

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

06 April 2021

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 14 APRIL 2021** at **6.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN

Councillor N J Skeens

VICE-CHAIRMAN

Councillor V J Bell

COUNCILLORS

M G Bassenger
B S Beale MBE
R G Boyce MBE
Mrs P A Channer, CC
R P F Dewick
M W Helm
A L Hull
W Stamp





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 14 APRIL 2021

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 17 March 2021 (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. **21/00088/FUL - Burnham Yacht Harbour Foundry Lane Burnham-on-Crouch**
(Pages 21 - 34)

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

6. **21/00101/FUL - Land Adjacent Hipseys Cottage The Street Steeple** (Pages 35 - 48)

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

7. **Any other items of business that the Chairman of the Committee decides are urgent**
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Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5-6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation. The first person to register in each category will be sent a Microsoft Teams invitation which will allow them to join the 'live' meeting to make their statement.
4. For further information please see the Council's website – www.maldon.gov.uk/committees
 - * Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

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

iii) Maldon District Council

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

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

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
17 MARCH 2021**

PRESENT

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

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through the etiquette for the meeting and then asked Officers and Councillors in attendance to introduce themselves.

This was followed by a roll call of Committee Members present.

2. APOLOGIES FOR ABSENCE

There were none.

3. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 17 February 2021 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, disclosed a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, waste, education and all planning related matters.

Councillor M G Bassenger disclosed a non-pecuniary interest in Agenda Item 7-20/01275/FUL, Commercial Area, Bradwell Marina, Waterside Road, Bradwell-on-Sea, as he was a member of the same tennis club as the grandson of the owner of the Bradwell Marina.

5. **20/01163/FUL - ORCHARD COTTAGE, 36 MOUNTVIEW CRESCENT, ST LAWRENCE**

Application Number	20/01163/FUL
Location	Orchard Cottage, 36 Mountview Crescent, St Lawrence
Proposal	Demolition of existing bungalow and construction of 2 new dwellings.
Agent	Mr Dean McLeod - Mill Architecture
Target Decision Date	19.03.2021
Case Officer	Hayleigh Parker-Haines
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In by Councillor Channer Reason: D1, D5, S1, S8 and H4.

A Members' Update had been circulated prior to the meeting that detailed a second consultation from the Parish Council. A further verbal Members' Update was received detailing an additional condition for section 8 of the report, that ensured the first floor windows on both the northern side elevation of plot 1 and the southern side elevation of plot 2 were obscure glazed and of a non-opening design.

Following the Officer's presentation, the Chairman opened the debate.

Councillor Channer, having called in the application, referred to paragraph 3.3.1 of the Officer's report that stated, 'on balance the proposed development would be acceptable and in accordance with the National Planning Policy Framework'. She expressed concern regarding the small size of the properties and the overall design in relation to other properties in the surrounding area. These concerns were echoed by both Councillor Bell and Councillor Helm. It was noted that whilst small properties were needed in the area, these looked squeezed into a small space.

The Lead Specialist Place referred to the Officer's report at paragraph 3.1.1 where it was noted that the site was an eclectic mix of properties in terms of design and appearance. He reminded Members that as decision-makers it was imperative to decide if this application would cause demonstrable harm to the area given the existing mix and design of properties.

There being no further discussion the Chairman moved the Officer's recommendation to approve the application subject to all conditions and this was seconded by Councillor Beale.

Following a vote and there being an equality of votes the Chairman used his casting vote and the application was approved

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MA-1006-01, MA-1006A-02B, MA-1006A-03, MA-1006A-04A and MA-1006A-05A

REASON To ensure that the development is carried out in accordance with the details as approved.

3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

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

4. Prior to the occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Hard surfacing materials;
- iii. Planting details.

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

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

REASON In the interests of local amenity 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.

5. No development works above ground level shall occur until details of the surface water 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. The scheme shall ensure that for a minimum:

1. The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
2. Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

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

REASON To ensure the incorporation of an appropriate surface water drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

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

REASON To ensure the incorporation of an appropriate foul water drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

7. 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 garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON In the interests of local amenity 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.

8. 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 of the dwelling hereby permitted without planning permission having been obtained from the local planning authority.

REASON In the interests of local amenity 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.

9. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway

REASON In the interest of pedestrian and highway safety during construction works, in accordance with policy T2 of the LDP

10. The hardstanding proposed to the front of each dwelling as shown on plan MA-1006A-05A, shall be used solely for parking and shall be retained as such in perpetuity.

REASON To ensure sufficient on-site parking provision is provided in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

11. To ensure the first floor windows to the northern side elevation of Plot 1 and the southern side of Plot 2 are obscure glazed and of a non-opening design.

REASON To protect the residential amenity of neighbouring occupiers, in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

6. 20/01238/FUL - BARN AT LITTLE ACRE, SCOTTS HILL, SOUTHMINSTER

Application Number	20/01238/FUL
Location	Barn at Little Acre, Scotts Hill, Southminster
Proposal	Conversion of an agricultural barn into one 3 bedroom residential unit. New openings, addition of rooflights, solar panels and air source heat pump. Removal of existing lean to building and asbestos roofing and cladding.
Applicant	Mr & Mrs Day
Agent	Stanley Bragg Architects Limited
Target Decision Date	19.03.2021
Case Officer	Louise Staplehurst
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from Local Plan

A Members' Update had been circulated prior to the meeting that detailed receipt of a unilateral undertaking that was with the Council's Legal Department for checking. The Update also detailed a further amendment to condition 6.

Following the Officers' presentation, the Chairman opened the debate on the application. In response to a query about Southminster Parish Council's view of the application, the Officer confirmed that supporting comments had been received from the council. Councillor Bell said she could see no demonstrable harm caused by this application and would support it.

There being no further comments the Chairman moved the Officer's recommendation to approve the application subject to conditions and completion of a s106 agreement. This was seconded by Councillor Bell.

The Chairman put the recommendation to the Committee and it was agreed by assent

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.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 6774-1602-A, 6774-1401-A, 6774-1302-C, 6774-1301-B, 6774-A-1205-E, 6774-A-1204-E, 6774-A-1203-E, 6774-A-1202-B, 6774-A-1201-B, 6774-1103-B, 6774-1102-B, 6774-1101-B
REASON To ensure the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District

Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

6. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction
- Hours and days of construction operations.

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 policies D1 and T2 of the Local Development Plan.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be

implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 years events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1.greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

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

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

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

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. The integral garage and first floor storage area shall remain available for the parking of vehicles and domestic storage in perpetuity and shall at no time be converted into habitable accommodation.

REASON To ensure that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

10. Details of the refuse stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.

REASON To ensure that adequate refuse facilities are proposed in accordance with policies D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

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

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

7. 20/01275/FUL - COMMERCIAL AREA, BRADWELL MARINA, WATERSIDE ROAD, BRADWELL-ON-SEA

Application Number	20/01275/FUL
Location	Commercial area, Bradwell Marina, Waterside Road, Bradwell-On-Sea
Proposal	Construction of 3No. commercial workshop units
Applicant	East Coast Developments
Agent	TMA Chartered Surveyors
Target Decision Date	01.03.2021
Case Officer	Louise Staplehurst
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Floorspace of the development over 1000sqm

A Members' Update had been circulated prior to the meeting that detailed an amendment to the plans referenced in condition 2.

Following the Officer's presentation, the Chairman opened the debate on the application. Councillor Stamp said it was great that boat building trades and associated services were being revived and she wholeheartedly supported the application. Councillor Channer echoed this and added that it presented an opportunity for young people to gain skills and provided employment, so she supported the application.

The Chairman moved the Officer's recommendation to approve the application subject to conditions. This was seconded by Councillor Stamp.

The Chairman put the Officer's recommendation to the Committee and it was agreed by assent

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

1. The development hereby permitted shall begin no later than three years from the date of this decision.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The proposed development shall be carried out in complete accordance with the following plans and drawings: TMA/882/P10 B, TMA/882/P15, TMA/882/P21 B, TMA/882/P25, TMA/882/P30, TMA/882/P31, TMA/882/P22, TMA/882/P20 Rev A, TMA/882/23, Planning Statement, Economic Statement.
REASON To ensure the development is carried out as approved.
3. Prior to their use in the development hereby approved, written details and samples and/or high-quality photographs of the external materials to be used in the development shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the details as approved.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
4. The development hereby approved shall only be used for a B2 General Industrial use, specifically related to the marine industry.
REASON To ensure the appropriate use of the site and to protect the amenity of the surrounding area, in accordance with policies S8 and D1 of the LDP.

- 5 Prior to the first use of the development hereby approved, 30 car parking spaces, measuring 2.9m wide by 5.5m deep in accordance with the Maldon District Vehicle Parking Standards, shall be laid out within the site, to the north of the building hereby approved. These spaces shall remain as such in perpetuity.
REASON To ensure appropriate parking is provided at the site, in accordance with policy D1 and T2 of the LDP.
- 6 The use hereby permitted shall only be undertaken between 07:00 hours and 19:00 hours on weekdays and on Saturdays and not at any time on Sundays and Public Holidays.
REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the LDP.
- 7 Deliveries to and collections from the site shall only be undertaken between 06:30 hours and 19:30 hours on weekdays and on Saturdays and not at any time on Sundays and Public Holidays.
REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the LDP.
- 8 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
- 9 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the local planning authority.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
- 10 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. Proposes finished levels contours;
 - ii. 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. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed,

uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 11 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
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON In the interests of the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 12 Prior to works above ground level, full details of the surface water drainage and foul drainage scheme to serve the development shall be submitted to and approved by the local planning authority for approval. The development shall be carried out as approved and retained and such thereafter.

REASON In the interests of appropriate drainage and protection from pollution, in accordance with policy D2 of the LDP.

- 13 Prior to the first use of the development hereby approved, a scheme for the management of recycling and waste to serve the development, including bin storage areas, shall be submitted to approved by the local planning authority. The development shall be carried out in accordance with the details as approved and retained as such thereafter.

REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 14 No machinery shall be operated and no process shall be undertaken outside of the building hereby approved.

REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.

8. 21/00012/VAR - THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER, ESSEX

Application Number	21/00012/VAR
Location	Theedhams Farm, Steeple Road, Southminster, Essex

Proposal	Variation of condition 19 (highway works) on approved planning permission 14/00613/OUT allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.)
Applicant	DWH Eastern Counties
Agent	N/A
Target Decision Date	15.04.2021
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application

Following the Officer's presentation, the Applicant, Mr Webber, addressed the committee. The Chairman then opened the debate on the application.

Councillor Bell noted that it was eminently sensible to ensure that construction traffic did not mix with residential traffic and supported the application.

There being no further discussion the Chairman moved the Officer's recommendation to approve the application subject to conditions and the completion of a deed of variation to the s106 unilateral undertaking. This was seconded by Councillor Stamp.

The Chairman then put the recommendation to the Committee and it was agreed by assent.

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

1. The development hereby permitted shall be carried out substantially in accordance with drawing number 3A received on 27.02.2015 (Site Plan) and 1475/9 (Access Arrangements).
REASON To ensure the development is carried-out as approved.
2. The development shall be carried-out in accordance with the details approved as part of the following applications:
18/05015/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 5 - Proposed phasing of development. Condition 7 - Tree retention & protection. Condition 8 - Fencing & ground protection for trees. Condition 9 - Foul Water Strategy. Condition 10 - Surface water drainage scheme. Condition 12 - Scheme to minimise the risk of off-site flooding. Condition 16 - Ecological Survey. Condition 18 - Construction method statement. Condition 21 - Air quality assessment. Condition 22 - Superfast broadband – Approved 23.11.2018

18/05022/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 11 - Modelling of Asheldham Brook – Approved 23.11.2018

18/05070/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 14 - Archaeological Assessment – Approved 22.05.2018

18/05141/DET - Compliance with conditions notification of application OUT/MAL/14/00613 allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre). Condition 13 - Flood response plan. Condition 17 - Lighting strategy – Approved 29.10.2018

18/00752/RES - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on planning application OUT/MAL/14/00613 which was allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) – Approved 23.11.2018

20/05114/DET - Compliance with conditions notification 14/00613/OUT allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) Condition 19 - Highway works – Approved 08.12.2020

3. The development shall proceed in compliance with the agreed phasing schedule as approved as part of 18/05015/DET.
REASON To ensure that amelioration and enhancement benefits are delivered to an appropriate timescale.
4. No existing trees within the site or overhanging the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority.
REASON To ensure the development blends in, in accordance with Policies S1, S8 and D1 of the approved Local Development Plan and the NPPF.
5. The protective fencing and ground protection approved as part of 18/05015/DET shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be

planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON To ensure that the proposed development blends in, in accordance with Policies S1, S8 and D1 of the approved Local Development Plan and the NPPF.

6. The development shall be carried out in accordance with the foul drainage details approved as part of 18/05015/DET and shall be maintained and retained in that form thereafter.

REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.

7. The surface water drainage scheme, including means of attenuation and disposal of surface water from the site, the use of SuDS, an implementation time table and future management of the scheme, approved as part of 18/05015/DET shall be carried out in accordance with the approved details.

REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.

8. The new on-site culvert in Asheldham Brook shall be managed and maintained in accordance with the details as approved as part of application 18/05022/DET.

REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.

9. The Flood Response Plan approved as part of 18/05141/DET shall be made available to all prospective occupiers prior to their first occupation of any dwelling.

REASON To ensure that future occupiers are aware of the Flood Response Plan, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.

10. The development shall be carried out and completed in accordance with the ecological mitigation scheme approved as part of application 18/05015/DET.

REASON To ensure that the proposed development protects flora and fauna, in accordance with Policy N2 of the approved Local Development Plan and the NPPF.

11. With the exception of domestic garden/security lighting for each dwelling, the development shall be completed in accordance with the lighting strategy approved as part of 18/05141/DET and once implemented shall be retained in accordance with the approved scheme.

REASON To prevent light pollution, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.

12. The Construction Method Statement approved as part of application 18/05015/DET shall be adhered to throughout the construction period.

REASON A construction method statement will ensure that development minimises inconvenience to local residents, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.

13. The development shall be carried-out in accordance with the highway works approved as part of 20/05114/DET within 3 months of the occupation of the 80th dwelling and retained as such thereafter.

REASON To ensure the highway works are carried out in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Local Development Plan.

14. The two bus stops approved as part of 18/00752/RES shall be retained as approved.

REASON To ensure the bus stops are installed to maximise use of public transport, in accordance with Policy T2 of the approved Local Development Plan and the NPPF.

15. The development shall be carried out in complete accordance with the air quality assessment and mitigation measures approved as part of 18/05015/DET and retained as such thereafter.

REASON To ensure air quality is not harmfully affected by the proposed development in the interest of public health and convenience, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.

16. The development of the site shall be carried out in accordance with the superfast broadband strategy approved as part of 18/05015/DET.

REASON To ensure provision is made during construction for ducting for broadband in the interest of public health and convenience, in accordance with Policy S1 of the approved Local Development Plan and the NPPF.

There being no further items of business the Chairman thanked all for their contributions and closed the meeting at 6.53 pm.

N J SKEENS
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 April 2021

Application Number	21/00088/FUL
Location	Burnham Yacht Harbour, Foundry Lane, Burnham-on-Crouch
Proposal	Temporary permission for a single mobile home for security staff accommodation for a period of 18 months.
Applicant	Mr Richard Lingard – Burnham Yacht Harbour
Agent	Mr John James – John James Associates
Target Decision Date	16 April 2021
Case Officer	Hannah Dungate
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by Cllr V J Bell citing Policies RI.3 and RI.4 of the Burnham Development Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

Burnham Yacht Harbour Foundry Lane Burnham-On-Crouch
21/00088/FUL



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	26/03/2021
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies outside of the defined settlement boundary of Burnham-on-Crouch and is located north of an established marina. At the harbour there is a boat workshop, admin offices, restaurant, chandlery and storage yard. The site is located on the north bank of the River Crouch in Flood Zone 1 and is located west of an existing Country Park. Access to the site is taken from Foundry Lane, within the settlement boundary of Burnham, and there are public footpaths located south and north of the yacht harbour buildings.
- 3.1.2 The application is retrospective in nature and it proposes to regularise the use of one mobile home for security staff accommodation for a period of 18 months. This application follows a previously refused application for the regularisation of two mobile homes located at the site to both be used as staff accommodation (application ref. 20/00918/FUL). As part of the current application, the application has advised that the second mobile home would not be included for consideration as part of the current application and would be removed from the site. However, it is understood that this mobile home has not yet been removed and remains in situ next to the mobile home subject of this planning application. Both mobile homes are located north of the existing marina offices, at the rear of an existing storage yard.
- 3.1.3 The planning statement that has been submitted with the application states that due to the ongoing Covid-19 pandemic, a mobile home is required for temporary habitable accommodation for a permanent member for staff to remain on site for security purposes. It is stated that due to the pandemic, the existing security arrangements at the yacht harbour has deteriorated as staff that used to work in the restaurant, and would provide security at the site, are no longer working.

3.2 Conclusion

- 3.2.1 Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development by reason of its location outside the defined settlement boundary, which would result in material harm to the character of the area. The evidence supplied is also not considered adequate to sufficiently justify that there is an essential or functional need for a security person to live on site, and that there are not suitable dwellings available in the locality of the site to accommodate the worker, or that the scale and nature of the development is related to the needs of the business. Furthermore, the development would have an impact on the amenity of the future occupiers of the mobile home as a result of lack of amenity space within a working storage yard. In light of the above, it is considered that the development would be contrary to the policies of the development plan to an extent that cannot be outweighed by the arguments in favour of the proposal that have been set out by the applicant.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application seeks to regularise the siting of one mobile home to be used for security staff accommodation at the site on a temporary basis of 18 months. The site lies just outside the defined settlement boundary of Burnham-on-Crouch which is considered to be a Main Settlement, within the Maldon District Local Development Plan (MDLDP), which has a range of services and good public transport links. Although it is acknowledged that the Council cannot demonstrate a 5 Year Housing Land Supply (5YHLS) at present, and therefore settlement boundaries are given less weight, given the temporary nature of this application is not considered a material consideration in this case.
- 5.1.2 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 National Planning Policy Framework (NPPF) and will apply, inter alia, the following key principles in policy and decision making:

- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations;
- 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;
- 4) Support growth within the environmental limits of the District;
- 5) Emphasise the importance of high quality design in all developments;
- 6) Create sustainable communities by retaining and delivering local services and facilities;
- 12) Maintain the rural character of the District without compromising the identity of its individual settlements;
- 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”

5.1.3 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that 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 Policies S1 and S2, Policy S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.5 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the vitality of rural communities. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise, such as in case there is an essential need for a rural worker to live in the countryside. This is supported by policy S8 which seeks to support housing within settlement boundaries.

5.1.6 Although Policy H7 of the MDLDP has been mainly designed to assess proposals for agricultural and essential workers accommodation in the countryside, given that the proposal relates to a business outside of the defined settlement boundary and it seeks to regularise the use of one mobile home for residential purposes, it is considered that the thrust of the policy is largely relevant to the current proposal.

5.1.7 Policy H7 requires “Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

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

5.1.8 The information submitted with the application suggests that the proposed development for the use of the mobile home for security staff accommodation is necessary due to the ongoing Covid-19 pandemic to provide additional security. It has been stated that habitable accommodation is necessary for a permanent member of staff to live on site to deal with issues and emergencies at any time of the day or night. The applicant has advised that the need for security staff accommodation has arisen due to the fact that existing members of staff at the Swallowtails restaurant, including cleaners are no longer working on site, due to the pandemic.

5.1.9 Although officers are satisfied that the site hosts an established harbour-related function, as per the following assessment, it is not considered that the evidence submitted has suitably demonstrated the essential need for a workers’ dwelling in this location.

5.1.10 Whilst acknowledging that a security guard may sometimes be required on site, it has not been demonstrated that there is an essential need for a workers’ dwelling on site on a permanent basis. The planning statement submitted with the application states that the existing security function at the site is undertaken by members of staff at the Swallowtail restaurant and Chandlery. These staff members work up to midnight and then cleaners arrive on site at 6am every morning. From the details provided, this would mean that there is no existing need for security staff to be present at the Harbour overnight, or indeed for 24 hours a day, as is proposed for the current application. As there does not appear to be a need for a security member to be on site overnight, there is no reason to suggest that a member of staff cannot carry out their duties on a shift basis and then return to their residential properties after this. Similar to the situation with other employees, there can be a designated space for staff to reside within the existing buildings on site, and then return to residential properties after that shift without the need for a member of staff to reside on site on a 24/7 basis.

5.1.11 As it is considered that other security measures could be put in place that would not require a person to live on site. In a recent appeal decision for the provision of a temporary security caravan at Carbuncle Farm, Maldon Road, Burnham-on-Crouch

(APP/X1545/W/20/3253807 refers), the Inspector noted that “I am not convinced that there is an essential need for a rural worker to live on the site given the availability of other options to the appellant to deter and prevent thefts from the site, such as installing gates and other security measures or storing valuable equipment elsewhere.” As it has not been evidenced that any other security measures have been taken at the site, it is not considered that there is basis to accept that the erection of a dwelling at this location is a proportionate means of addressing these concerns.

- 5.1.12 Although the proposal no longer includes the siting of the second mobile home for future accommodation of staff, this mobile home remains on site. Nevertheless, given that the application relates to the siting of one mobile home, instead of two, it must be considered on this basis. The application form states that the proposed increase of employees at the site would be one. As it is considered that the needs of the business do not justify the siting of a mobile home on site, and that this employee could make use of the existing facilities on site, whilst on shift, it cannot be the case that the siting of a mobile home at the site, which could reasonably accommodate more than one person, would be commensurate to the identified needs of the enterprise concerned. As such, the development would be contrary to criteria 1 and 4 of policy H7.
- 5.1.13 In relation to criterion 2 of policy H7, as part of both the current and previous application, no evidence has been submitted with the application demonstrating that there are no other available dwellings in the wider area which could be made available to the member of staff. For the reasons discussed above, the mobile home is not therefore considered necessary to be located in the immediate vicinity of the site. With regard to criterion 3, no objection is raised that Burnham Yacht Harbour is an established business.
- 5.1.14 For the reasons discussed in detail above, it is considered that the need of the mobile home to be used as staff accommodation on a year-round basis has not been justified and would not therefore accord with Policy H7 of the MDLDP. The preamble of policy H7 advises that “The application must demonstrate that new residential accommodation on that site is essential, rather than convenient, for the enterprise” and it is not considered that this has been demonstrated.
- 5.1.15 Within the Burnham Development Plan, Policies RI.3 and RI.4 relate to Retention of Primary River Related Employment Uses and Secondary River Related Employment Uses. Policy RI.3 states that *‘buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix 1) will be safeguarded.’* One the of the buildings listed in figure 8 is the Burnham Yacht Harbour. Although the mobile home would be used for staff accommodation in association with Burnham Yacht Harbour, it is not considered, as per the above assessment, to have a functional or essential need for the business. Therefore, it is not considered a structure worthy of retention in this instance. It should be noted that this policy also goes on to state that *‘Insofar as planning permission is required their conversion to residential use will not be supported.’* Although the mobile homes do not comprise part of the primary existing buildings at the Yacht Harbour, and have been sited there

as unauthorised development, it is still considered that, in principle, a residential use in this location is not appropriate and will not be supported.

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. These principles have been incorporated in policy D1 of the LDP and the Maldon District Design Guide (MDDG) (2017).

5.2.2 As can be seen from the aerial photograph below, the area north of the Yacht Harbour buildings has been used for storage purposes and a number of metal storage containers located on site are considered immune from enforcement due to the passing of time. Despite this, the area is largely open, and the addition of a mobile home with associated residential paraphernalia within this space would intensify the use of this site. Although the application site accommodates existing storage containers, the addition of the residential caravan increases the amount of structures at the site which are inappropriate and harmful to the rural area. It is noted that, since the previously refused application, the applicants' intentions to remove the second mobile home from the site has not yet been achieved; there is an ongoing enforcement case in relation to this second mobile home and the subject mobile home (the latter has been suspended pending the outcome of this application) outside of this application process.



5.2.3 It is important to note that in a recent appeal decision for the provision of a temporary security caravan at Carbuncle Farm, Maldon Road, Burnham-on-Crouch (APP/X1545/W/20/3253807 refers), the Inspector noted that “the caravan is already

in position and sited against the side of a large agricultural building. Its position against a large, conventionally designed, agricultural building increases this prominence and emphasizes the discordant nature in this countryside location...its presence harms the character and appearance of the area.” The location of the mobile home as part of this application is similar due to the fact that it is sited next to and in front of existing workshop buildings at the harbour and can therefore be considered in a similar vein. Furthermore, whilst it is noted that there is a hedge located along the northern boundary of the site, this does not provide full screening of the site and therefore does not sufficiently mitigate against the harm identified. Therefore, the development is considered to be harmful to the character and appearance of the countryside contrary to the stipulations of policies S1, S8, H7 and D1 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 Due to the remote location of the mobile home away from any nearby properties, it would not cause harm to the amenities of any neighbouring residents.
- 5.3.3 Whilst the occupier of the mobile home would be subject to some noise disturbance from the neighbouring boat workshops during the day, given the nature of the proposal to be used in association with the harbour practices, it would not be reasonable to object to the proposal on these grounds.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposal would utilise an existing access and, on balance, any increased activity due to the increased vehicle movement would be limited considering the overall scale of the harbour park.
- 5.4.3 According to the Vehicle Parking Standards Supplementary Planning Document (VPS SPD), one parking space is required per residential staff caravan. No plans have been submitted to show the provision of vehicle parking spaces at the site and it is therefore not known where the car parking spaces would be located. However, it is noted that there is sufficient hardstanding and a Yacht Harbour car park located east of the site which could accommodate the required number of spaces. Although the hard standing is located outside of the application site, it is on land that is within

the applicant's ownership. Therefore, taking a reasonable and pragmatic stance, it is considered that there would be sufficient parking within the wider site to provide parking for two 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.
- 5.5.2 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 25m² for flats.
- 5.5.3 There is no amenity space provision to be used in association with the mobile home at the site. The applicant has argued that as the mobile home is to be located at the site on a temporary basis, and that there is suitable amenity space at the nearby Country Park such that private amenity space is not required for the occupier of the mobile home. Although it is acknowledged that the proposal would be on a temporary basis of 18 months, it is also proposed that a person would be living at the unit on a permanent basis, 24/7, for those 18 months. Given that the living conditions of this member of staff are paramount in considering the acceptability of the scheme, it is considered that the development, in its current form, does not make sufficient provision for private amenity space which is detrimental for the living conditions of the current and future occupiers of the unit, contrary to policy D1 and guidance contained within the MDDG 2017.

5.6 Flood Risk

- 5.6.1 The application site is located within Flood Zone 1 just outside of Flood Zone 3a, defined by Planning Practice Guidance (PPG) as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.6.2 A Flood Risk Assessment (FRA) has been submitted with the application, which states that the caravans are located a minimum of 600mm above external levels. Although the development is considered to be highly vulnerable it is considered that it would operate with minimal risk from flooding and would not increase flood risk elsewhere.

5.7 Ecology regarding development within the zone of influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.7.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. Based on the plans submitted, Natural England (NE) have provided a consultation response advising that the proposed development will not have a significant impact on statutorily protected nature conservation sites or landscapes. As a result of this, it is

considered that mitigation, in the form of a financial contribution is not therefore necessary in this instance.

6. ANY RELEVANT SITE HISTORY

- **20/00918/FUL** – Temporary permission for two mobile homes for staff accommodation for a period of 18 months. Refused 19/01/2021 for the following reasons:
 1. The development has resulted in the provision of residential units outside of any settlement boundary and has a significant detrimental impact upon the character and appearance of the surrounding countryside due to its design, siting and layout. The evidence supplied is not considered adequate to sufficiently justify that there is a functional need for workers to live on site, that there are not suitable dwellings available in the locality of the site to accommodate the workers or that the scale and nature of the development is related to the needs of the business. It is considered that the harm identified is not outweighed by other material planning considerations. Insufficient information has been submitted to demonstrate the essential need for workers' accommodation in this location. Therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
 2. The siting of the proposed mobile home within the middle of the working storage yard and adjacent to existing workshop buildings would mean that no usable private amenity space would be provided, which would not be acceptable for properties of this size and would be to the detriment of the living conditions of the future occupier. The proposed development is not therefore in accordance with policies D1 and H4 of the approved LDP.
 3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	Support this application	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No response received	Noted
Natural England	No objection	Noted
County Highways	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections to the proposal but highlight the fact that the applicant will require a licence under the provisions of the Caravan Sites and Control of Development Act 1960 for the caravan if permission is granted.	Noted. Should permission be granted for the proposal an informative would be attached to this effect.

7.4 Representations received from Interested Parties

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

Supporting Comment	Officer Response
Security arrangements, including 24-hour measures are welcomed.	Noted.
Proposal will enhance security at the Harbour during pandemic and as lockdown eases	Noted.

8. REASONS FOR REFUSAL

- 1 The development has resulted in the provision of residential units outside of any settlement boundary and has a significant detrimental impact upon the character and appearance of the surrounding countryside due to its design, siting and layout. The evidence supplied is not considered adequate to sufficiently justify that there is a functional need for workers to live on site, that there are not suitable dwellings available in the locality of the site to accommodate the workers or that the scale and nature of the development is

related to the needs of the business. It is considered that the harm identified is not outweighed by other material planning considerations. Therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

- 2 The siting of the mobile home within the middle of the working storage yard and adjacent to existing workshop buildings would mean that no usable private amenity space would be provided, which would not be acceptable for properties of this size and would be to the detriment of the living conditions of the existing and future occupiers. The proposed development is not therefore in accordance with policies D1 and H4 of the approved LDP.

INFORMATIVES

- 1 The development is retrospective in nature and does not benefit from planning permission. The Council is therefore aware of the unauthorised development on site. You are reminded of the Local Planning Authority's power to consider taking enforcement action against the unauthorised development.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 April 2021

Application Number	21/00101/FUL
Location	Land Adjacent Hipseys Cottage The Street Steeple
Proposal	Construction of a new dwellinghouse.
Applicant	Mr Taylor
Agent	Mr Paul Lonergan - Paul Lonergan Architects
Target Decision Date	16.04.2021
Case Officer	Hannah Dungate
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In by Cllr P A Channer citing Policies S1, S8, D1 – Sustainable development, settlement boundaries and the countryside, design quality and environment.

1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Land Adjacent To Hipseys Cottage The Street Steeple
21/00101/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	26/03/2021
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the defined settlement boundary of Steeple and is the residential side garden associated with Grade II listed building, Hipseys Cottage. There is an existing detached garage outbuilding located within the plot, and dense vegetation. To the north of the site is undeveloped countryside, some of which consists of dense vegetation.
- 3.1.2 Within the immediate vicinity of the application site, on both the north and south sides of The Street, is a cluster of historic properties with group value that front The Street. The surrounding area largely consists of linear residential development set back from the road. To the east of the application site, properties comprise detached bungalows which are set back from the road and have parking areas to the front.
- 3.1.3 The proposal is for a detached one and a half storey property located within the residential side garden of Hipseys Cottage. It would be set back from the main road in line with the established building line of the bungalows located east of the site by 12.9m. A shared parking area is proposed to the front of the properties which would serve both Hipseys Cottage and the new dwelling. A tandem parking arrangement of two car parking spaces per dwelling is proposed within this space.
- 3.1.4 The property itself would have a pitched roof design, to reflect the character of Hipseys Cottage. The proposed fenestration within the front elevation would also be similar in style to the Grade II listed property. It would measure 5.85m in height, 4.9m wide and 9.2m depth. At its closest point, the proposed property would be located a distance of 1.2m from the existing shared boundary with the adjacent bungalow to the east and a distance of 0.9m from the proposed shared boundary with Hipseys Cottage, to the west.
- 3.1.5 It would have two bedrooms at first floor level and the proposed materials would be painted weatherboard, brick plinth and plain roof tiles.

3.2 Conclusion

- 3.2.1 The proposed development would be disconnected and isolated from services and facilities by reason of its unsustainable location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The proposed development, due to its design and layout, is also considered to be a contrived form of development which would result in significant harm to the character and appearance of the streetscene and the neighbouring listed building, Hipseys Cottage. Additionally, the development would detrimentally impact on highways safety due to the lack of a turning area as a result of the contrived nature of the proposed development and tandem parking arrangement.

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
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- 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) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards (VPS) SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision taking this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed' or

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 7 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out-of-date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan (LDP) through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'*
- 5.1.9 The application site is located within the defined settlement boundary of Steeple which is classified as a "smaller" village within the district which has few or no services and facilities and limited or no access to public transport. It is noted that the application site is located north of The Street which is the main thoroughfare

through Steeple connecting Latchingdon to Bradwell-on-Sea, which are also defined as smaller villages within the Maldon LDP. Although Mayland, which is defined as a Larger village with a limited range of services and opportunities for employment, retail and education within the LDP, is located on this main thoroughfare, it is around 2 miles from Steeple, which is a fairly substantial distance to walk to access nearby services along an unlit road where there are no public footpaths. Steeple is therefore located in a remote position within the countryside away from any nearby services or facilities and is not easily accessible by foot to be considered as a sustainable location.

- 5.1.10 Along The Street, there is a bus stop within a 5 minute walking distance to the west of the site, which is served by the 31C and D buses between Chelmsford – Maldon and Mayland. The 31C only runs once in the morning and once in the afternoon and the 31D runs only on Sundays. The D1 and D2 are demand responsive services which have to be booked in advance. The other buses serving the bus stop appear to be school buses. Therefore, the lack of suitable public transport services would severely restrict opportunities to use public transport to meet the day to day needs of the future occupiers. Based on this assessment, the location of the site would fail to discourage the use of private cars contrary to Paragraph 103 of the NPPF which states that *‘the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.’* Overall it is considered that the future occupiers would be heavily reliant on the use of private motor vehicles and the proposal would also fail to accord with the NPPF and Policy T2 of the Maldon LDP in this regard.
- 5.1.11 Whilst it is noted that paragraph 77-79 of the NPPF supports sustainable development in rural areas, where it will maintain the vitality of rural communities, Steeple, as stated above, is a small village with limited employment opportunities, with limited transport to larger villages/settlements. Therefore, when considering the sustainability credentials of the site, an objection is raised to the principle of new residential housing in this location.
- 5.1.12 The addition of one property within an unsustainable location would weigh against the proposal which would have limited benefit in making up the current housing land supply shortfall.
- 5.1.13 As such, having regard to the Council not being in a position to demonstrate a 5YHLS, the ‘tilted balance is engaged in respect of the assessment of this application as set out at paragraphs 5.1.3-5.1.6 above.

5.2 Housing Need and Supply

- 5.2.1 Recent case law, as noted above, and having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council’s current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The proposal would provide one two-bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.4 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 Whilst the proposed two-bedroom dwelling would contribute to the identified need for smaller houses, this only weighs slightly in favour of the development as only one dwelling is proposed. As only one dwelling is proposed, it is considered that the social and economic benefits would be negligible.

5.3 Design and Impact on the Character of the Area and Setting of Listed Building

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

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

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

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;

- e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act* 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will 'harm' the listed building's 'significance'. Policy D3 of the LDP states that '*development proposals that affect a heritage assets will be required to preserve or enhance its special character, appearance, setting and any feature and fabric of architectural or historic interest.*'
- 5.3.7 The nucleated village of Steeple was mostly developed from the 18th century. By the 19th century the village was composed mainly of labourers' cottages lining either side of The Street. The character of Steeple was radically changed as a result of slum clearance in the first half of the 20th century and the development of new houses. The 20th and early 21st century houses are set back from the highway whereas the frontages of the old cottages mostly abut the pavement. Most of the Georgian and Victorian cottages which survive are now grade II listed buildings.
- 5.3.8 Hipseys Cottage is a grade II listed building, first designated in 1986, which fronts the main road. It is a 1 ½ storey timber-framed and weatherboarded 18th-century cottage with a half-hipped roof clad in clay tiles. Unlike other old cottages in Steeple it is orientated at a right-angle to the highway with its half-hipped gable fronting onto The Street. It forms part of a small cluster of grade II listed cottages, either side of The Street, which have value as a group. The significance of Hipseys Cottage and the other nearby listed cottages can be said to relate to their age, vernacular character, traditional materials and the contribution they make to the street-scene. Hipseys Cottage features prominently in views down The Street from the east due to its orientation and the fact that the late-20th-century bungalows to the east of it are set back from the highway.
- 5.3.9 This application seeks permission to construct a house in the garden of Hipseys Cottage, set back from the highway so that it would align with the bungalows to the east. At the point where the new house is proposed, there is a noticeable change in character within the street scene, from a cluster of taller historic buildings fronting the main road, to contemporary bungalows which are lower in height and set back from the main road.

- 5.3.10 Although the design of the proposed house would be similar in scale, form and materials to Hipseys Cottage, and would not obscure any important views of the listed building, the new house which would be taller than the adjacent bungalows and would appear as an isolated taller building in this setback position. Given the surrounding context and the proposed positioning of the property towards the rear of the site it would appear out of character with this part of the street scene. It would noticeably change the balance of built form and the visual emphasis of built form towards the rear of the site which would be exacerbated by the setback position of the neighbouring bungalows. Because of this, the new house would appear as a prominent feature within the streetscene, particularly when viewed from the east, from The Street and the junction with Batt's Road. This isolated position would to some extent vie for attention with the listed cottage.
- 5.3.11 The harm caused by the siting of a dwelling in this location would also be exacerbated by the close proximity of the proposed dwelling to its neighbouring properties. When measured from the front elevation, the proposed dwelling would be positioned 1.8m from the side wall of the bungalow to the east, Baarregaroo, and 1.9m from the corner of the rear extension to the host dwelling to the west, Hipseys Cottage. The proposed dwelling would appear as a cramped and contrived form of development which would appear to have been forced in to a small wedge of amenity land, thereby increasing the density of development in this area, to the detriment of the character and appearance of the streetscene and the surrounding area.
- 5.3.12 Furthermore, the existing front hedgerow and railings currently provide a pleasant soft boundary treatment which complements the setting of Hipseys Cottage. The removal of most of the hedgerow and railings would be required in order to create a parking area for four cars, serving both the existing cottage and the proposed house. The proposed car dominated frontage, as well as the erection of a close-boarded fence along the eastern boundary of the site, would be less sympathetic to the setting of the cottage than the current arrangement. In these ways the development would detract from the setting of the listed building causing some minor harm to its significance.
- 5.3.13 To use the terminology of the NPPF and Policy D3 of the Maldon LDP, the proposal would cause "less than substantial harm" to the significance of the heritage asset. This harm must be weighed against the public benefits of the proposal which are considered limited in this instance given the above assessment. The degree of harm in this instance would be limited. Irrespective of the degree of harm, paragraph 193 of the NPPF requires local planning authorities to give great weight to the conservation of a heritage asset when considering a proposal. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building's setting. It is the opinion of the Council's Specialist – Heritage and Conservation that due to the minor harm posed by the proposal, the development poses some conflict with this duty.
- 5.3.14 Given that design of the dwelling has taken design cues from the existing listed property to the west, Hipseys Cottage, there is no objection in principle to the design of the dwelling when viewed in isolation. Notwithstanding the above, the materials are considered acceptable and if the application were to have been recommended for approval, a condition would have been included to ensure they would be in keeping with the character of the area.
- 5.3.15 It is noted that there is an existing single storey garage outbuilding where the proposed dwelling would be located however this is of a smaller scale and an

ancillary outbuilding which does not have the same harmful impact on the streetscene that the proposed dwelling would have.

- 5.3.16 Overall, the proposal is considered to conflict with Policies D1, D3 and H4 to the detriment of the character and appearance of the area and would cause minor harm to the setting of the adjacent listed building in conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 From the plans submitted, the proposed dwelling would be located 1.9 metres from the neighbouring property to the west. The proposed dwelling would project beyond the rear of Hipseys Cottage by 9.2m and would align with the neighbouring bungalow to the east. Although the new house would project quite deep beyond the rear of Hipseys Cottage it would be one and a half storeys in height and would be orientated east of the garden at Hipseys Cottage such that a significant loss of light would not occur. Whilst there would be some loss of light to the garden serving the neighbouring listed building, due to its scale, modest separation distance and the size of the neighbouring garden, it is not considered that the proposal would result in a level of overshadowing or sense of domination to an extent that would justify the refusal of the application. There are also no first-floor side windows proposed that would overlook this neighbour.
- 5.4.3 The proposed dwelling would be located 1.2 metres at its closest from the neighbouring bungalow Barreegaroo. The proposed development would not be considered an unneighbourly form of development to this property given its location next to an existing single storey flat roof element and would not project beyond the rear of this property.
- 5.4.4 The rear windows on the proposed dwelling would have some views of the neighbouring gardens however this would be at oblique angle only and would mainly face down the garden on the application site which would not result in such a level of overlooking that would justify the refusal of the application.
- 5.4.5 It is considered that the future occupiers of the proposed dwelling would have suitable living conditions and therefore there are no objections in relation to this.

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, which are expressed as minimum standards, which takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. 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.
- 5.5.2 There is an existing single vehicular access on the southern boundary of the site which is proposed to be extended to span the full width of the application site. The

dwelling is proposed to have two bedrooms and therefore two parking spaces are required, measuring 2.9 metres wide by 5.5 metres deep in accordance with the adopted parking standards. The existing dwelling, Hipseys Cottage also has two bedrooms. Whilst there is sufficient space to the front of the dwelling for four parking spaces to be provided in accordance with these standards, there would be no provision for a turning area meaning the vehicles would not be able to egress the site in a forward gear. The proposed parking area is located immediately adjacent to Hipseys Cottage, which directly abuts the carriageway edge so that sufficient visibility splays could not be provided in this location. This situation could result in vehicle conflict between those driving along the road and the vehicles exiting the site. It is considered that, due to the lack of a turning area and given the proximity of the access to the neighbouring property, resulting in insufficient visibility splays, it has not been demonstrated that there would be a safe, suitable, usable and convenient access at the site.

- 5.5.3 It is noted that the Highways Authority have objected to the scheme on the basis that the insufficient visibility splays would be provided and the proposed new dropped kerb vehicle crossing at Hipseys Cottage would lead to vehicles reversing with restricted visibility onto the busy carriageway of The Street. This would likely lead to increased conflict and risk of collisions for both emerging and approaching vehicles, resulting in an unacceptable degree of hazard detrimental to the safety of all highway users.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The proposed dwelling would have a private garden area measuring over 100 square metres. The remaining garden size of Hipseys Cottage would measure in excess of 100 square metres and therefore there are no objections to the proposal in relation to amenity space.

5.7 Impact on Designated Sites

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

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

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

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

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

Test 2 – the integrity test

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

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

5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.

5.7.4 The Essex Coastal RAMS has been adopted by the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

6 ANY RELEVANT SITE HISTORY

None relevant.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Undertake a Habitats Regulations Assessment (HRA) in relation to RAMS.	Noted
Highways Authority	The proposal is not acceptable to the Highways Authority.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	Object to the application as the proposal will cause “less than substantial harm” to the significance of the heritage asset.	Noted
Environmental Health	No objection subject to the inclusion of a foul water drainage condition.	Noted. Should the application be approved, a condition will be included to this effect.

7.4 Representations received from Interested Parties

None received.

8 **REASONS FOR REFUSAL**

- 1 The proposed development would be disconnected and isolated from services and facilities by reason of its unsustainable location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be unacceptable and contrary to policies S1, S8, D1, H4 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, due to its design, layout and position, is considered to be a contrived form of development which would result in significant harm to the character and appearance of the streetscene and the neighbouring listed building, Hipseys Cottage. This harm would be exacerbated by the prominent location and visibility of the site from The Street, given the setback position of the neighbouring bungalows, which would visually compete with Hipseys Cottage. The proposal is therefore contrary to policies S1, D1, D3 and H4 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide and the National Planning Policy Framework.
- 3 It is considered that, due to the lack of a turning area as a result of the contrived nature of the proposed development and tandem parking arrangement, this would lead to vehicles reversing with restricted visibility onto the busy carriageway of The Street which would lead to increased conflict and risk of collisions for both emerging and approaching vehicles, resulting in an unacceptable degree of hazard detrimental to the safety of all highway users. The proposal is therefore contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European Designated Nature Conservation Sites, the development would have an adverse impact on

those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.