

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

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

06 September 2022

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 14 SEPTEMBER 2022** at **7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

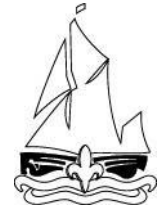


Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

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





**AGENDA  
SOUTH EASTERN AREA PLANNING COMMITTEE**

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**WEDNESDAY 14 SEPTEMBER 2022**

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 17 August 2022, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **22/00706/FUL - Dengie Hundred Sports Centre, Station Road, Burnham-on-Crouch, CM0 7HS** (Pages 13 - 22)

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

6. **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 No. 5.
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](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://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.

### **Fire**

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **Legislation**

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

### **Supplementary Planning Guidance and Other Advice**

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

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

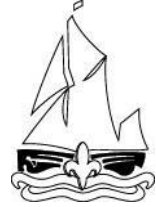
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### 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 AUGUST 2022**

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**PRESENT**

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	M G Bassenger, B S Beale MBE, V J Bell, Mrs P A Channer, M W Helm, A L Hull and W Stamp, CC
In attendance	Councillor(s) Mrs M E Thompson

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R G Boyce MBE and N J Skeens.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 20 July 2022 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

Councillor R P F Dewick declared that he knew the applicant and Agent for Agenda Item 7 - 22/00473/FUL – Loftmans Farm, Maldon Road, Steeple and the Agent for Agenda item 8 - 22/00595/FUL – Hall Meadows, Hall Road, Asheldham.

Councillor Mrs P A Channer declared that she knew the applicant and Agent for Agenda Item 7 - 22/00473/FUL – Loftmans Farm, Maldon Road, Steeple and the Agent for Agenda item 8 - 22/00595/FUL – Hall Meadows, Hall Road, Asheldham, however they were not a relative, friend or close associate.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council who were statutory consultees.

5. **22/00334/FUL - LAND REAR OF PRIMLEY LODGE, GRANGE ROAD, TILLINGHAM**

<b>Application Number</b>	<b>22/00334/FUL</b>
<b>Location</b>	Land Rear of Primley Lodge, Grange Road, Tillingham
<b>Proposal</b>	Planning application for the erection of two polytunnels and the extension of an existing outbuilding for storage and workshop in respect to the horticultural and forestry use of the land.
<b>Applicant</b>	Mr Alex Whitaker
<b>Agent</b>	Mr Mark Jackson- Mark Jackson Planning
<b>Target Decision Date</b>	EOT 24.08.2022
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major application on site area.

It was noted from the Members that two pre-commencement conditions relating to Great Crested Newt protection and an Arboricultural report had been recommended by Officers and agreed by the applicant's Agent.

Following the Officers' presentation the Agent, Mr Mark Jackson addressed the Committee.

**RESOLVED** that this application be **APPROVED** subject to the following conditions and additional pre-commencement conditions as detailed in the Members' Update:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 22/1701/01, 22/1901/02, 22/1901/03, 22/1901/04, 22/1901/05, 22/1901/06, 22/1901/07
- 3 The external surfaces of the building(s) shall be constructed of the materials specified on Plans 22/1901/05 and 22/1901/07
- 4 The polytunnels hereby approved shall only be used for forestry or horticultural / agricultural purposes.
- 5 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required;
  - Trees to be retained;
  - Tree retention protection plan;
  - Tree constraints plan;
  - Arboricultural implication assessment;
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection 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. The tree protection measures shall be carried out in accordance with the approved detail.

- 6 Prior to the first sale of goods from the development hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local



Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- 7 Prior to the first sale of goods from the development hereby approved, the operating hours of the retail element of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The retail element shall only operate in accordance with the agreed hours.
- 8 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) Detailed designs to achieve stated objectives;
  - c) Locations of proposed enhancement measures by appropriate maps and plans;
  - d) Persons responsible for implementing the enhancement measures;
  - e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. The Biodiversity Enhancement Strategy content outlined above will include, but not be restricted to the specifics as follows:

- (a) the secondary pond (size/location), profile and any associated marginal/aquatic soft planting
  - (b) number & location of nest boxes to be installed in boundary hedge/trees
  - (c) numbers, varieties and map layout of Orchard trees to be planted - including tree sizes, indicative planting style (pit/slit etc), and any staking/watering requirements
  - (d) area & locations of margins for minimal intervention management of southern area boundaries (noted for small mammals & raptors), and definition of 'minimal intervention' in the context
  - (e) artificial bat roost options to the outbuilding re-build/extension.
  - (f) Number of pre-existing and to-be-installed of (Honey) Bee Hives & mapped location.
  - (g) Number and location of Solitary bee hives to be installed.
  - (h) Area of existing set aside grassland, current maintenance regime, and indicative management program (for minimum of 5 years)
  - (i) Avoidance of any fish-stocking or introduction to the current pond or second 'new' pond, in order to benefit native wildlife species & naturalisation.
- 9 Prior to works relating to the erection of the outbuilding commencing, a scheme proposing suitable mitigation and precaution measures to protect Great Crested Newts should they be discovered on site, shall be submitted to and improved in writing by the Local Planning Authority.
- 10 Only goods produced on the holding shall be sold at the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the Local Planning Authority.
- 12 The polytunnels hereby permitted shall be demolished to ground level, all materials resulting from the demolition shall be removed and the land shall be returned to its condition prior to the erection of the structures within twelve (12) months of the date they cease to be used for horticultural or agricultural purposes.

6. **22/00332/FUL - LAND REAR OF PRIMLEY LODGE, GRANGE ROAD, TILLINGHAM**

<b>Application Number</b>	<b>22/00332/FUL</b>
<b>Location</b>	Land Rear of Primley Lodge, Grange Road, Tillingham
<b>Proposal</b>	Retrospective planning application (S73A) for the change of use of land for the siting of a storage container in respect to the horticultural and forestry use of the land and the provision of a hard surfaced access track
<b>Applicant</b>	Mr Alex Whitaker
<b>Agent</b>	Mr Mark Jackson- Mark Jackson Planning
<b>Target Decision Date</b>	09.09.2022
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major application on site area.

It was noted from the Members' Update that an additional letter of objection had been received.

Following the Officers' presentation the Agent, Mr Mark Jackson addressed the Committee.

Councillor A S Fluker proposed that the Officers' recommendation be agreed. This was duly agreed by assent.

**RESOLVED** that this application be **APPROVED** subject to the following condition:

- 1 The storage container hereby approved shall not be retained on the site after the expiry of 12 calendar months from the date of this decision.

7. **22/00473/FUL - LOFTMANS FARM, MALDON ROAD, STEEPLE, CM0 7RR**

<b>Application Number</b>	<b>22/00473/FUL</b>
<b>Location</b>	Loftmans Farm Maldon Road Steeple CM0 7RR
<b>Proposal</b>	Construction of a two storey detached dwelling. Change of land use to C3.
<b>Applicant</b>	Mr Steven Massenhove
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	20.05.2022 EOT Requested
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>STEEPLE</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor Mrs P A Channer Reason: S1 - Sustainable growth, S8 - Settlement Boundaries and the Countryside and D1 - Design Quality and Built Environment.

Following the Officers' presentation the Applicant, Mr Massenhove addressed the Committee.

In response to a number of comments from Members, the Lead Specialist Place advises that that this application was for a dwelling and not an agricultural workers dwelling linked to the business on the site. Should the applicant wish this to be considered this would need to be the subject of a separate application. It was also noted that the Council's Policy regarding employment detailed the need for evidence which this application did not provide.

The Chairman put the Officers' recommendation of refusal. This was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that this application be **REFUSED** for the following reasons:

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council cannot demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework, however, the site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for Growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character of the countryside, particularly through the introduction of a domestic character a of residential development, the extent of the garden land and appearance of the proposed dwelling are considered to significantly add to the visual harm of the proposal. The development would therefore be unacceptable, does not constitute sustainable development, would result in the unjustified loss of an employment generating use and a detrimental visual impact, contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2021).
- 2 The proposed development has a potential significant impact upon protected and priority species. Insufficient information has been submitted to allow the Local Planning Authority to determine that the proposed development would not have significant impact upon protected and priority species, or the significant impact is such that it can be mitigated or compensated in a satisfactory way. The development is therefore unacceptable and contrary to policies S1, D2 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework
- 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.

**8. 22/00595/FUL - HALL MEADOWS, HALL ROAD, ASHELDHAM, CM0 7JF**

<b>Application Number</b>	<b>22/00595/FUL</b>
<b>Location</b>	Hall Meadows Hall Road Asheldham CM0 7JF
<b>Proposal</b>	Construction of a chalet style rural workers dwelling.
<b>Applicant</b>	Mr and Mrs David and Linzie Nenson
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	07.07.2022 EOT Requested
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor A S Fluker Reason: D1, E4 and H7

Following the Officers' presentation the Agent, Mr Cussen addressed the Committee.

In response to a comment, the Lead Specialist Place drew Members' attention to the planning history on the site and temporary permission granted for a period of three years. He advised that information submitted with the application did not show that the business had been functioning as an affordable business for three years which was required.

Councillor A S Fluker spoke in favour of the application and advised in his view it met the criteria was not contrary and fitted with Policies H7 and D4 and in relation to Policy D1 was appropriate for the location. Councillor Fluker proposed that the application be approved, contrary to Officers' recommendation as it met the criteria for Policies D1, H7 and E4 and he believed from the information before the Committee that the business was sustainable. This was duly seconded.

In response to the proposal the Lead Specialist Place raised a number of concerns specifically in relation to the policies referenced, providing further explanation regarding the dwelling being an agricultural dwelling and the viability of the business.

Following further debate the Chairman put the proposal in the name of Councillor Fluker to the Committee and upon a vote being taken this was agreed. In response to a discussion regarding conditions Councillor Fluker reminded the Committee of the two conditions he had suggested earlier along with standard conditions. The Lead Specialist Place advised that conditions delegated to Officers and they would be mindful of the suggestions by Councillor Fluker.

**RESOLVED** that this application be **APPROVED** for the following reasons detailed above and subject to conditions the details of which are delegated to Officers in consultation with the Chairman.

## **9. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

The Chairman advised that he had agreed for Councillor A S Fluker to raise an urgent item of business.

Councillor Fluker referred to a request he and the Chairman had received from the Director of Strategy, Performance and Governance regarding the unlocking and locking of the Burnham-on-Crouch Town Council offices for meetings of the South Eastern Area Planning Committee and commented that he felt the Committee Clerk should always be at the meetings. He provided further information and proposed that the Committee go back to the Director of Strategy, Performance and Governance and advise that it believed this was an operational matter and should be carried out by his staff. Some further discussion ensued in relation to this subject.

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

R P F DEWICK  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
14 SEPTEMBER 2022**

<b>Application Number</b>	<b>22/00706/FUL</b>
<b>Location</b>	Dengie Hundred Sports Centre, Station Road, Burnham-on-Crouch, CM0 7HS
<b>Proposal</b>	Single storey extension to clubhouse.
<b>Applicant</b>	Burnham-on-Crouch RUFC
<b>Agent</b>	Greg Wiffen – Planman
<b>Target Decision Date</b>	03.08.2022
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council-owned building Member Call-in by Councillor V J Bell citing Policy E3 – Community Services and Facilities

**1. RECOMMENDATION**

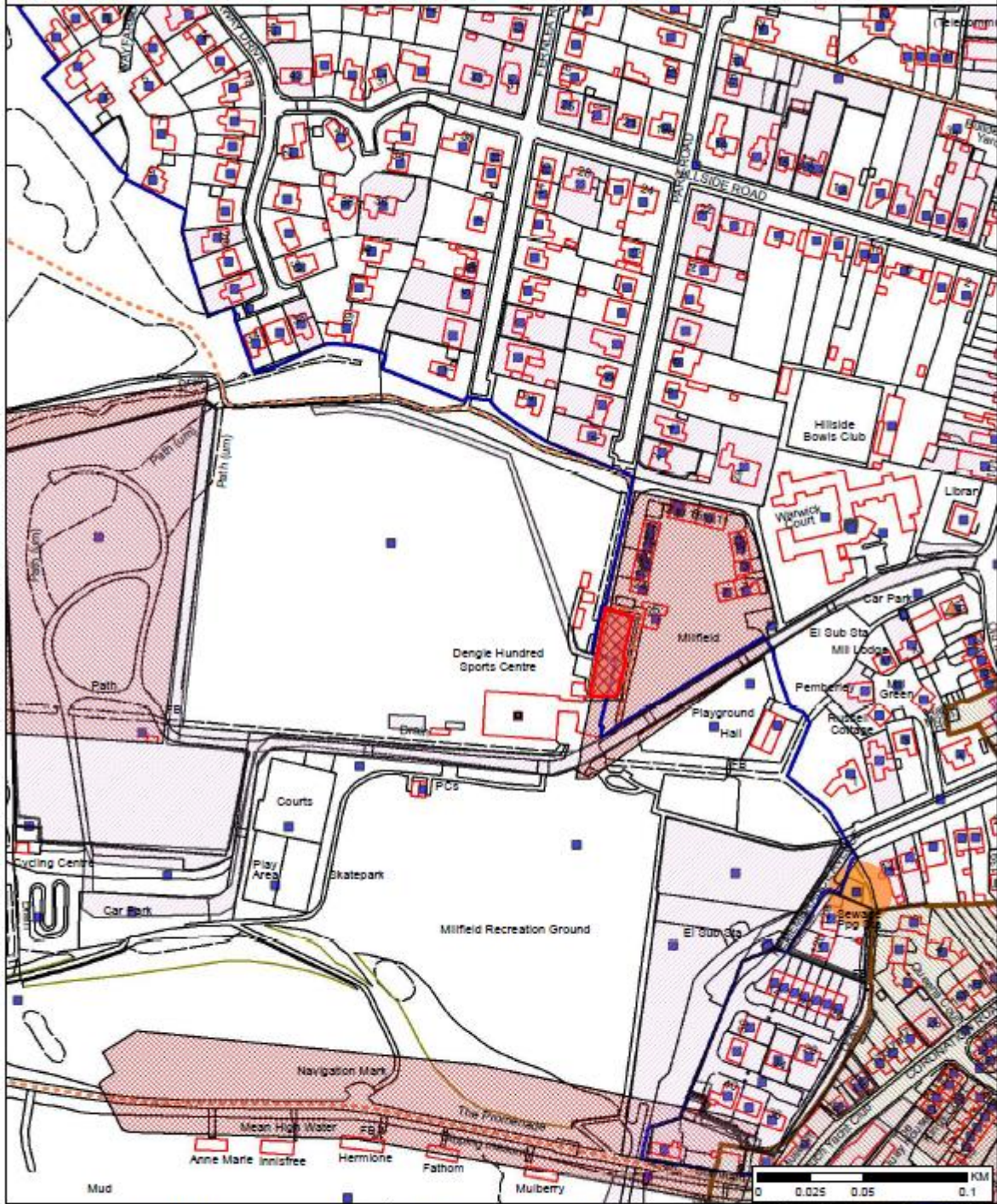
**REFUSE** for the reasons as detailed in Section 8 of this report.


**2. SITE MAP**

Please see below.



**Dengie Hundred Sports Centre, Station Road, BOC**  
 22/00706/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	31/08/2022
	MSA Number:	100018588

[www.maldon.gov.uk](http://www.maldon.gov.uk)

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located on the northern side of Millfields within the defined settlement boundary of Burnham-on-Crouch and is surrounded by residential properties to the north and east and public open space to the south. To the west of the site is the playing fields associated with the sports club which is located outside of the settlement boundary of Burnham-on-Crouch. The existing Sports Centre comprises a dome shaped building as well a single storey flat roof building. Within the surrounding area is a mixture of single and two storey pitched roof residential buildings.
- 3.1.2 Planning permission is sought for a single storey extension to the Burnham-on-Crouch Rugby Union Football Club's clubhouse at the Dengie Hundred Sports Centre site. The extension would accommodate four team changing rooms, two referees' rooms, a physio room, a storeroom, a hallway, as well as toilet and shower facilities.
- 3.1.3 The extension would measure approximately 23.2m wide, 9.6m deep, with a maximum height of 4.9m overall.
- 3.1.4 The application follows a previously refused application for a similar development (21/00911/FUL) which was refused for the following reasons:
- "1. *The design of the proposed extension, by reason of its flat roof design, unrelieved appearance exacerbated by a and lack of fenestration details would appear as an intrusive and incongruent feature which would be out of keeping with the existing building and the streetscene to the detriment of the character and appearance of the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the approved Local Development Plan and the NPPF.*
2. *The proposed development will result in an inadequate level of on-site car parking provision for a building of this size, which is likely to result in additional on-street parking to the detriment of the amenity and convenience of residents and may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles, contrary to the adopted Vehicle Parking Standards, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework."*
- 3.1.5 As part of the current application, no changes have been made to the layout of the proposed building, however, the design has been amended so that the roof of the building would have a hipped roof instead of flat roof form. The revised design of the proposed extension will be discussed within the body of the report below, however, it is not considered to overcome the previous reason for refusal.

#### **3.2 Conclusion**

- 3.2.1 The proposed development, by reason of its location, scale, and poor design, would result in an incongruous form of development impacting upon the visual amenity of the street scene and the character and appearance of the existing building and surrounding area. Additionally, the development would detrimentally impact on the provision of car parking and it is therefore considered the development is contrary to policies D1, T2 and H4 of the Local Development Plan (LDP) as well as the Maldon District Vehicle Parking Standards SPD.

## **4. MAIN RELEVANT POLICIES**

### **4.1 National Planning Policy Framework (NPPF) 2021, 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
- 54-58 Planning Conditions and Obligations
- 81-83 Building a strong, competitive economy
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152 Meeting the challenge of climate change, flooding and coastal change
- 189-198 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
- D2 Climate Change and Environmental Impact of New Development
- E3 Community Services and Facilities
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD
- Burnham on Crouch Neighbourhood Development Plan

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The proposed development would extend the existing Rugby Club at the Dengie Sports Club. Policy E3 supports community services and facilities, it states that '*The Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community.*'

5.1.3 Although the proposal would seek to enlarge the existing community facility, this is neutral when considering the application, as the extension would be sited on existing community land. The benefits of enlarging the community facility would have to be



considered against the loss of parking at the site, which will be considered below, as this could make the use less viable. Notwithstanding this, given the existing use of the site would be retained, the principle of extending the existing building is considered to be acceptable in line with policies D1, E3 and H4 of the approved LDP. Other material planning considerations are set out below.

## **5.2 Design and Impact on the Character of the Area**

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

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

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

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

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

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

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

5.2.5 The surrounding area is comprised of public open space, as well as residential development which is predominately single and two storey pitched roof buildings. The existing sports club has its own character along Millfields and is comprised of a two-storey dome structure as well as an existing single storey flat roof element facing the main road, when approaching from the east. The existing flat roof building is of poor design and limited architectural merit within the street scene and is not considered to positively contribute to the site or surrounding area.

5.2.6 In an attempt to overcome the previous reasons for refusal for the application 21/00911/FUL, the design of the proposed extension has been amended so that it would now have a large, hipped roof form expanding over the entire width of the extension, which measures 23.2m in width and 9.6m in depth. The revised roof form

of the extension would increase the overall height of the extension from 3.2m in height to 4.9m, which would measure 1.7m higher than the existing building which it would extend from.

- 5.2.7 Although the revised design has sought to overcome the harm previously identified as a result of the large flat roof structure, the revised design would in some ways be worse than the original proposal as it would not relate in anyway to the existing building. Due to its height, width and depth, it would not be subservient in scale or form to the existing building and would still enlarge the existing structure by almost two thirds. Although the existing building is of extremely poor design, the proposed extension would exacerbate its visual harm within the street scene due to its poor design and incompatible relationship with the existing building.
- 5.2.8 The harm identified would be exacerbated by the siting and orientation of the building, which is very visually prominent within the street scene when viewed from the east along Millfields. The blank flank wall of the extension, facing Millfields would also be visually unattractive and would contribute to the poor design of the structure. There would be no continuity of fenestration design from the existing building to the proposed extension which would also exacerbate its poor design and would not be in keeping with the existing building. This has not been amended from the previous proposal and contributes to its unacceptable relationship with the existing building.
- 5.2.7 Overall, the poor design of the proposed extension, by reason of its excessive width, poor design that would not relate to the existing building and lack of fenestration details would appear as an incongruent and intrusive feature which would be out of keeping with the character and appearance of the existing building and the streetscene to the detriment of the character and appearance of the surrounding area. The proposal has not overcome the previous reason for refusal and is therefore contrary to policies D1 and H4 of the approved LDP and the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The application site is bordered by a neighbouring property to the north and open public space to the east and west. Although the proposed extension would bring the existing community use closer to the north boundary of the site, the proposed development would not result in a change of use of the existing site and therefore no concerns in respect of noise disturbance are raised.
- 5.3.3 In terms of the impact of the proposed extension on the occupiers of the neighbouring property, it is noted that the built form at the site would extend closer to the shared boundary with a maximum separation distance of 9.2m from the east of the site. However, it is not considered that the proposal would result in a dominating impact, given that the proposed building is single storey in nature. Therefore, it is not considered that the proposal would result in a significant overbearing impact, loss of light or overlooking to the detriment of the neighbouring occupiers due to the separation distance and single storey nature of the proposed development. The

proposal is not therefore considered to cause a significant impact that would result in demonstrable harm to the occupiers.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposal would utilise the existing access point, as such, Essex County Council (ECC) Highways have raised no objection to the proposal in terms of access or highway safety.
- 5.4.4 The Council's adopted Vehicle Parking Standards (VPS) set out that Sports and Recreational uses should provide a maximum of 1 space per 22m<sup>2</sup> of gross floor space or individual assessment/justification. The proposed extension would have a gross internal floor space of approximately 213 sqm which would result in a requirement of an additional 10 car parking spaces. There are currently 16 car parking spaces on site and the proposed extension would result in the loss of 6 of these parking spaces. Although the proposed block plan is showing that 10 parking spaces would remain, it is considered that 6 of these spaces would not be useable as there only be a distance of 4.5m between the car parking spaces and the proposed extension which would not be enough space for the manoeuvring of cars.
- 5.4.5 Given that the proposal would result in an increased car parking requirement, given the increase of floor space, as well as the loss of 10 parking spaces, the proposal would not comply with the standards as recommended above. However, an individual assessment can be made. The applicant has submitted a transport statement for consideration, which states that the proposed changing room facilities are not expected to increase the club membership or visitor capacity and the rugby club only utilises the car parking spaces on training and match days. However, no such information as to when training or match days occur has been submitted.

- 5.4.6 The applicant has also advised that there are two public car parks in the nearby facility, and that on-road restrictions have been suspended in an attempt to justify the loss of car parking at the site. Although it is understood that there is not a large amount of parking at the site at present, and visitors to the site may have to use public car parks in the nearby area, the proposal would result in the loss of a significant amount of parking at the site. It was evident from a site visit to the property that the car park serving the sports centre was well utilised, and the loss of 10 car parking spaces at the site would result in an increase of on-street parking in the nearby area. Although there are public car parks nearby, these are also used for the parking of cars of visitors to the parks and other public spaces nearby. Although this has not been confirmed, the suspension of road restrictions within the nearby area could mean that there would be an influx of on-street parking for visitors of the sports centre and rugby club.
- 5.4.7 Although the current occupiers of the rugby club may not predict to increase visitor capacity as a result of the proposed extension, the application has to be assessed on the lifetime of the development where the parking needs of the club/sports centre are likely to increase. Inadequate off-street parking provision can lead to indiscriminate parking, which not only can affect the amenity and convenience of residents but may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles.
- 5.4.8 ECC Highways have been consulted on the application and have raised no objections, however, Maldon District Council has its own adopted vehicle parking standards which this application has to be considered against. As the proposal would result in the loss of 10 parking spaces at the site, and there would be an inadequate level of on-site car parking provision for a building of this size, which is likely to result in additional on-street parking to the detriment of the amenity and convenience of residents and may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles which would be contrary to the Maldon District Vehicle Parking Standards SPD and policies D1 and T2 of the LDP. Although it is acknowledged that the site is within close proximity to the town centre of Burnham-on-Crouch, and that there are other means of public transport serving the town centre nearby, this is not considered to outweigh the harm identified as a result of the increase in on-street parking in the surrounding area, to the detriment of highway safety.

## 6. **ANY RELEVANT SITE HISTORY**

- **21/00911/FUL** – Single storey extension to clubhouse. Refused 1 April 2022.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	No response received at time of writing report	Noted

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Sports England	No objections and support for the principle of the proposal.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Sports England	No objections and support for the principle of the proposal.	Noted.
Essex Highways	As far as can be determined from the details submitted, the proposal is located on a privately owned which connects to the adopted local highway network at its junction with the B1021. The proposal is not proposed to alter the existing access arrangements with the local highway network, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to a condition relating to a public footpath.	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to drainage.	Noted

### 7.4 Representations received from Interested Parties

7.4.1 No representations received for this application.

## 8. REASONS FOR REFUSAL

- 1 The proposed extension, by reason of its poor design and unrelieved appearance, exacerbated by its excessive width, lack of fenestration details and bulky roof form, would appear as an intrusive and incongruent feature which would be out of keeping with the existing building and the streetscene to the detriment of the character and appearance of the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the approved Local Development Plan and the NPPF.
- 2 The proposed development would result in an inadequate level of on-site car parking provision for a building of this size, which is likely to result in additional on-street parking to the detriment of the amenity and convenience of residents and may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles, contrary to the adopted Vehicle Parking Standards, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

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