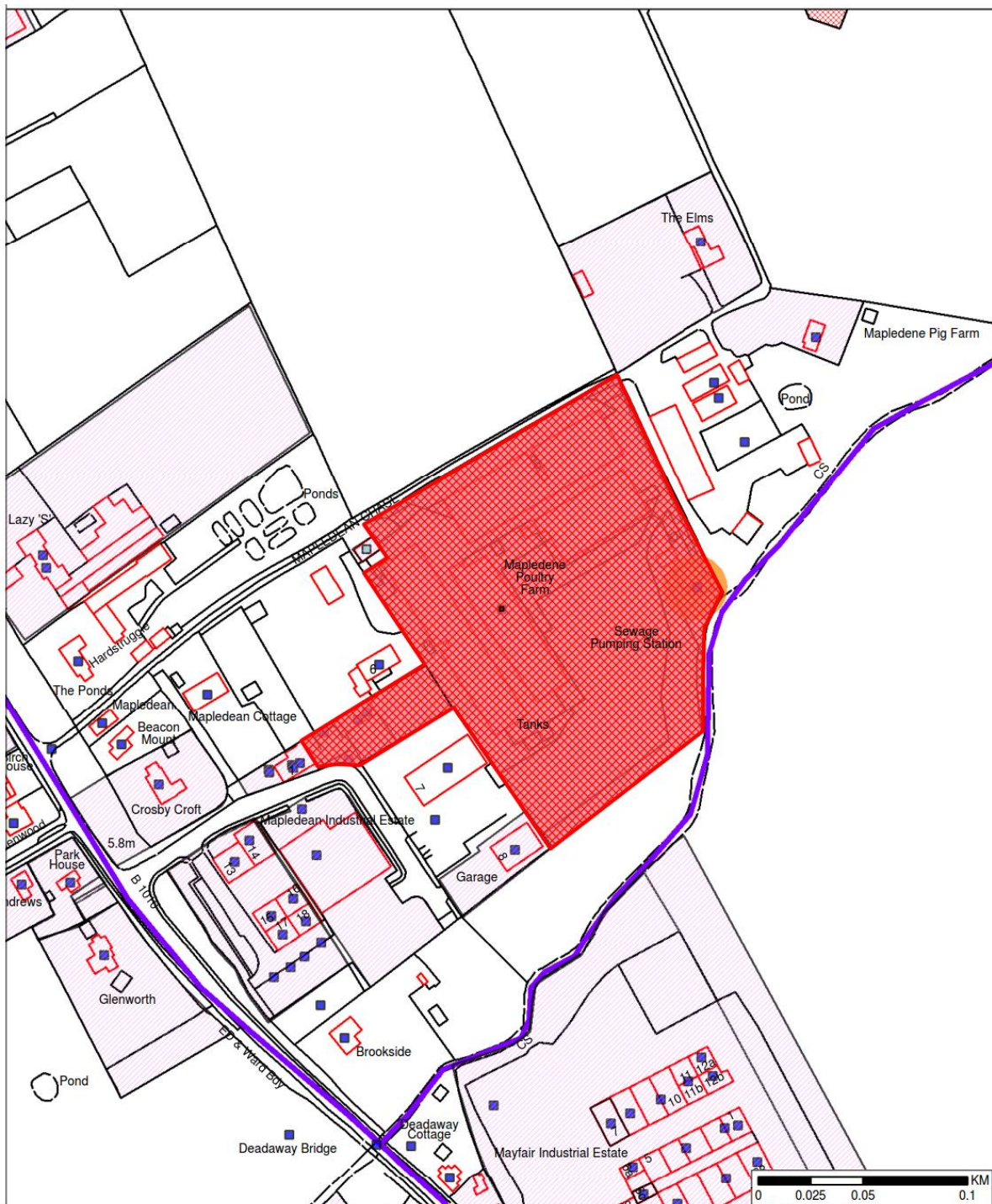
- 1.1** Following approval of this application at the last meeting and due to the complexity of the conditions in relation to this application, it has been considered pertinent that they are presented and agreed by Members of the South Eastern Area Planning Committee. On that basis, this report only includes the conditions related to the application at Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex. The report presented to the committee meeting on 11th March 2019 is attached at **APPENDIX 1**.


2. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 4) and completion of a Section 106 (S106) agreement.

3. SITE MAP

Please see overleaf.



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 26/02/2019
	MSA Number: 100018588

4. **PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Prior to first use of the site, the existing bus stops on either side of Maldon Road nearest the proposed site access shall be improved. The northbound stop (towards Mundon) shall be provided with a new pole and flag, timetable information and raised kerbs to facilitate pedestrian and wheelchair access. The southbound stop (towards Latchingdon) shall be provided with a new pole, flag and timetable information. Full details are to be agree with the Highway Authority.
- A new two-metre-wide pedestrian footway shall be provided along the eastern side of Maldon Road from a point opposite the aforementioned northbound bus stop to the main Mapledean Industrial Estate site access. Dropped kerbs and tactile paving shall also be provided to connect to the existing footway on the south side of the access junction.
- A monitoring fee of £5,000 (plus the relevant sustainable travel indexation) will be payable on first use of the development, to cover the 5-year period.

PROPOSED CONDITIONS

- 1 Details of the layout, appearance, landscaping and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the existing hedgerows, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include 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 first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, 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.

REASON To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.

REASON In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with the National Planning Policy Framework (2018) and policy D1 of the approved Maldon Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide SPD.

- 5 Prior to their use in the construction of the development, details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON To ensure that the details of the development are satisfactory in accordance with policies D1 and H4 of the Maldon Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017).

- 6 No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 7 No building shall be occupied until details of 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 use of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 8 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- 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
- REASON** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the Maldon District Local Development Plan, and policies D1 and T2 of the submitted Local Development Plan.
- 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 qualified persons and a written report of the findings must be produced. The report of the findings must include:
- i) A survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
 - iii) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works
- This must be conducted by a qualified 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.
- REASON** To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 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 shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 12 The approved remediation scheme shall be carried out prior to the commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

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.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 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 and where remediation is necessary a remediation scheme must be prepared. 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.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 14 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:30 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON In the interests of protecting the amenities of adjacent occupiers during ground investigations, having regard to policies D1 and H4 of the approved Local Development Plan.
- 15 The premises shall only be used for industrial purposes which are defined within Classes B1 (b) and (c) of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 16 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 17 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted Vehicle parking standards (2018). Prior to the first use of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).
- 18 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 19 Prior to the first use of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the users of the development hereby approved, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the submitted Local Development Plan.
- 20 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning

authority. The agreed scheme shall be implemented prior to the first use of the development and retained for such purposes in perpetuity.

REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

- 21 No development shall commence until species surveys, such as Great Crested Newts, Reptiles, and Water vole, including mitigation and enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

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APPENDIX 1

**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019

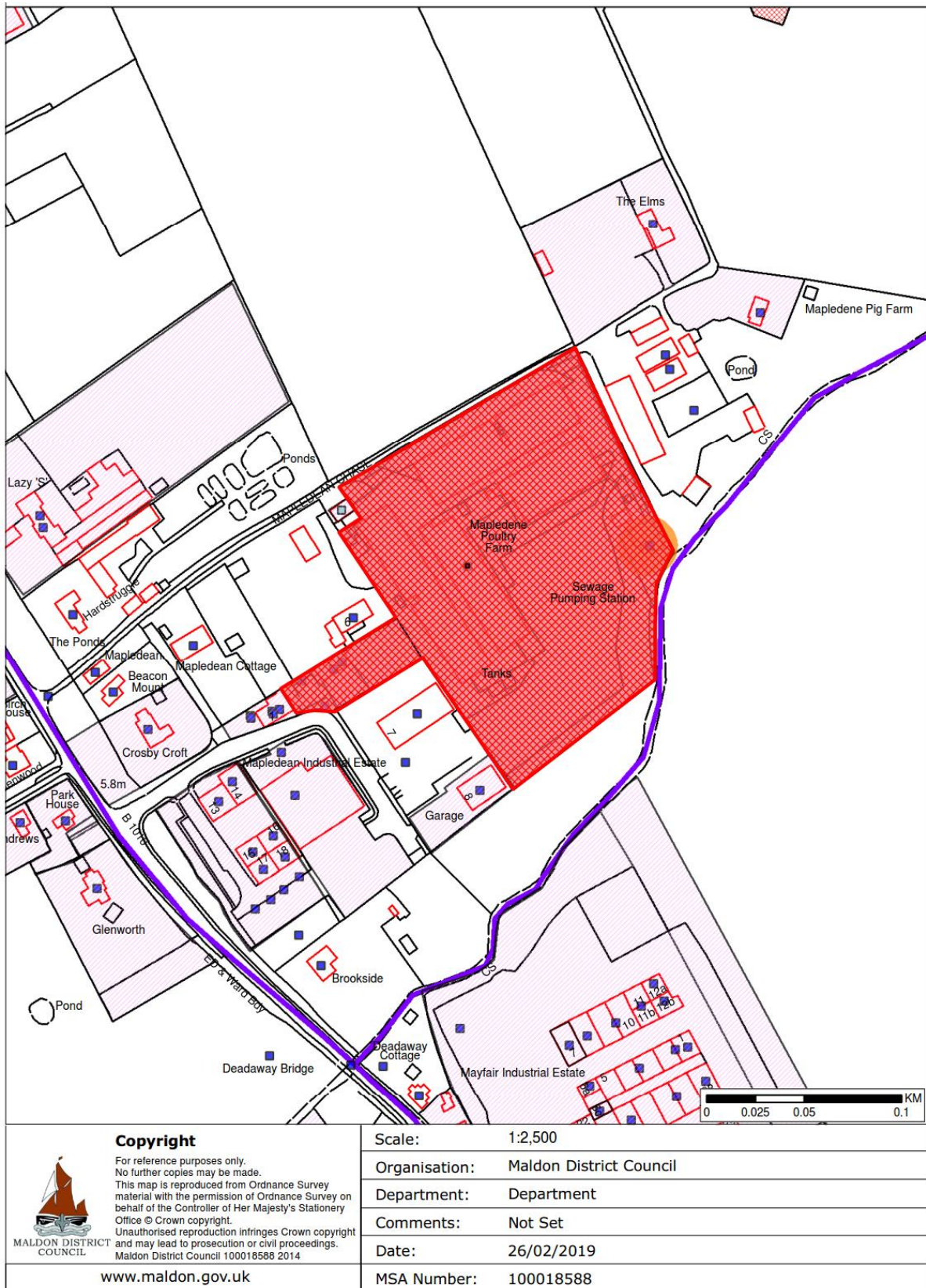
Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords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

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

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

Description of proposal

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

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

3.2 Conclusion

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

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 80-84 Building strong, competitive economy
- 85-90 Ensuring the vitality of town centres

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

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

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

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

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

5.1.4 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon. The site is currently used for agricultural purposes and therefore, it is not considered as developed land. The development would result in an intensive use of the land for employment purposes, with provision of permanent structures and insufficient justification, which is further assessed below, has been given as to why this type of development would be considered acceptable when it is in contrast to the content of the LDP. In the absence of such justification and considering the nature of the proposed development, an objection is raised in terms of the encroachment of the development on the agricultural land and rural area.

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

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

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

- 5.1.7 The submitted statement suggests that a number of existing businesses of the Mapledean Estate are in need to additional floor space. According to the submitted letters there are currently four companies which have expressed their interest to expand on the site. These businesses appear to fall under B2, B8 and perhaps sui generis uses, including an engineering building and construction company, a geo-environmental drilling company, a diamond cutting tool manufacturing company and a road rescue recovery business. The proposed development is for B1 (b) research and development of products and processes and (c) industrial process appropriate in a residential area and thus, the proposed development would probably not be appropriate to accommodate the businesses that have raised their interest in moving to the site.
- 5.1.8 Policy E1 also states that '*new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District.*' The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites. In that respect it is noted that a total of 7.9ha benefit from planning permission and are still undeveloped and also another 2.3ha remain without consent. As a result, there is a total of 10.2ha of designated employment land that remains undeveloped. The applicant states that "*the five sites referred to within the Plan are not either currently available, have yet to be developed or are located in unsuitable locations for the various businesses concerned*"; however, no justification or reasoning as to why and which of them is unavailable or unsuitable has been submitted. Furthermore, there is no evidence to suggest that there have been attempts to accommodate the development in one of the allocated sites, which as stated above have not yet been developed. Whilst it is accepted that an informal interest for some of the existing businesses on the adjacent designated employment site to expand has been expressed, it is considered that this argument on its own cannot demonstrate the need of the proposed development in this location, when none of the allocated sites have been sequentially tested and found to be unsuitable. On the basis of the above, it is considered that it is possible that the unjustifiable delivery of employment land in this location might undermine the viability of employment land in preferable, allocated locations, thereby affecting the delivery of the LDP.

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

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

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

5.2 Design and Impact on the Character of the Area

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

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*
 - d) *Layout, orientation, and density;*
 - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
 - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
 - g) *Energy and resource efficiency*
- 5.2.4 Policy H4 states that “*all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties.”*
- 5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.6 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 As noted above, the proposed development is outline in nature, with matters of layout, appearance, scale and landscape reserved for future consideration. However, an indicative plan has been submitted with the application which is the same as previously submitted as part of application OUT/MAL/17/01338.
- 5.2.8 No objection is raised to the proposed access to the site, which is a matter assessed under this application. Access would be gained from Maldon Road, which is the main access to the existing industrial estate and it is considered more appropriate for the proposed development from the existing access to the site, which is a narrow unadopted road (Mapledean Chase) serving also residential units.
- 5.2.9 The site abuts the industrial estate to the west, but it is sited outside its boundary and also the boundaries of the settlements. To the north and south of the site are open

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

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

5.3 Impact on Residential Amenity

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

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

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

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

Parking

- 5.4.3 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.4 The Maldon District Council Vehicle Parking Standards (VPS) states that B1 (b) and (c) business uses require a minimum of 1 parking space per 50 sqm. The development would create an approximate 5,030sqm of floorspace and the indicative plans shown that 168 parking spaces can be accommodated on site, in accordance with the District's vehicle parking standards.

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

Trip Generation and Impact on Highway Network

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

Sustainable Transport

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

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

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

5.5 Flood Risk

Sequential test

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

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

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

Flood Risk Assessment and SUDS

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

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

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

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

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

5.6 Landscaping and Ecology

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

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

5.7 Other Matters

Health Impact Assessment

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

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

Sewage Pumping Station

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

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

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

6 ANY RELEVANT SITE HISTORY

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

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

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

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

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

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

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

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

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

8 REASONS FOR REFUSAL

- The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for an additional 2.4ha of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes and by reason of its nature in an unjustifiable encroachment to what is currently considered as agricultural land. The development would be therefore unacceptable and contrary to the policies S1, S2 and E1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- The proposed development is located within a high-risk flood zone (flood zone 3a) and insufficient evidence has been submitted to demonstrate that

there are no other available sites within lower risk of flooding that can accommodate the proposed development. Thus, the development is considered to fail the sequential test and therefore the proposal is unacceptable and contrary to policies S1 and D5 of the Maldon District Local Development Plan (2017), and Government advice contained within the National Planning Policy Framework (2012).

- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision of a new two metre wide pedestrian footway along the eastern side of Maldon Road from a point opposite the northbound bus stop to the main Mapledean Industrial Estate site access and the payment of a Travel Plan monitoring fee as requested by the Highway Authority, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

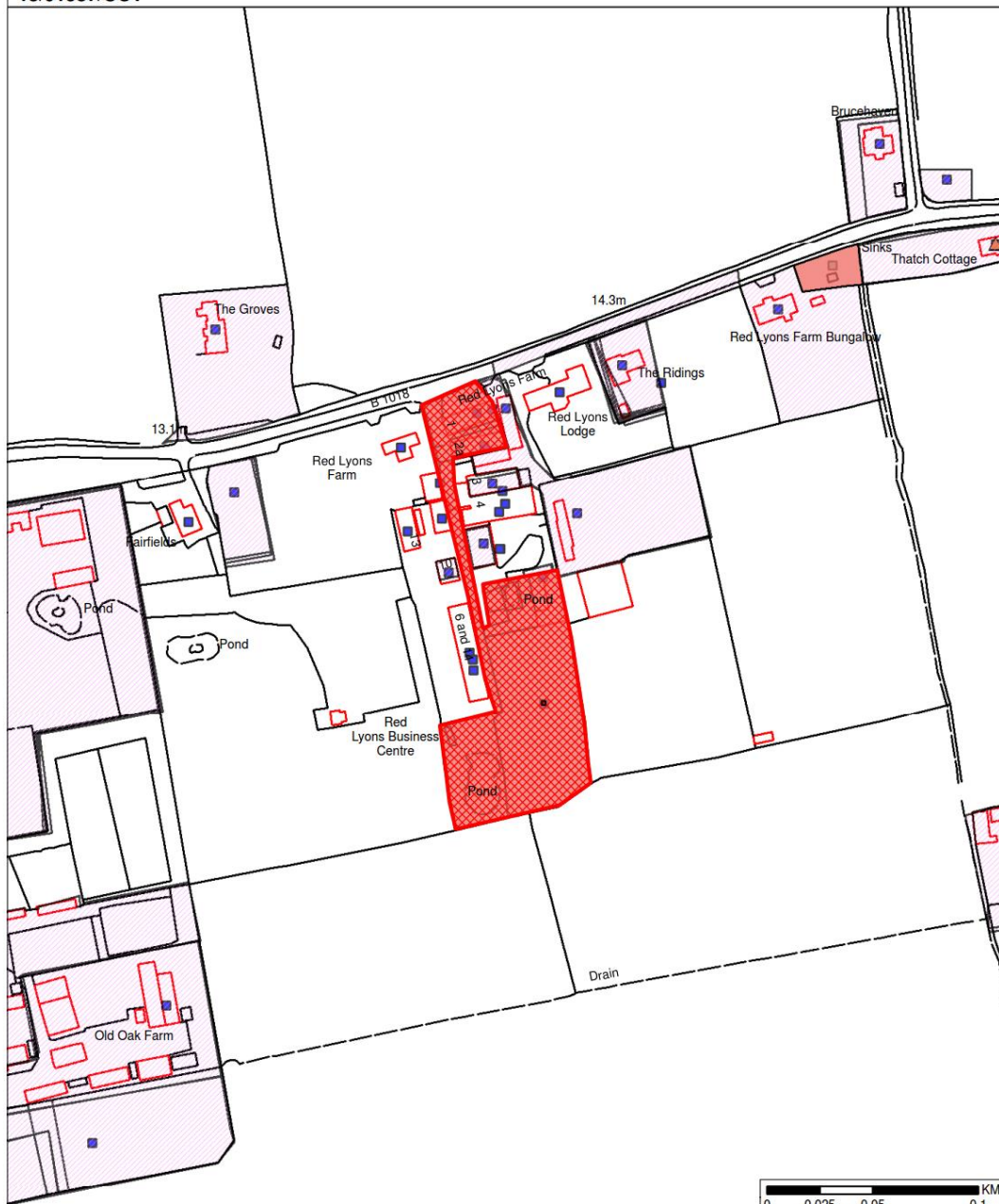
Application Number	OUT/MAL/18/01387
Location	Red Lyons Business Centre, Burnham Road, Latchingdon, Essex
Proposal	Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access.
Applicant	Mr & Mrs Umran Khan - CVC Chelmervalve Co Ltd
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	27 th February 2019 (EOT agreed: 12.04.2019)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers Councillor R P Dewick has asked this application to be presented at South Eastern Area Planning Committee on the grounds that the decision should be made by Members.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 25/03/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

3.1.1 The site is located off the southern side of Burnham Road, outside the settlement boundaries of Latchingdon. The northern part of the site forms part of an existing, undesignated employment site, whilst the southern part is undeveloped countryside. The existing business estate comprises a variety of buildings that have office, workshop or storage uses. There are residential properties adjacent to the industrial estate, along Burnham Road. Those closest to the application site are Red Lyons Farm and Red Lyons Lodge. It is also noted that an adjacent site to the east of the application site benefits from planning permission (FUL/MAL/16/01484) or a replacement dwelling.

3.1.2 The existing business centre is occupied by a number of buildings of commercial/industrial nature, predominantly of single storey height, with associated large areas of hard standing, typical to the use of the site. Most of the units are of a small footprint and vary in terms of external appearance and finishing materials.

3.1.3 The northern part of the site is currently occupied by two single storey buildings of industrial character. Part of the site also forms the access and service road to the existing businesses, which provides access onto Burnham Road and runs in a north south direction. To the south the site is mainly covered by shrubs and grass. There are also two small ponds central and to the southwest of the application site. A caravan is located to the southwest of the site. The south, east and part of the west boundaries of the site are bounded by hedgerows.

Description of proposal

3.1.4 Outline planning permission is sought to demolish the existing units to the north of the site, relocate the existing access, and erect new buildings to the south of the existing business centre to be used as a mixture of B1 (business) and B8 (storage and distribution) uses. Access is the only detailed matter to be assessed under the current outline application.

3.1.5 Although the application is outline in nature, details of the proposed business (B1) and storage (B8) uses have been submitted within the application form. It is noted that an area of 1210sqm of B1 and 798sqm of B8 uses are proposed.

3.1.6 The two buildings at the entrance of the site will be demolished to allow relocation of the access onto Burnham Road. The access would be made wider (7.3m wide) with two 2m wide footpaths.

3.1.7 In support of the application an indicative site plan showing the potential layout of the development and indicative floor plans and elevations of some of the units has been submitted. The layout plan shows that the proposed buildings would be located predominantly along the eastern and southern boundaries of the application site. A total of 56 off-street parking spaces are proposed to the front of the proposed buildings, centrally to the application site and adjacent to the proposed extended service road. The proposal would also provide 5 motorcycle and 11 cycle spaces to

serve the development. Refuse areas have been shown in four different locations around the site.

- 3.1.8 The indicative plans show that the units would be split in small B1 units of 95sqm, 100sqm and 150sqm, whilst the B8 units would have a floor area of 149sqm and 100sqm.
- 3.1.9 The submitted details and elevations show that in order to achieve the floor area proposed, one-and-a-half and two storey buildings would be erected.
- 3.1.10 The details on the submitted application form state that the development would create 21 full time jobs, but this is somewhat speculative given the outline nature of the application.
- 3.1.11 It is noted that during the assessment of the application, additional information in relation to the noise impact of the development has been submitted. Minor changes to the indicative site plan have also been incorporated to create additional off-street parking spaces.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, due to its location outside the defined settlement boundaries and unjustified provision of employment land outside the designated employment sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes, posing a threat to the delivery of the allocated employment sites. Furthermore, due to the unjustifiable encroachment of the built form onto the countryside, the development would substantially alter the open character and intrinsic beauty of the countryside. Due to its location and limited access to sustainable and public transportation, the site would be disconnected from existing settlements resulting in a dependency on private vehicle ownership by future staff and visitors. Whilst subject to appropriate conditions, no objection is raised to the impact of the development on the amenity of the neighbouring occupiers, the capacity of the highway network, the parking provision, the impact on ecology and protected species and land contamination receptors, for the reasons stated above the development is considered unacceptable and contrary to the aims of the Local Plan and National Guidance and it is recommended for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

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

- 80-84 Building strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)
- Employment Land Review Update (2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is to demolish two existing units to the north of the site, relocate the existing access and erect new buildings to the south of the existing business centre to be used for a mix of B1 (business) and B8 (storage and distribution) uses. The site is located outside the defined settlement boundaries and also outside the defined Employment Land Areas.
- 5.1.2 The nearest village to the application site is Latchingdon, which is approximately 300m away to the west of the application site and it is therefore relevant to note that policy S1 of the Local Development Plan (LDP) states that *“When considering development proposals the Council will take a positive approach that reflects the*

presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:

2) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District

3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;

4) Support growth within the environmental limits of the District;

5) Emphasise the importance of high quality design in all developments;

8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;

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

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

- 5.1.3 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason given is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*
- 5.1.4 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.5 Policy S8 makes exceptions for developments that are to be located outside the settlement boundaries, including those relating to employment generating proposal in accordance with policy E1. This is only allowed though when it can be demonstrated that the development would not adversely impact upon the countryside. The north part of the site is currently occupied by commercial/industrial units and the industrial estate spine road, while to the south is open countryside which is mainly grassed over with shrubs and hedgerows along the boundaries. On that basis and although the impact of the development on the countryside and the surrounding area are assessed in greater detail below, it is noted that initial concerns are raised in relation to the encroachment of the development onto the open countryside and the intensification of the use of the site and the built form.
- 5.1.6 Support of sustainable economic growth to create jobs and prosperity is one of the core principles of the NPPF. On that basis, the provision of new employment opportunities is not objected to. One of the requirements of the NPPF is to secure that local policies set criteria or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. It is noted that

the approved LDP has set the need of the District and strategic sites for Employment Uses have been identified. As noted above, the application site is outside the boundaries of the existing or allocated employment land areas.

- 5.1.7 Policy E1 of the approved LDP states that *“The Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS)”*. It further continues stating that *“This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan”*. Although part of the application site (northern part) forms part of a small sized business centre, it is noted that this is not located within one of the existing employment sites or those that have been allocated through the LDP.
- 5.1.8 Policy E1 also states that *‘new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District.’* The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites. In that respect it is noted that a total of 7.9ha benefit from planning permission and are still undeveloped and also another 2.3ha remain without consent. As a result, there is a total of 10.2ha of designated employment land that remains undeveloped and no justification as to why the proposed development cannot be located in the employment allocated sites has been submitted.
- 5.1.9 It should be made clear that the approval of unexpected new employment land could potentially jeopardise the delivery of the allocated employment sites and therefore, should be well justified. Furthermore, there is no evidence to suggest that there have been attempts to accommodate the development in one of the allocated sites which, as stated above, have not yet been developed. Thus, it has not been demonstrated why the site is sequentially preferable from the allocated sites. The application is not supported by evidence of businesses that have formally expressed their interest in moving to the site and therefore, the need of such development in this location has not been justified. The applicant suggests that the proposal, if developed, would provide accommodation for small and medium enterprises. This need is expected to be met at the allocated sites and therefore, approval of this development, which need has not been justified, could potentially prejudice the delivery of the LDP and in particular the allocated employment sites.
- 5.1.10 Policy E1 states that *“Additional employment land is allocated within the Strategic Allocations and Garden Suburbs as set out in Policies S4 and S6. Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations”*. The application has been submitted in outline and thus, the development cannot be fully assessed in design terms. However, in terms of the impact on the environment, as stated above, the development would significantly intrude onto what is currently considered to be open countryside and positively contributes to the surrounding area and thus, an objection is raised in that respect. This matter is further assessed below. In terms of the impact of the development on the existing infrastructure, it is noted that no objection has been

raised by the Lead Local Flood Authority, the Highway Authority or Anglia Water and thus, the impact of the development on the existing infrastructure is not considered to be detrimental. These matters are further assessed below in the relevant section of the report.

- 5.1.11 In light of the above, whilst the benefits of supporting employment generating development is afforded some weight, by reason of the insufficient justification in relation to the need for such development outside the designated settlement boundaries and designated employment land areas, an objection is raised to the principle of the development which would be contrary to the local policies and national guidance stated above.
- 5.1.12 Other materials planning considerations, including flood risk and the impact of the development on the character of the area, the landscape and neighbouring occupiers are assessed below.

5.2 Design and Impact on the Character of the Area

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

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). The NPPF states that:

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and

g) *Energy and resource efficiency*

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The site is partially developed with built form directed to the northern part of the site, but with no built form on the undeveloped part of the site to the south. To the east and west of the proposed spinal road, the site abuts commercial/industrial units, while the southern part of the site is bounded by open countryside. To the north of the site is a large agricultural field.
- 5.2.7 This section of Burnham Road southeast of the Latchingdon settlement boundary is characterised by dispersed and sporadic development including large residential properties on large plots, and some recreational and light industrial uses in buildings of a range of styles and designs. Between developed sites, grass fields, large open agricultural fields, hedges and dense vegetation surrounding existing development create a more rural character.
- 5.2.8 As noted above, a large area to the south of the existing built form is open grassed land, with shrubs and two ponds and it is bounded by hedgerows. It is therefore considered that this part of the site currently contributes positively to the countryside. If developed, the built form would further encroach to the open countryside to the detriment of the rural character of the area.
- 5.2.9 At present, the business centre is largely contained to the north of the application site, adjacent to the Burnham Road. This is with the exception of a long single storey brick building which is located further to the south; however, still further northern than the proposed development (57 m to the north of the southern boundary of the site). It is therefore considered that the development, which would result in large commercial/industrial buildings, of large footprint and height within the countryside, would result in loss of openness and significantly harm the rural nature and character of the site.
- 5.2.10 Although the scale, appearance and layout of the development are matters reserved for future determination, it is considered that proposed development of approximately 2,008sqm commercial floorspace would result in a development of intensive commercial/industrial character and urban nature to the detriment of the current rural character of the site and the surrounding area to the south, east and west. Whilst the development would result in the demolition of two existing buildings to the north of the site, given that it would still result in a large expanse of hardstanding to provide the altered vehicle and pedestrian access it is not considered that this element of the proposal would positively weigh in favour of the development. Furthermore, these

buildings are of limited height and located in line with the neighbouring dwellings creating a logical built pattern. On that basis, it is not considered that the demolition of these buildings would be to the benefit of the proposed development.

- 5.2.11 The proposed buildings would be of single, one-and-a-half and two storey heights, would cover a significant area and would be positioned adjacent to the soft boundaries of the site with the countryside. This taken together with the associated large expanse of hardstanding to provide the vehicle access and off-street parking provision, would result in harmful discordance with the character of the area, resulting in a development of urban nature, out of keeping with the surrounding area.
- 5.2.12 Although no objection is raised to the proposed new access to the site, it is considered that the development would have a discordant impact on the rural character of the area and in the absence of evidence demonstrating the need of the proposed use on site, an objection is raised to the development, which will be contrary to the policies of the Local Plan.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The site abuts both residential properties (Red Lyons Farm and Red Lyons Lodge) and the commercial/industrial units of the Red Lyons Business Centre. The southern part of the site abuts the countryside.
- 5.3.3 Based on the indicative plans provided, in terms of overbearing, overshadowing or overlooking impact, it is considered that the development would not be detrimental to the amenities of the neighbouring residential occupiers due to the suggested position of the proposed buildings away from the nearest residential properties (minimum 75m separation distance). It is noted though that the neighbouring site to the east of the application site benefits from an extant planning permission (FUL/MAL/16/01484) for a replacement dwelling with associated detached garage. According to the approved details, this dwelling would be located closer than the Red Lyons Farm and Red Lyons Lodge houses. However, a minimum distance of around 35m would be maintained between the application site and the approved dwelling, which is likely to be sufficient to prevent unacceptable overshadowing or domination. In any case, the development has been submitted in outline and thus, the impact of the development, in terms of loss of light, privacy and sense of enclosure, on neighbouring occupiers would be more appropriate to be fully assessed at reserved matters stage.
- 5.3.4 The proposed development would intensify the use of the site and would result in increased vehicle movements and noise generation due to the increased number of B1/B8 uses on site, vehicle movements and also potential noise from plant installations. Concerns have initially been raised by the Environmental Health Team in relation to the lack of sufficient information demonstrating that the development would not adversely impact on the amenities of the neighbouring occupiers.

- 5.3.5 To address these issues an amended Noise Assessment has been submitted and also the originally proposed opening hours have been revised to avoid working on Sundays and Bank Holidays. The survey was to determine the underlying ambient and background noise at the boundary of the site with the closest residential properties. The outcome of the survey was that the predicted noise from the increased vehicle movements will result in almost no change to the ambient noise level at all receptors. However, for the Saturday afternoon proposed operation times it is predicted that there will be a 1dB noise level change. The report also identifies that the impact from loading and unloading of HGVs would be limited and consideration has been given to potential installation of plants to ensure that will not cause detrimental impacts to the nearby residents.
- 5.3.6 The Environmental Health Team has been consulted on the amended information submitted and acknowledged that alternative operating hours are proposed to be applied (Monday to Saturday). Nevertheless, it is suggested that a condition is imposed to further reduce the hours of operation on Saturdays (until 13.00 hours).
- 5.3.7 Although an objection in relation to traffic and delivery impact is no longer raised by the Environmental Health team, there are still areas of concern in relation to the potential installation of plant/equipment to each proposed unit and also the potential impact on neighbours due to the increased activity on site from the additional units. However, it is noted that due to the established industrial nature of the site, statutory nuisance action would be unlikely and thus, no further objection is considered reasonable to be raised in relation to the intensified use of the site. In relation to external plant/equipment, a condition is suggested to be imposed to control the noise levels from installation of external plant.
- 5.3.8 On the basis of all the above, and given that subject to conditions, no further objection is raised from the Environmental Health team, it is considered that the impact of the development on the neighbouring occupiers would not be detrimental to such an extent to warrant refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

- 5.4.2 An amended access onto Burnham Road is proposed to be formed as part of the proposed development. This would be wider than the existing access including pedestrian footpaths of two metres width on either side of the vehicle access. The development was assessed by the Highways Authority and no objection is raised to the proposed amended access to the site, subject to conditions securing sufficient visibility splays and construction of the access at right angle with the highway to allow safe access and egress from the site. Subject to the imposition of the suggested

conditions from the Highways Authority, no objection is raised in relation to the proposed access.

Parking

- 5.4.3 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.4 The proposed development is for 1,210 square metres of B1 office and light industrial buildings and a further 798 square metres of buildings for self-storage purposes. The Maldon District Council Vehicle Parking Standards (VPS) states that B1 (c) light industrial uses require a minimum of 1 parking space per 50 sqm, while B1(a) offices require 1 space per 20sqm. For B8 (warehouse storage) uses the off-street parking requirement is 1 space per 150sqm.
- 5.4.5 The application is outline in nature and therefore the split between B1(a) and B1(c) uses has not been specified. Taken the worst case scenario, considering that all floor area would be occupied by B1 units then the requirement would be 40 parking spaces for B1(a) uses. An additional 5 parking spaces would be required for the proposed B8 (warehouse storage) use. The layout submitted has been amended to show 56 off street parking spaces, which exceeds the minimum vehicle parking requirements. On that basis no objection is raised to the proposed off-street parking provision.
- 5.4.6 The submitted indicative layout plan shows 11 cycle parking spaces. To meet the District's cycle parking standards, 1 cycle parking space per 100sqm for staff and 1 cycle parking space per 200sqm for visitors should be provided for the B1 uses and 1 cycle space per 500sqm for staff and 1 per 1000sqm for visitors should be provided for the B8 uses. On that basis, 21 cycle parking spaces would be required to meet the Council's standards. Given that the application is outline in nature, it is considered that these matters could have been secured by condition, should permission be granted.

Trip Generation and Impact on Highway Network

- 5.4.7 To assess the trip generation and impact of the development on the capacity of the highway network, a Transport Statement has been submitted with the application. Data from 2006 TRICS assessment has been used taking into consideration the existing and proposed use of the site (following demolition of two existing units and

the erection of 1210sqm of B1 and 798sq of B8 uses). The assessment suggests that 43 trips are expected to be generated at am and pm peak hours, which will not materially increase traffic on Burnham Road.

- 5.4.8 The Highways Authority has been consulted and although they do not fully concur with the methodology used to determine the likely trip generation associated with the proposal, it is advised that the development can be accommodated on the local highway network without a detrimental impact on the highway safety, efficiency and capacity. As such, no objection is raised with regard to the impact of the development on the highway network.

Sustainable Transport

- 5.4.9 LDP Policy T2 requires all new development proposals to include “*safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*”. Criterion 6 of policy D1 also encourages maximizing 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. In addition, paragraph 110 of the NPPF sets out that ‘*applications for developments should a) give priority to pedestrian and cycle movements ... and second – so far as possible – to facilitating access to high quality public transport*’.
- 5.4.10 The application site is located around 600m away from the nearest bus stop. The bus stop is served by four service routes connecting Latchingdon with Burnham-on-crouch, Althorne, Maldon, Danbury and Chelmsford. The links are not very frequent; however, on balance, they can provide a level of connection with main settlements. However, it is noted that the site has no direct access by footpath to these links with the nearest footpath being approximately 300m away from the site. The future staff and visitors would therefore be required to walk along Burnham Road in order to reach the entrance point of the footpath, which is a 60mph stretch of public highway. Therefore, although the distance to public transportation may be at the limit of what is considered to be an appropriate walking distance, by reason of the unsafe route, it is considered that future staff and visitors would be discouraged from walking, cycling or using public transport. The nearest train station is located more than 7.5km away from the site and thus, it would be unlikely that future staff or visitors would use this public transport as an alternative to private vehicle. An objection is therefore raised in relation to the poor sustainability credentials of the site.

5.5 Flood Risk and Sustainable Urban Drainage System

- 5.5.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.5.2 Policy D5 of the LDP states that the Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

- 5.5.3 The site is located within Flood Zone 1 and therefore, there is no requirement for the development to pass the sequential or exception tests.
- 5.5.4 The application is supported by a Flood Risk Assessment (FRA), which includes information in relation to the site-specific flood risk. The Environment Agency and Lead Local Flood Authority have been consulted in relation to the proposed development and although no site specific response was received from the Environment Agency, given that the site is located in flood zone 1, a holding objection was originally raised by the Lead Local Flood Authority for the following reasons:
- Further evidence was requested to be submitted in relation to discharge rates.
 - The amount of treatment for water quality was considered insufficient.
 - Further evidence was requested to demonstrate that the potential storage capacity of the site is sufficient to absorb intense storm.
- 5.5.5 Additional information to address the abovementioned concerns raised by the Lead Flood Authority has been submitted. With regard to outflow rates it is noted that the site at this location has a runoff rate of less than 1 litre/second and that due to the nature of the site and the limitation of its surroundings to provide further attenuation storage, it is impossible and unviable to further reduce outflow rates. With regard to water quality improvements it is suggested that mitigation indices for permeable paving accords with the advice given at SuDS manual Chapter 20 Table 26.2 on pollution from various sources. It is also noted that the linear layout of the site will allow water to flow through extended permeable paving which will increase treatment. In relation to storm intensity and attenuation capacity of the site, it is advised that a 100 years plus climate change critical storm us 60 minutes long and results from the calculation are included on the submitted FRA.
- 5.5.6 Following clarification being received from the Engineering Consultants, the Lead Local Flood Authority has withdrawn the holding objection. This is subject to the imposition of conditions requesting the submission of details of a surface water drainage scheme and details of a scheme to minimise the risk of offsite flooding. Should permission be granted, these details could have been secured by condition.

5.6 Landscaping and Ecology

- 5.6.1 The southern part of the site is mainly grassed over with significant vegetation along its boundaries. The submitted planning statement advises that landscape planting to the east, south and west boundaries to mitigate potential landscape impact would be introduced. The application was submitted in outline with matters of landscaping, layout and scale being reserved for future submission and no development would be able to go ahead without those details having been agreed with the Local Planning Authority (LPA) first. On that basis, no objection is considered reasonable to be raised at this stage in relation to landscaping.
- 5.6.2 As noted above, a large part of the site is currently grassed over, containing dense vegetation along the boundaries and two ponds. Although the site does not fall within any of the designated national or local conservation sites, it has potential of providing habitat for protected species. Whilst it is accepted that the intensive use of the adjacent business centre reduces the likelihood of protected or priority species being

present on site, it is considered that a walkover ecological survey should be carried out prior to the commencement of the development, in order to make sure that environment and wildlife are protected in accordance with LDP policy N2 requirements. Should permission have been recommended, this would have been secured by condition. This would prevent any development being carried out prior to ensuring that no species are identified on site or any impact to them can be substantially mitigated.

5.7 Other Matters

Contamination

- 5.7.1 The application site includes part of the industrial/business centre. Given the nature of the existing Red Lyons Business Centre, which is partly contained within the site and partly neighbours it, a Phase One Desk Study Report accompanies the application. Within the report it is advised that various different businesses have previously occupied the site, including a repair garage, motorcycle workshop and tyre business, which would potentially be sources of contamination.
- 5.7.2 There are several contamination receptors, including current and future staff, visitors, construction workers, and the fauna and flora within the site in the immediate area and therefore, any potential land contamination shall be assessed and mitigated prior to the commencement of the development. The Council's Environmental Health team has been consulted and consider necessary to impose conditions in relation to the submission on an investigation and risk assessment report, including remediation measures based on its findings, which should be implemented prior to the commencement of the development. These conditions would have been imposed, if the granting of permission had been recommended by officers.

6 ANY RELEVANT SITE HISTORY

Relevant planning history to the application site and the immediate surrounding area:

- **FUL/MAL/14/00417** (Unit 15 Red Lyons Farm) - Retrospective permission for the change of use of agricultural land to scaffolding storage area, and associated buildings. Planning permission granted.
- **ESS/MAL/09/00560** and **09/00284/ESS** (Unit 15 Red Lyons Farm) - Change of use of an existing storage area as a waste transfer station with associated access and the use of 3 storage bins for the separation of waste for recycling and disposal of off the site. Essex County Council applications withdrawn.
- **FUL/MAL/07/00481** (Unit 1, Red Lyons Business Centre) - Change of use of unit 1 from B8 to B1(c). Planning permission granted.
- **FUL/MAL/16/01484** (Land South Of Red Lyons Lodge) - Demolish existing dwelling house, store, 2 stable buildings, hay barn and erect replacement dwelling house and detached garage/cart lodge. Planning permission granted.
- **FUL/MAL/14/00418** (Unit 10 Red Lyons Farm) - Change of use of unit 10 from a restricted B8 use (Household Storage) to B1. Planning permission granted.
- **FUL/MAL/06/01238** (Unit 6 Red Lyons Farm) - Proposed Workshops. Planning permission granted.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	<p>Object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> - Overdevelopment of the site - Residential properties in close proximity - Noise generation from the vehicles and industrial use - Increase in industrial waste 	The matters raised are addressed in the main body of the report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	<p>The proposals include plans to improve the existing access. And whilst the Highway Authority would not wholly agree with the methodology used to determine the likely trip generation associated with the proposals, it is considered that the development can be accommodated on the local highway network without detriment to highway safety, efficiency and capacity.</p> <p>No objection is therefore raised, subject to conditions.</p>	Noted and discussed within the main section of the report.
Natural England	No comments.	Noted
Anglia Water	No objection is raised to the propose development; however, informatives in relation to proximity to	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	existing assets, wastewater treatment, water network and surface water disposal are suggested.	
Environment Agency	No comments. The application does not fall within the developments that trigger a consultation response	Noted
Lead Local Flood Authority	No objection, subject to the agreement of conditions in relation to details of the surface water drainage scheme and scheme to minimise the risk of flooding.	Noted and addressed within the main body of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Some of the initial concerns of the Environmental Health team have been addressed following the submission of additional information in relation to noise generation. Whilst there are still concerns in relation to associated additional activity on site caused by the increased employment floor space and from the potential installation of plants and equipment, given the established nature of the proposed development and subject to the imposition of appropriate conditions, no objection is raised in relation to the noise impact of the development on the neighbouring residential occupiers.	Comments noted and addressed within sections 2.3 and 5.7 of the report.

Name of Internal Consultee	Comment	Officer Response
	Conditions in relation to land contamination are also suggested to be imposed.	
Emergency Planner	The site falls within flood zone 1 and thus, no comments are raised.	Noted
Economic Development	Support the application, as it would provide better quality and flexible local employment space and potentially 50 new jobs	Noted and addressed within the main body of the report.

7.4 Representations received from Interested Parties

- 7.4.1 The neighbouring occupiers have been consulted and site notices posted on site and three representations have been received, objecting to the proposed development.

Objection Comment	Officer Response
Objection to the proposed change of use of the agricultural land to industrial uses.	Noted and addressed within the 'principle' section of the report.
Impact on residential amenity due to the increased activity on site.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
The proposed building would be encroaching further into the greenfield land.	Comment noted and addressed in the 'Design and impact on the character of the area' section of the report.
No objection to the improved access; however, concerns are raised in relation to the increased activity, including that generated by traffic.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
Objection is raised to extended hours of operation.	Noted and addressed in the 'Impact on Residential Amenity' section of the report.
Loss of privacy from lorry vehicles overlooking amenity area over the existing boundary wall.	Comment noted. However, it is considered that the amended vehicle access would reduce the length of vehicle crossing along the boundary with the neighbouring property and thus,

Objection Comment	Officer Response
	any potential impact would be minimised.
Vehicles would potentially be parked along the frontage of the neighbouring property.	The site would be served with sufficient off-street parking and thus, on street parking is not expected to be encouraged.
The storage buildings could potentially result in constant and high level of illumination.	With the exception of the approved, but not yet erected dwelling, to the east of the site, the development would be erected further away from the existing residential properties. Furthermore, the application is outline in nature and there are limited details to consider the potential lighting issues arising from the position and orientation of the proposed buildings. These matters would be more relevant to be assessed at reserved matters stage.
The development would decrease the value of the neighbouring property.	It is noted that this is not a material planning consideration.

8 **REASON FOR REFUSAL**

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The site has not been identified by the Council to meet the needs of the District in terms of Employment Land and insufficient evidence has been submitted to demonstrate the need for additional of employment land outside the designated sites listed in policy E1. The development would result in an unjustifiable employment use outside the designated areas for employment purposes posing threat to the delivery of the allocated employment sites. The site, by reason of its location and poor quality and limited access to sustainable and public transportation, would be disconnected from existing settlements resulting in an increased need of private vehicle ownership of the future staff and visitors contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan (2017). Furthermore, due to the unjustifiable encroachment to the countryside the development would substantially alter the open character and intrinsic beauty of the countryside. The development would be therefore unacceptable and contrary to the policies S1, S2, S8, D1, E1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

Application Number	HOUSE/MAL/19/00116
Location	8 The Cobbins Burnham-on-Crouch
Proposal	Proposed detached double garage with room within roof with 2 No. pitched roof dormers.
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	28.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by:Councillor Peter Elliot Reason: Public Interest

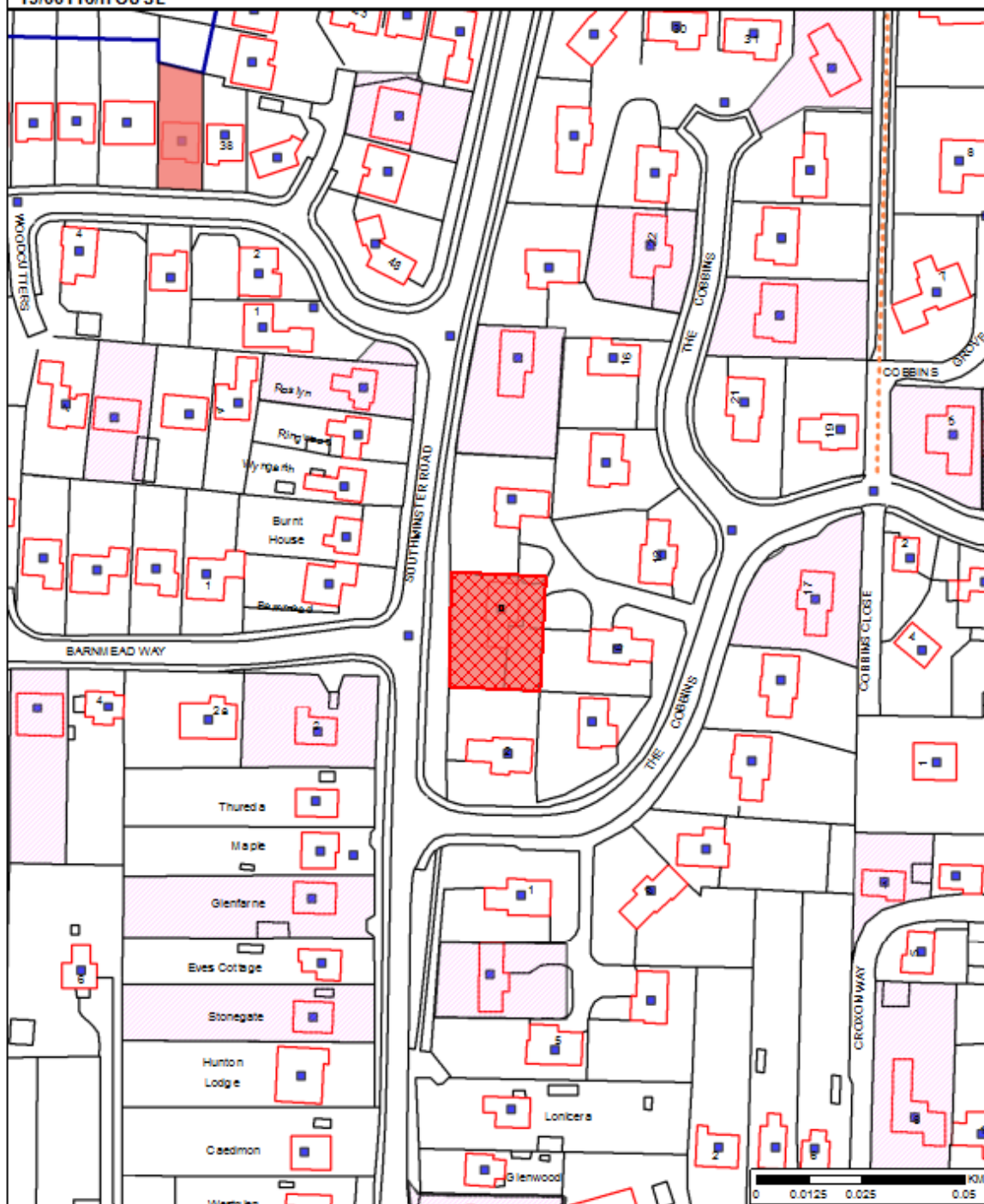
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

8 The Cobbins Burnham-on-Crouch 19/00116/HOUSE



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	Organisation:	Maldon District Council
<p>www.maldon.gov.uk</p>	Department:	Department
	Comments:	SEAC
	Date:	18/03/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of the cul-de-sac The Cobbins and to the east of Southminster Road within the settlement boundary of Burnham-on-Crouch. The site measures 27 metres by 23.5 metres and contains a two storey detached dwelling.
- 3.1.2 The dwelling at the site fronts The Cobbins and it is noted that a landscaped buffer exists to the west of the site that partly interrupts views of the dwelling from Southminster Road. The dwellings of the area are mostly large detached dwellings of a suburban style, positioned on good sized plots that are suburban in character, most of which feature spacing between at least one side elevation and the boundaries of the plots on which they sit.
- 3.1.3 The application proposes the erection of a large detached garage, with two west facing dormers in the principal roofscape. The proposed garage would measure 6.9m in width and 7.4m in depth. It would have an eaves height of 2.3m and a ridge height of 6.4m. In addition to the two dormer windows, the principal elevation would feature a singular garage door with a width of 5.2m and a standard entrance door at the southern end of the elevation which would provide access to the first floor via an internal staircase.
- 3.1.4 Internally the ground floor would provide garage space, and a sail loft would be provided at first floor, which would be separated from the staircase by a landing and doorway.
- 3.1.5 The garage would be situated forward of the host dwelling, projecting 6.7m further forward than the principal elevation of the host dwelling. The garage would be separated from the host dwelling by 1m to the south.
- 3.1.6 The materials proposed will match those of the existing dwelling.
- 3.1.7 The application represents a revision to a previous application (HOUSE/MAL/18/01428) which sought planning permission for a front and side extension that comprised of a double garage and an annexe with 2No. pitched roof dormers. The application was subsequently withdrawn before the application was determined. However, the application was included on the South Eastern Area Planning Committee Agenda for 11th February 2019. The report for the application, published within the agenda for that meeting, highlighted concerns with the proposal and recommended it for refusal for the following reason:

‘The proposed development, by virtue of its scale and mass, projection forward of the host dwelling and proximity to the boundaries of the site, would result in a dominant addition to the application site and cause harm to the character and appearance of the host dwelling, the streetscene of The Cobbins and the locality in general. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.’

- 3.1.8 In response to this the subject of this application relates to the garage only and has omitted that side extension from the proposal. Therefore, creating a detached garage building.

3.2 Conclusion

- 3.2.1 It is considered that the proposed garage building, by reason of its scale and proximity to the boundaries of the site would erode the spaciousness of the site and cause harm to the appearance and character of the site and the locality. Whilst the proposal is considered to be acceptable in all other respects, it is considered that the development would conflict with policies D1 and H4 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of constructing a garage in association with the residential use at the site is considered acceptable, in compliance with policy D1 of the approved Maldon District Local Development Plan (MDLDP). Other material planning considerations are discussed below.
- 5.1.2 It is noted that a letter of objection has been received which raises concern that the garage could be converted into living accommodation in the future. Unlike the previous application, no habitable accommodation is shown on the submitted plans. Each application has to be assessed based on what is being proposed at that time and therefore, the Council cannot speculate the applicant's future intentions. However, a condition could be imposed which ensures that the garage is only used for purposes incidental to the enjoyment of the dwellinghouse. Therefore, the provision of habitable accommodation would need to be subject to a further planning application.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.5 Policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.6 The proposed garage is considered to be a large addition to the application site as a result of its mass, bulk and siting. Whilst being subservient to the host dwelling in terms of height, it is considered that the projection of the garage forward of the dwelling and the minimal visual separation between the garage and the host dwelling, particularly when viewing the development from within The Cobbins, where the built form would appear continuous would result in a substantial impact on the character and appearance of the site by introducing a large bulk and mass of development which would appear cramped in relation to the host dwelling.
- 5.2.7 As set out above, it is noted that the character of the area is generally defined by good-sized suburban dwellings positioned on proportionate plots that gives the area a low density and suburban character. There is a degree of spaciousness to the existing plot and the surrounding plots that is considered to be an important factor in defining the character of the area.
- 5.2.8 In the context of the above it is considered that the scale of the garage and the proximity to the northern and eastern boundaries of the site and the dwelling would have a substantial impact on the character and appearance of the site and the streetscene of The Cobbins. By filling the majority of the space to the front of the dwelling, it is considered that the garage would erode the spaciousness of the site to the detriment of the character of the locality.
- 5.2.9 Whilst the side extension from the previous application has been omitted from the proposal, which does reduce the scale and bulk of the proposed development, the amendments are not considered to overcome the significant visual impact that the proposal would have on the character and appearance of the site as the element that has been omitted would not have been as visible from within the public realm. Furthermore, as there is no separation between the garage and the host dwelling, other than the garage being set back 1m further than the southern elevation of the property, and that the two dormer windows in the western roofscape are still proposed, the proposal would still appear as a substantial residential extension to the host dwelling, rather than a subordinate outbuilding. Therefore, it is not considered that the alterations to the scale and extent of the proposal are sufficient in overcoming the previously identified harm.
- 5.2.10 As noted within the previous report, it would not be unusual to see detached garages or extensions to the front/side part of the site and it is accepted that some form of development could occur in an acceptable manner. However, the scale and extent of the proposed garage and its residential appearance is not considered to be acceptable due to the significant visual impact that it would have.

- 5.2.11 It is noted that the extension to the front of the dwelling would avoid the extension having as much of an impact on the more prominent streetscene of Southminster Road to the west, but this positive aspect of the proposal is not considered to outweigh the harm that has been identified above.
- 5.2.12 Whilst full regard has been had to the wider site history within the local area (including applications FUL/MAL/93/00158, FUL/MAL/95/00305 & FUL/MAL/04/00259, HOUSE/MAL/13/00055, HOUSE/MAL/11/00666,HOUSE/MAL/16/01297), it is not considered that these examples are directly comparable to the proposal subject of this application. The examples given are somewhat different to what is being proposed here as they feature different proposals which have various designs, scales and bulk. Furthermore, each plot within the Cobbins has its own individuality and each application should be assessed on its own merits. Therefore, whilst it is acknowledged that there have been other alterations and extensions on other properties within the Cobbins, they are not directly comparable to the scale, bulk or design of this proposal and therefore, do not provide a basis for approving this application.
- 5.2.13 Having regard to the above assessment, it is considered that the development would cause material harm to the character and appearance of the existing dwelling, the streetscene and the locality in general, contrary to policies S1, S8, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The proposed garage building would be located 1 metre from the boundary that is shared with No. 6 The Cobbins to the east. The dwelling at that site is 11.6 metres from the shared boundary. Due to the span and height of the building and the proximity to the amenity space of the neighbouring dwelling, the garage building would have an impact on the amenities of the neighbouring dwelling. However, in this case it is considered that the impact on the light received within the neighbouring property (which would only affect the amenity space and not the dwelling itself) and the outlook from within the neighbouring dwelling and its amenity space would not be harmful to an extent that would justify the refusal of the application on those grounds. The proposed dormers would be orientated away from the neighbouring dwelling and therefore not cause overlooking or a loss of privacy in a manner that would justify the refusal of the application.
- 5.3.3 To the south east of the site is No. 4 The Cobbins. The relationship between the proposed building and the neighbouring dwelling is comparable to the other neighbour discussed above, albeit at a slightly different angle. For similar reasons it is considered that the proposed development would not have an undue impact on the neighbouring property.

- 5.3.4 The proposed garage building would be located 1 metre from the boundary that is shared with No.2 The Cobbins to the south. The dwelling at that site is 11.1 metres from the shared boundary. Due to the height of the proposal and the proximity to the amenity space of the neighbouring dwelling, the building would have an impact on the amenities of the neighbouring dwelling. However, in this case it is considered that the impact on the light received within the neighbouring property would not be substantial as the neighbouring property is to the south and due to the separation distance. Whilst the proposal would result in a sense of enclosure and reduced outlook from within the neighbouring dwelling and its amenity space, it is considered that the siting of the proposal to the southeastern corner of the site, the length of the building which would span less than half the width of the neighbouring garden, the low eaves height and the separation distance from the neighbouring dwelling, is sufficient to ensure that the impact on the outlook of the neighbouring property would not be harmful to an extent that would justify the refusal of the application on those grounds. No windows would face the neighbouring property and there would therefore be no loss of privacy caused by the garage building.
- 5.3.5 The proposed dormers would face northwards, but would be a sufficient distance from the neighbouring dwellings to the north to ensure that the overlooking of the front (largely public) amenity space is not unacceptable.
- 5.3.6 Whilst full regard has been had to the letter of objection received in relation to neighbouring amenity, based on the above assessment it is not considered that the proposal would result in demonstrable harm to the amenity of neighbouring occupiers to an extent which would warrant refusal of the application.

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 proposal will not increase the number of bedrooms within the site and would provide a garage which could accommodate one vehicle. Whilst it is noted that the overall dimensions of the garage are 6.9m by 7.4m, due to the provision of the internal staircase, the parking area is reduced to a width of 5.2m which is only wide enough to park one vehicle as stated within the adopted Vehicle Parking Standards. The Councils Building Control records also show that the existing integral garage at the site is to be converted into habitable accommodation. Nevertheless, in addition to the space provided within the proposed garage there is also sufficient space to park two cars to the front of the proposed garage building. Therefore, there would still be space to the front of the dwelling and within the proposed garage to park a minimum of three vehicles.

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 a loss of the front/side amenity space. However, the remaining amenity space would be well in excess of 100m² and therefore, there is no objection in this regard.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/11/00666** - Single storey garden room side extension. Approved.
- **HOUSE/MAL/18/01428**- Proposed front and side extension comprising double garage, and annex with 2No. pitched roof dormers. Withdrawn

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection	Noted

7.3 Representations received from Interested Parties

- 7.3.1 11 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
Height and position will be detrimental to neighbouring amenity by resulting in a sense of enclosure and being overbearing.	Addressed at section 5.3 Addressed at section 5.1
The provision of dormer windows is unnecessary unless the owners intend to convert it into living accommodation in the future	Each application must be assessed on its own merits and what is being proposed at the time of the application only.
Proposal will set a precedent for further inappropriate developments in the future.	Each application must be assessed on its own merits and what is being proposed at the time of the application only.
The applicant plans to splitting the house into two separate houses	Each application must be assessed on its own merits and what is being proposed at the time of the application only. However, as stated at section 5.1 any concerns regarding the subdivision of the plot or the conversion to habitable accommodation can be addressed via a condition.
There would be insufficient parking	Addressed at Section 5.4
Proposal is not in keeping with the original estate, the open design and layout with considerable space between boundaries.	Addressed at Section 5.3
A two storey garage would be out of place. Only two other houses have detached garages which are single storey and are not visible from the road. They do not have rooms above or windows.	Addressed at Section 5.3
Proposal does not relate to or mirror neighbouring dwellings particularly No. 10 The Cobbins as suggested.	Addressed at Section 5.3
The application form states that pre-application advice has been sought from MDC and that the proposal was deemed acceptable. It was also stated that in consultation with the neighbours and parish, the reduction of the previous	It is not possible to comment on whether pre-application advice has been sought from the Council as it is a confidential service. The objectors comments regarding the

Objection Comment	Officer Response
application (18/01428/HOUSE) which have been made was deemed entirely reasonable. This consultation has not taken place to the objector's knowledge.	lack of neighbouring consultation is noted. However, the applicant is not required to carry out consultations and the Local Planning Authority has ensured that those who should be consulted on the proposal have been.
There are three trees adjacent to the boundary fence shared with 4 The Cobbins which will be affected.	It is not considered that there are any trees of particular amenity value that would be affected by the development.
The dates in boxes 12 and 13 of the application appear to be incorrect.	The applicant/agent has been contacted to address this and to provide a revised form.
There should be no more than 20 dwellings per hectare.	The development does not propose an increase in dwelling numbers.

8. **REASON FOR REFUSAL**

- 1 The proposed development, by virtue of its scale and mass, siting forward of the host dwelling and proximity to the boundaries of the site, would result in a dominant addition to the application site and cause harm to the character and appearance of the site, the streetscene of The Cobbins and the locality in general. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

Application Number	FUL/MAL/19/00120
Location	Land Rear of St Vincent 2A King Edward Avenue Burnham-on-Crouch
Proposal	Erection of 2-bedroom bungalow with a detached garage and a new access
Applicant	Ms Emma Regan
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	EOT: 12.04.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt. Reason: Public Interest

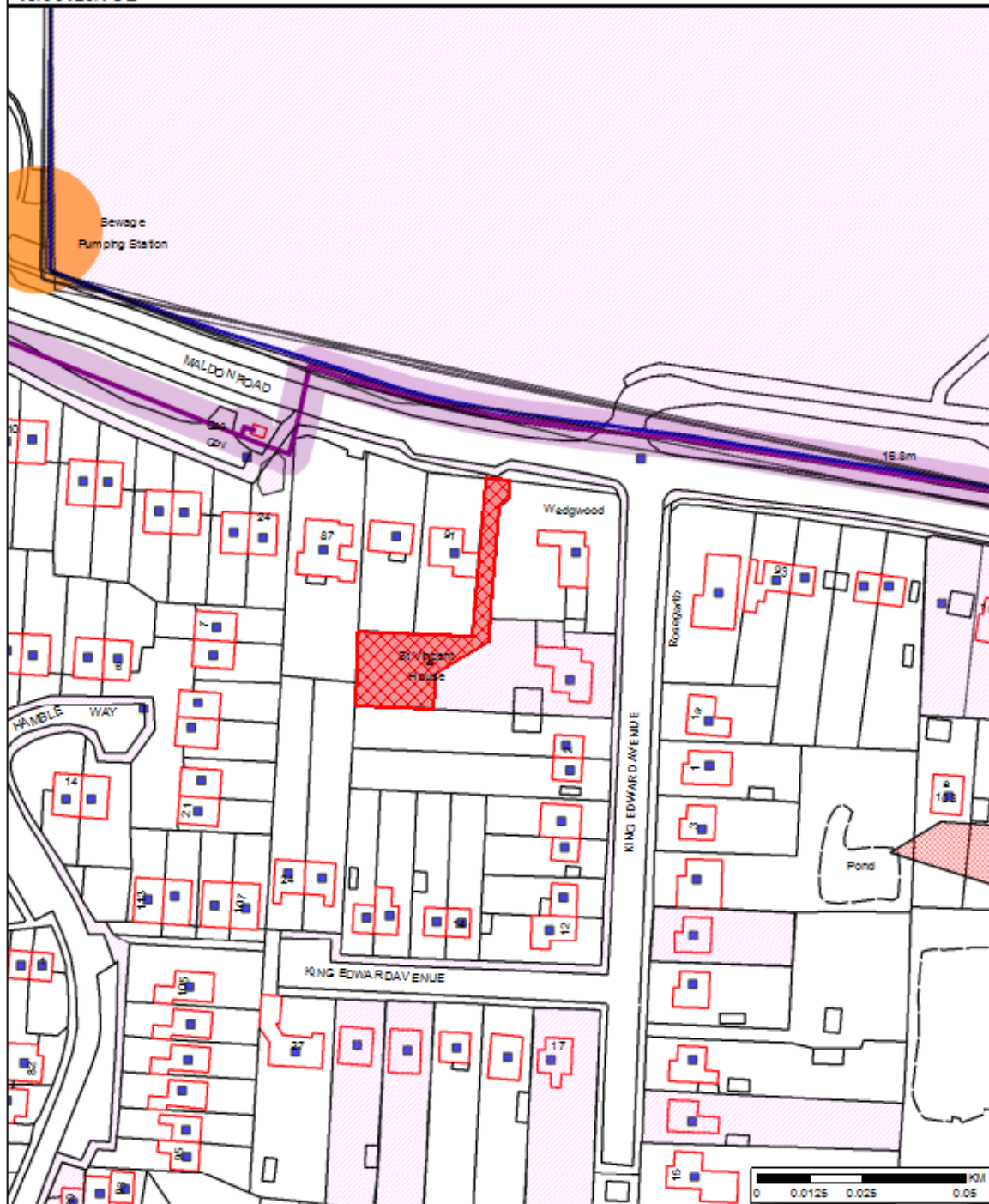
1. RECOMMENDATION


REFUSE for the reasons as set out in section 8.

2. SITE MAP

Please see overleaf.

Land Rear of St Vincent 2A King Edward Avenue
19/00120/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	19/03/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The application site is a parcel of land measuring 0.6ha in area. It is located to the south of Maldon Road and to the west of King Edward Avenue, within the settlement boundaries of Burnham-on-Crouch. The main area of the site is situated 38.7m from Maldon Road and measures a maximum of 34m in width and 17.9m in depth. It is located to the rear of 'St Vincent' King Edward Avenue and forms part of the rear garden of that property which is located to the east. However, it was noted when conducting a site visit that the plot has been divided by fencing so that there is no direct access into the site from 'St Vincent'.
- 3.1.2 To the north of the application site is a gated access from Maldon Road which runs parallel to the side boundaries of No.81 Maldon Road and Wedgewood Maldon Road. Whilst the applicant considers this to be an independent vehicular access there is no dropped kerb access from the roadway and the access would require crossing over a layby. Therefore, it is not considered that a formal vehicle access currently exists at the site.
- 3.1.3 As existing the site comprises a towing caravan, a couple of outbuildings and other garden paraphernalia such as children's toys and a Wendy House. The boundaries of the site feature a close boarded fencing of various heights and some low-level hedges.
- 3.1.4 The surrounding area has a fairly dense urban grain made up of various cul de sac developments. The immediate area surrounding the application site consists of dwellings which front the public highway and have their gardens situated to the rear which form a 'square' in the centre of the dwellings.

3.2 Proposal

- 3.2.1 Planning permission is sought to erect a two-bedroom detached bungalow with a detached garage and new access.
- 3.2.2 The proposed bungalow would measure a width of 12.3m and a depth of 8.5m. It would have a hipped roof with an eaves height of 2.6, and a ridge height of 3.3m. The dwelling would be located 1.2m from the northern boundary, 7.5m from the western and 4.5m from the southern.
- 3.2.3 To the southeast of the application site and proposed dwelling, would be a detached garage, set 1.2m to the east of the proposed house. The garage would have a width of 4.8m and a depth of 7m, with an eaves height of 2.4m and a ridge height of 4.6m. There would be an off centered garage door on the northern elevation and an entrance door on the western elevation. The bungalow would provide two en-suite bedrooms, a dressing room in the master bedroom, a sitting room, a dinning/kitchen area and an entrance hall.
- 3.2.4 The proposed access would be from Maldon Road to the north and would require a new vehicular crossover. The first 12m of the access will be 6.2m wide, with a refuse store located to the east of the hardstanding at a distance of 4.1m from the highway. At this point, 12m from the highway, the block plan shows proposed gates and the

reduction in the width of the access to 4.6m. From this point the access continues for a distance of 28m until changing direction towards the west where the site opens up.

- 3.2.5 In terms of materials, it is proposed that the development will be constructed from facing brickwork and white render, clay plain tiles, white UPVc windows and a painted hardwood entrance door. The proposed access will consist of bonded chippings.

3.3 Conclusion

- 3.3.1 The development as a result of its design, siting and layout would represent a cramped and an unacceptable form of backland development which would materially harm the existing character and appearance of the site and the prevailing pattern of development within the surrounding area. Furthermore, the development would fail to provide safe and sufficient vehicle parking and access to the site. The proposal is therefore contrary to policies S1, D1, H4 and T2 of the approved Local Development Plan (LDP), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide (MDDG).

4. MAIN RELEVANT POLICIES

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

4.1 National planning policy framework (NPPF) 2019, including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 117-118 Effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- D2 Climate Change and Environmental Impact of New Development
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance/ Documents

- Burnham-on-Crouch Neighbourhood Development Plan (2017)
 - HO.1 New Residential Development
 - HO.8 Housing Design Principles
- Maldon District Design Guide (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Planning Practice Guidance

5 MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwelling would be located within the settlement boundaries for Burnham-on-Crouch and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Burnham-on-Crouch is recognised as being a “Main Settlement” which has a range of service facilities as well as good public transport links and opportunities for employment. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling.
- 5.1.2 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. However, in this instance, it is considered that one additional dwelling would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.3 Policy H4 of the LDP relates to backland and infill development. It states that:
‘Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:
- 1) *There is a significant under-use of land and development would make more effective use of it;*
 - 2) *There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
 - 3) *There will be no unacceptable loss of land which is of local social, economic or historic environmental significance; and*
 - 4) *The proposal will not involve the loss of any important landscape, heritage features or ecological interests.*
- 5.1.4 Likewise, paragraph 122 of the NPPF (2018) states that *‘decisions should support development that makes efficient use of land, taking into account ... d) the desirability of maintaining an areas prevailing character and setting (including residential gardens), or of promoting regeneration and change...’*
- 5.1.5 The supporting information states that the applicant considers there to be an underuse of land at the site, as the proposed dwelling would be provided with ample amenity space and leaving the host dwelling with *‘its own spacious setting.’* The Design and Access Statement refers to two dwellings but considers that in residential development terms, in this context of its setting, the application considers this to be an underused site which does not make the best use of urban land.
- 5.1.6 It is however, not considered that just because a garden size is in excess of the standard requirements, which are not maximums, that there is an under use of land. Therefore, whilst it is not considered that land is of any local social, economic or historical significance and nor will it result in the loss of any important landscape, heritage features or ecological interests due to it being a maintained residential garden, it is not considered that the size of a garden alone results in it being

considered an area of under use land. Particularly as the residential garden contributes to the wider urban grain and character of the area.

- 5.1.7 Having regard to the above, given that the application site is not significantly under-used, it is considered that backland and infill development within this locality would be contrary to policy H4 of the LDP.

5.2 Housing Need

- 5.2.1 The Council has undertaken a full assessment of the Five-Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create 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 policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. In this respect, the proposal would meet this policy requirement. However, given the provision of only one dwelling, the proposal provides a negligible benefit in terms of improving the Councils housing stock.

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, livable 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. This is supported by policies D1 and H4 of the Maldon District Local Development Plan (MDLDP) and the MDDG.
- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.4 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.3.5 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.
- 5.3.6 The application site is located to the rear of St Vincent's King Edward Avenue and to the rear of Nos. 89 and 91 Maldon Road, Nos. 87 Maldon Road and Nos. 22 and 24 King Edward Avenue also back onto the site. The site itself forms part of the rear garden of St Vincent King Edward Avenue.
- 5.3.7 As outlined above, the surrounding area has a fairly dense urban grain made up of various cul de sac developments. The immediate area surrounding the application site consists of dwellings which front the public highway and have their gardens situated to the rear which form a 'square' in the centre of the dwellings.
- 5.3.8 The proposal subject of this application is a form of backland development which does not follow these principles and is considered a poor example of this form of development. By developing part of the rear garden of St Vincent House, the proposal would erode the pattern of development in the area by removing this open area of garden space to the rear of the properties. Furthermore, the site has no distinct frontage or outlook onto the streetscene as a result of being enclosed by the rear boundary fences of neighbouring properties on all sides. Therefore, rather than the proposal appearing as part of the streetscene, it appears as a contrived backland development and despite the size of the plot the proposal would appear cramped and shoehorned into the site, contrary to the existing grain of development.
- 5.3.9 The surrounding area is made up of a varying range of dwelling types and styles, including hipped roof bungalows and so the provision of this house type in this locality is not objected to. However, as outlined above, the siting of the proposal, which would alter the prevailing pattern of development in the area and would result in an unacceptable form of backland development, results in material harm to the character and appearance of the area by altering the grain of development.
- 5.3.10 The provision of a detached garage in this locality is also not objected to. However, its close proximity to the proposed bungalow (1.2m) and its siting directly adjacent to the eastern boundary further intensifies the cramped nature of the development.
- 5.3.11 Whilst regard is had to the examples given by the applicant of other developments in the area it is not considered that they can be read in the same context as this proposal. For instance, application FUL/MAL/17/01096 Land Adjacent 101 Maldon Road is not considered to impact on the grain of development as it is situated to the western side of the existing dwelling and fronts the public highway. Furthermore, the references made to the officer's report relate to the character and appearance of surrounding development rather than the grain of development.
- 5.3.12 In terms of the three dwellings located to the rear of No.103 Maldon Road given that they were approved under the terms of application MAL/89/82 in 1982 and were therefore considered under a different policy regime, the considerations for

determining those dwellings would not have been the same as those now. Furthermore, given that the example relates to three dwellings which form their own cul de sac and have distinct frontages, rather than one dwelling in a rear garden it is considered that they are materially different to this proposal and therefore do not warrant significant weight in this case.

- 5.3.13 Therefore, whilst the design of the proposed dwelling and garage alone are not considered to result in material harm to the character and appearance of the area, the proposed development due to its siting erodes the prevailing pattern of development within the area and creates an unacceptable form of backland development and is therefore, contrary to policies D1 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account 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.
- 5.4.2 The proposed dwelling would be located 28m from the rear of St Vincent House, 4.5m from the boundary shared with No. 2 King Edward Avenue and 17.5m from the rear of the dwellings at Nos 89 and 91 Maldon Road. The site would also back onto the side of the rear amenity space of No. 87 Maldon Road and No. 22 King Edward Avenue.
- 5.4.3 The proposed dwelling due to its limited height and provision of hipped roof which rakes away from neighbouring properties is not considered to have an overbearing impact on the neighbouring occupiers. Furthermore, given that the dwelling is single storey it is not considered that there will be any direct views into the neighbouring properties and therefore, there is not considered that there would be undue harm as a result of loss of privacy.
- 5.4.4 It is noted that permitted development rights would allow the future occupants to construct dormers within the roof space without obtaining formal planning permission. Given that a western facing dormer would overlook the rear of the extensive garden situated at No.87 Maldon Road and would not provide views into the neighbouring dwelling it is not considered necessary or reasonable imposing a condition preventing the construction of a dormer within the western roofscape under permitted development. The same is considered to apply to the southern roofscape in relation to No.2 King Edward Avenue. However, a dormer in the northern and eastern roofscape would create the potential for overlooking into the rear gardens of St Vincent, Nos 89 and 91 Maldon Road. Therefore, if the application were to be approved a condition should be applied restricting permitted development rights for the construction of dormer windows in the northern and eastern roofscapes.
- 5.4.5 The dwelling would be accessed via Maldon Road where there is currently a gated access to the site. However, there is no formal vehicle access or crossover, although the area is used by the applicant for the parking/storing of vehicles. The proposal would require vehicles accessing the property to pass the eastern side of No. 91 Maldon Road at a distance of 2m. There is a window in the eastern elevation of No. 91, which appears to serve a utility room. Given that the access would serve one, two

bedroom bungalows there would not be a large number of vehicle movements along the access and that it would be adjacent to a window which serves non-habitable rooms, at a distance of approximately 2m from the neighbouring dwelling, it is not considered that the access to one dwelling would result in unacceptable disturbance by way of noise or light pollution.

- 5.4.6 An objection has been received in relation to raising the ground levels in order to provide the proposed access as it may result in the flooding of neighbouring driveways. It is considered that this can be dealt with through conditions requiring the proposed ground levels at the site and a suitable surface water drainage scheme.
- 5.4.7 For the reasons discussed above, it is not considered that the proposed development will result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers, nor will it result in unacceptable noise levels for the future or neighbouring occupiers. Therefore, in this regard the proposal is in accordance with policies S1, D1 and H4 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objective of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 A two bedroomed dwelling would require a minimum of two parking spaces. The adopted vehicle parking standards state that a single car garage should measure 3mx7m. Therefore, the proposed garage at 4.3mx7m would provide space for one vehicle. There is also an area to the north of the site that could provide parking for at least one vehicle. However, there is only a distance of 5.4m between the parking bay and the garage. If both the garage and bay were in use, then there would not be sufficient space to maneuver out of the garage and exit the site in a forward gear. Whilst it is noted that the occupier could reverse along the proposed access way, this

is not considered convenient due to the length of the access and because they would then be required to reverse out onto a main road. Therefore, the inconvenience of the proposed parking would possibly result in the failure of the garage to be used at the site for parking, resulting in insufficient parking at the site. This would increase the need for on-street parking, which could detrimentally impact on the free flow of traffic and highway safety. Furthermore, the access would also be required to be used by pedestrians. Therefore, it is considered that given the dual use of the access and the need for the occupiers to reverse out of the site the proposed access would result in the provision of an unsafe access to the site. Having regard to this it is not considered that it has been sufficiently demonstrated that the required level of vehicle parking can be accommodated at the site contrary to policies S1 and T2 of the LDP.

- 5.5.4 It is noted that the Local Highways Authority has not objected on these grounds but has provided comments demonstrating that the proposed parking would be inconvenient. However, it should be noted that the Highways Authority's regime stops at the public highway and this would be a private road. For that reason, the Highways Authority does not have jurisdiction over the access arrangements within the private road, but only on access from the private road to the public highway.
- 5.5.5 In relation to the above, the dwelling as stated above would be accessed via a proposed crossover on the southern side of Maldon Road. The proposal would require crossing over a parking layby. The Local Highways Authority has been consulted and have stated that a drop kerb would be required to serve the application site, rather than a radius kerb as shown on plan 04 A. To achieve this, the access would need to be relocated to the east so that the dropped kerb is onto the carriageway (Maldon Road) or make modifications to the lay-by/footway to ensure that the dropped kerb is entirely in the (extended) lay-by but not half way between the two as proposed. Having regard to the comments made by the Local Highways Authority it is not considered that the development as proposed would provide a safe a sufficient access which could potentially result in detrimental impacts to highway safety.
- 5.5.6 It is also noted that if the application were to be approved a condition would be required to restrict permitted development rights for the construction of dormer windows and roof lights in all aspects of the roof, as there would not be sufficient parking at the site to accommodate additional bedrooms which would therefore, exacerbate the harm highlighted above.
- 5.5.7 The existing parking provision at St Vincent House would not be impacted on as part of the proposal.
- 5.5.8 Having regard to the above assessment, it is not considered that the proposal would provide sufficient parking provision at the site and would not provide safe and secure vehicle access which could detrimentally impact on highway safety and disrupt the free-flow of traffic contrary to policies S1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for

each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).

- 5.6.2 The amenity space for both the existing and proposed dwelling would exceed 100sqm and therefore, there is no objection in regards to amenity space.
- 5.6.3 Detailed landscaping plans have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

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

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance that impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the LPA'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 sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travelers and travelling show people plots.
- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site'

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

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

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

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

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

Conclusion

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

5.8 Waste Storage and Collection

- 5.8.1 The clarification for Policy D2 of the Approved MDLDP states that '*New development should seek to minimize the amount of waste produced and to ensure that it is treated and disposed of in an environmentally acceptable way. New Developments should provide adequate facilities for storage, recycling and collection of waste during occupation*'
- 5.8.2 Section C09 of the MDDG states that '*the management of waste needs to be considered early on in the design to avoid inconvenient waste storage for residents, inefficient waste collections of waste produced or unsightly bin storage areas.*

- 5.8.3 The proposed block plan shows that a refuse store would be provided forward of the entrance gates to the site, at a distance of 4.1m from the public footpath. The design and access statement states that this would house refuse and recycling receptacles and Council issued recycling boxes and bags can be stored within the bungalow. The refuse store would be located a large distance from the proposed dwelling which may prevent it being used. However, there is sufficient space within the site closer to the dwelling where waste storage could be provided and so there is no objection in that regard.

5.9 Other Matters

- 5.9.1 There has been no detail provided regarding surface water drainage other than that surface water will be dealt with via a Sustainable Drainage System. Therefore, if the application were approved a condition should be imposed requiring a detailed scheme.
- 5.9.2 Foul drainage will connect to a mains sewer, which is considered acceptable.

6. ANY RELEVANT SITE HISTORY

Application	Proposal	Decision
HOUSE/MAL/12/00849	Erection of single storey rear extension with pitched roof	Approved
FUL/MAL/01/00472	Alterations to existing carport to raise its roof and shorten its length.	Approved.

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	Contrived, over development of the site and constitutes unacceptable 'back land' development. Contravenes policy H4.	Please refer to sections 5.1 and 5.3 of the report.
	Development is over and above Burnham-on-Crouch development allocation under policies S2 and S6 of the LDP.	Please refer to section 5.1 of the report
	Concerns regarding the access to the property via Maldon Road and proximity to existing housing.	Please refer to section 5.5

7.2 Statutory Consultees and Other Organisations

Name of Consultee	Comment	Officer Response
Essex County Council Highways (ECC)	<p>It would be hard to turn within the site, but if the occupier reversed out onto Maldon Road it would be very inconvenient but visibility will be good along Maldon Road as a result of the footway/lay-by and verge so a vehicle can wait safely for an opportunity to enter the carriageway.</p> <p>A dropped kerb crossing would be required to serve the application site, not a radius kerb as shown. To achieve this the applicant will be required to either relocate to the access to the east so the dropped kerb is onto the carriageway (Maldon Road) or make modifications to the lay-by/footway to ensure that the dropped kerb is entirely in the (extended) lay-by but not half way between the two which is not acceptable.</p>	Please refer to section 5.5 of the report.
Natural England	Development does not meet the threshold for bespoke advice However, a HRA should be undertaken	Please see section 5.7 of the report
Cadent Gas	There are apparatus in the vicinity of the site which may be affected by the development	The development does not fall within the gas pipe easement.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a surface water drainage condition.	Please see section 5.9
Waste	No objection. Although it should be noted that in addition to the store to house refuse and recycling receptacles will be provided near the entrance, there should also be sufficient room at the end of the drive where it meets the public highway to present on collection day.	Please refer to section 5.8 of the report.

7.4 Representations received from Interested Parties

7.4.1 Letters were received objecting to the application for the following reasons:

Objection Comment	Officer Response
The entrance to the plot is narrow and it would not be possible to turn in the site if one of the parking spaces is occupied, requiring the occupier and/or visitors to reverse down the driveway onto Maldon Road.	Addressed at Section 5.5. of the report
There will be an overwhelming impact on neighbouring properties. The properties which back onto the plot will be adversely affected by the shoehorning of the site and its excessive ridge height.	Addressed at section 5.4 of the report.
If consent is granted then dormer windows could be proposed in the future which would result in a loss of privacy.	Addressed at section 5.4 of the report.
Proposal represents a precedent for backland development in close proximity to existing residential properties.	Addressed at sections 5.3 and 5.4 of the report.
Each application must be assessed on its own merits and not what may be proposed in the future. However, impact on neighbours is addressed at section 5.4.	
There are no plans to make the boundaries safe. The existing boundary fence is incomplete and is the responsibility of the applicant. Who's will	Boundary treatments can be agreed via a condition where necessary. However, the condition of existing boundary treatments and who is responsible for them or owns

<p>it be when the site is sold.</p> <p>The road and path adjacent to the exit onto Maldon Road is higher than the land and the neighbouring exit. The driveway will need to be built up, causing flooding in the neighbouring driveway.</p> <p>The access is on a frequently used layby.</p> <p>The construction works will likely result in damage to underground water pipes cutting off the water supply. Construction traffic could cause subsidence as there is an underground stream. The construction works will result in a loss of privacy, and increased noise and dust.</p> <p>The work will pose a security risk as people will be able to access the site and neighbouring properties.</p> <p>Addition of extra drainage and sewage may overload the system</p> <p>The proposal will reduce property values</p> <p>The proposal is not comparable to the sites at 101 Maldon Road and behind 103 Maldon Road as suggested within the design and access statement.</p>	<p>them is not a matter of the planning system. It is a civil matter that should be dealt with between neighbours.</p> <p>Addressed at section 5.4 of the report.</p> <p>There are other drop kerbs along this layby. Therefore, it would not be reasonable to refuse the application on those grounds.</p> <p>A construction management plan can be secured via condition to ensure that the works are carried out in a suitable manor and do not result in unacceptable undue harm, which is above what is considered reasonable to neighbouring occupiers. However, the impact on water pipes is not a planning consideration.</p> <p>It is not clear how this would differ from the current situation at the site. However, this is not something that can be dealt with under planning legislation.</p> <p>The provision of one extra dwelling is not considered to be a burden on the systems. This is not a planning consideration.</p> <p>Noted and addressed at section 5.3 of the report.</p>
<p>In 1998 an application was refused for a similar development. What's changed?</p> <p>Access is not wide enough for emergency vehicles.</p> <p>No.2 King Edward Avenue has not</p>	<p>A history search of the site has been conducted and there is no record of such an application. However, the proposal in relation to being backland development is addressed at section 5.3 of the report.</p> <p>Addressed at section 5.5 of the report.</p> <p>Two site notices were put up near to the</p>

received any correspondence and was unaware that the application had been submitted. There was no notice of intent posted outside no 2A by the planning department.	site, one on Maldon Road and one on King Edward Avenue. Furthermore, all adjacent land owners were notified via a letter. Therefore, the Council has gone above and beyond the minimal consultation requirements.
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8. **REASONS FOR REFUSAL**

1. The proposed development would result in an unacceptable form of backland development which would detrimentally impact on the existing character and appearance of the site and on the prevailing pattern of development within the area. The development would therefore be unacceptable and contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development plan and guidance contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).
2. The site is located in a backland location and would be served by a substandard, contrived and dangerous means of access and vehicle parking spaces which would adversely affect the safe and convenient passage of vehicular and pedestrian users of the access. This would discourage future occupiers to use alternative to vehicle modes of transport and it would be indicative of the unsuitability of the site to accommodate the proposed residential development. The proposal would be therefore unacceptable and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

Application Number	HOUSE/MAL/19/00122
Location	Oakleigh 48 Mountview Crescent St Lawrence
Proposal	Extensions and alterations to existing bungalow to convert to a chalet style property
Applicant	Mr and Mrs Lear
Agent	Elisa Hampson – E.H Planning Services
Target Decision Date	EOT 09.04.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In by: Councillor Mrs P A Channer Reason: Local Knowledge and Public Interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Oakleigh 48 Mountview Crescent 19/00122/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	22/03/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated on the eastern side of Mountview Crescent, within the defined settlement boundary of St Lawrence. The application site is occupied by a detached single storey dwelling. Mountview Crescent is a private road and the prevailing pattern of development mainly consists of residential dwellings fronting the road in a linear fashion. The dwellings within the locality are eclectic in terms of scale and style. There is an area of hardstanding to the front of the host dwelling, which is currently used for parking vehicles. The entrance to No.48 is situated to the south of the site.
- 3.1.2 The private amenity space of the application site is in the form of a private garden located to the rear of the property. The application site shares a common boundary with properties No.46 to the south and No.50 to the north.
- 3.1.3 Planning permission is sought for a number of alterations and extensions to the property to convert it from a bungalow to a chalet style dwelling. The proposal will provide a living room, kitchen/dining area, a utility room, study and an integral garage at ground floor and four double bedrooms, one with an en-suite and a bathroom at the first-floor level. The alterations and extensions consist of:
- A first-floor extension, which will increase the eaves height of the building from 2.4m to 2.9m and the ridge height from 5.3m to 7.4m
 - A dormer window is proposed on the principal roof scape, towards the southern side of the dwelling. It will project 3.9m from the roof scape, will be 2.2m wide and 2.4m in height.
 - A front gable extension, which will project 2.2m from the front elevation and would be a width of 3.6m at ground floor and 4.9m at first floor. At ground floor there will be an undercroft area providing cover over the front door. The extension will have an eaves height of 4.6m and a ridge height of 7.1m.
 - A rear dormer window is proposed, measuring 2.7m wide, 2.8m in height and will project 3.2m from the roof scape towards the southern side of the dwelling.
 - A part single storey, part two storey rear extension. The single storey element will have a flat roof with a glass roof lantern. To the top of the flat roof will measure to a height of 2.9m and to the top of the roof lantern will be 3.6 in height. It will have a depth of 3.9m and a width of 4.6m.
 - The two storey element will have a gable roof with an eaves height of 4.6m and a ridge height of 6.8m. It will have a depth of 3.9m and a width of 4.3m.
 - It is also proposed to make changes to the fenestration and to insert new openings.
 - The materials proposed consist of brick and cream render.
 - The resulting dwelling would have a maximum height of 7.4m, a maximum width of 9.6m and a maximum depth of 16m including the two storey front projection. However, the majority of the dwelling would have a depth of 13.8m.

- 3.1.4 The application follows the refusal of four other applications HOUSE/MAL/16/00186, HOUSE/MAL/16/01444, HOUSE/MAL/17/01188 and HOUSE/MAL/18/00226. The most recent application HOUSE/MAL/18/00226 was refused for the following reason:

‘The proposed development, due to its poor and incongruous design, scale and bulk is considered to result in an unacceptable form of development of demonstrable harm to the detriment of the character and appearance of the dwelling and would result in a visually inharmonious and conspicuous form of development within the streetscene. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan and guidance contained within National Planning Practice Framework.’

- 3.1.5 The proposal has been largely redesigned following the previous reason for refusal. The main changes are considered to be:

- Omission of the full width dormer windows in place of single gable dormers and gable projections on both the front and rear elevations.
- The two storey rear and side projections ‘step in’ from the side elevations rather than ‘stepping out’ at the rear
- The addition of the undercroft area.
- The main part of the dwelling has been reduced in depth from 14.7m to 13.8m. The depth of the southern elevation however including the two storey front projection, has increased to 16m.
- The width has been reduced from 10.5m to 9.5m.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by means of its style and design, including its scale and siting, is acceptable in its setting and will not have a detrimental impact on the character and appearance of the dwelling or the locality. In addition, the proposal is not considered to represent an unneighbourly form of development and would not have an overbearing impact on the amenity of the neighbouring residents. In addition, the site provides sufficient amenity space and parking provision. It is therefore considered that the proposed development is in accordance with policies S1 and D1 of the Local Development Plan (LDP) and has overcome the previous reason for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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 the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending and altering 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.
- 5.1.2 As part of the previous application it was considered due to the extent of demolition required that the works proposed went beyond an extension and resulted in the proposal being a replacement dwelling. The supporting statement submitted as part of this application states that the applicant is going to continue to live in the dwelling whilst the works take place and that the existing walls are going to be retained and structurally improved with new installation. Having regard to this and having assessed the existing and proposed plans, it is considered that the demolition proposed is now much less than what was previously put forward and therefore, the application can be considered under Householder development.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.2.5 The proposed alterations and extensions as a result of their cumulative scale and bulk are considered to be large additions to the site as the proposal will involve raising the height of the dwelling to 7.4m and increasing the maximum depth from 9.8m to 16m. However, the resulting height of the dwelling would be consistent with No. 50 Mountview Crescent situated to the north of the site. No. 46 to the south of the site is a single storey dwelling and so the proposal would be considerably taller than the neighbouring dwelling. However, given the presence of other chalet style dwellings within the streetscene, with similar heights, most notably No.50 and No. 44, it is not considered that the increase in height will have a materially harmful impact on the character and appearance of the area.

5.2.6 The rear of the proposal would extend further than the rear of No.50 Mountview Crescent but would not extend further than the deepest point of No. 46 Mountview Crescent . Furthermore, the two storey front extension would not project further than the furthest forward point of No. 50. Therefore, it is not considered that the proposal would disrupt the prevailing pattern of development within the area.

5.2.7 In terms of design the proposal is considered an improvement on the previously refused application (HOUSE/MAL/18/00226) as a result of the removal of the full width dormer windows and a more consistent fenestration pattern. Furthermore, the proposal is considered to better assimilate into the streetscene as a result of elements such as the two storey gable addition including a garage and a porch area. Front gable

projections, such as this, although they differ in scale, bulk and design, are not uncommon features within Mountview Crescent. For instance, albeit of a different design, the introduction of singular gable dormers and the gable projections makes reference to the neighbouring dwelling to the north (No. 50). Given that Mountview Crescent is made up of an eclectic mix of dwellings, it is considered that the provision of these architectural features that reference other dwellings in the streetscene result in a proposal which would not cause material harm to the character and appearance of the area and therefore, in that regard are in accordance with policies S1, D1 and H4 of the LDP.

5.2.8 The proposed park single storey, part two storey rear extension by way of its scale, bulk and design is considered to be in keeping with the dwelling to an acceptable degree. Furthermore, as the proposal is situated to the rear of the dwelling it is not considered to result in detrimental harm to the character and appearance of the streetscene.

5.2.9 Having regard to the above assessment, it is considered that the development would cause material harm to the character and appearance of the existing dwelling, the streetscene and the locality in general, contrary to policies S1, S8, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.3.2 The application site has two adjacent neighbouring properties at No.46 to the south and No.50 to the north. The proposed development would be set approximately 0.9 meters from the property boundary of No.50, and 1.5 meters away from the property boundary of No.46.

5.3.3 To the south of the application site is 46 Mountview Crescent. The submitted site plan shows that the side elevation of this dwelling is located a minimum of 2.2 metres from the shared boundary with the application site, the existing southern elevation, which will not alter would be 1.5 metres from the same shared boundary and the southern elevation of the rear extension would be 3.5m away from the neighbouring dwelling to the south. The north elevation of the neighbouring property features 2 windows on the inset return part of the dwelling and a conservatory to the rear. Plans approved under the terms of application FUL/MAL/99/00422 at that property suggest that the windows serve a bathroom and a kitchen neither of which are habitable accommodation. The proposal would extend beyond the rear of the adjacent elevation of the neighbouring dwelling by 2.2m. However, given that the rear element adjacent to No. 46 is single storey in nature and would be set 3.5m from the neighbouring property, it is not considered that it would have an overbearing impact on the neighbouring occupiers or would result in a loss of light to the neighbouring windows.

5.3.4 There are also no first-floor windows proposed in the southern elevation of the proposal. Therefore, it is not considered that the proposal would result in a loss of privacy to the occupiers of No. 46 Mountview Crescent.

- 5.3.5 The northern elevation of the application dwelling would be located 0.9 metres from the shared boundary with 50 Mountview Crescent, which is no closer than existing. The two storey rear projection would be located 1.4m from the shared boundary and would project 3.2m further than the rear of No. 50.
- 5.3.6 Although the neighbouring property of 50 Mountview Crescent has two windows at ground floor in the south elevation which faces the application site, it is noted that these windows are set 1.8 metres from the boundary and would therefore be 2.7 metres from the extended dwelling. Plans approved under FUL/MAL/06/00059 demonstrate that these windows serve a hall and a study and are therefore not considered to be rooms that are used as primary habitable accommodation. In these circumstances it is not considered that increasing the height of the dwelling within the site would increase the level of harm by way of overlooking, loss of privacy or loss of light. Furthermore, although the two-storey projection would extend 3.2m further than the rear of No. 50, the proposal would be set 1.4m from the boundary, with an eaves height of 4.6m and a ridge height of 6.8m which rakes away from the neighbouring property. Therefore, given the separation distance, that the proposal is situated to the south of the neighbouring dwelling, it would not be of a significant height and that the neighbouring garden has a significant depth, it is not considered that the proposal would result in a loss of light or have an overbearing impact on the neighbouring occupiers to a degree which would warrant refusal of the application.
- 5.3.7 There are three first floor windows proposed in the northern elevation, which would serve a landing, en-suite and bathroom. The submitted plans show that these windows would be obscure glazed which can be secured via a condition. Although the landing window is only proposed to be obscure glazed to half height, it does not serve a habitable room and would be obscure glazed up to 1.7m from the internal floor level, which can also be secured via a condition. Therefore, it is not considered that the proposal will result in material harm to the amenity of the neighbouring occupiers by way of overlooking.
- 5.3.8 The proposed first floor window and dormer would be a minimum of 28 meters from the boundary shared with No.77a Main Road to the rear and 2.8 m from No. 50 and 3.5m from No. 48 Mountview Crescent and therefore would not cause unacceptable overlooking.
- 5.3.9 Based on the above assessment, it is not considered that the proposed development would adversely impact the amenity of the neighbouring occupiers in accordance with policy D1 of LDP and the NPPF.

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 are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.4.3 As a result of the development, two additional bedrooms would be created. The existing hardstanding to the front of the site provides space to park two vehicles; furthermore, the proposal contains the addition of an integral garage which could be used for one further vehicle. Whilst it is noted that there is a parking space proposed to the front of the garage, the standards require that a space in front of a garage has a depth of 6m to allow the garage door to open. Therefore, there is not sufficient space in this location to park a car. Nevertheless, there is space to park three vehicles through the provision of the garage and the remainder of the hardstanding. Therefore, there are no objections to the proposal in terms of Access, Parking and Highway Safety.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.5.2 The proposal would result in a loss of the front/side amenity space. However, the remaining amenity space would be well in excess of 100m² and therefore, there is no objection in this regard.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/16/00186** Extensions and alterations to form two storey dwelling Refused
- **HOUSE/MAL/16/01444** Extensions and alterations to form two storey dwelling (Resubmission), Refused
- **HOUSE/MAL/17/01188** Extensions and alterations to include first floor accommodation, Refused
- **HOUSE/MAL/18/00226** Part first floor, part two storey rear extension, single storey side extension and replacement roof with dormers to front and rear, Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
St Lawrence Parish Council	No comment	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a surface water and foul drainage condition	Given that there is existing built form at the site, and the overall foot print of the dwelling will not substantially increase it is not considered reasonable or necessary to impose these conditions.

7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Application proposed a replacement dwelling.	Addressed at section 5.1 of the report.
Proposal is similar to what has previously been refused.	This is addressed at sections 3.1 and 5.3 of the report.
Proposal is in close proximity to neighboring dwelling (No. 50) and has a significant eaves height.	This is addressed at section 5.4 of the report.
Proposal will create a 4 metre expanse of walling with a height of almost 5m adjacent to the neighbouring amenity space, resulting in a loss of light, overshadowing and will be overbearing.	This is addressed at section 5.4 of the report.

Objection Comment	Officer Response
Proposal will overshadow the study window of No.50.	This is addressed at section 5.4 of the report.
The proposed side elevation shows a half glazed landing window which will result in overlooking into the study at No. 50.	This is addressed at section 5.4 of the report.
The proposed front extension has too great a depth, width and includes an ugly design feature (garage door) contrary to policy D1.	Addressed at section 5.3 of the report
The architectural style, design features, height, size, scale, massing, layout, proportion, townscape setting, layout, orientation and density is wholly unacceptable contrary to the NPPF.	This is addressed at section 5.3 of the report.
Extensions are not of an appropriate scale and design contrary to policy H4.	This is addressed at section 5.3 of the report.

8. **PROPOSED CONDITIONS**

- 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).
- The development hereby permitted shall be carried out in complete accordance with approved drawing: MOUNTVIEW/01, MOUNTVIEW/04, MOUNTVIEW/02, MOUNTVIEW/03, MOUNTVIEW/05, MOUNTVIEW/06, MOUNTVIEW/07, MOUNTVIEW/08.
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.
- The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed on plans MOUNTVIEW/07, MOUNTVIEW/08.
REASON To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
- Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.
REASON To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
- Notwithstanding the provisions of Article 3 of the Town and Country Planning5. (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall

be used only for the parking of a motor car in connection with the residential use of the property.

REASON To ensure that there is sufficient parking provision at the site in accordance with policies S1 and T2 of the LDP.

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

REASON In the interests of neighbouring amenity in accordance with policies S1 and H4 of the LDP.

7. The roof area of the single storey element of the extension hereby approved shall not be used as a storage area, balcony, roof garden or similar amenity area.

REASON In the interests of neighbouring amenity in accordance with policies S1 and H4 of the LDP.