



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

Application Number	OUT/MAL/18/01227
Location	Stables Mangapp Chase Burnham-On-Crouch
Proposal	Change of use of the site to residential, demolition of existing stables and erection of two dwellings.
Applicant	Mr Andrew Clarke
Agent	-
Target Decision Date	05.12.2018
Case Officer	Hannah Bowles
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor R Pratt, CC on the ground of public interest.

1. RECOMMENDATION

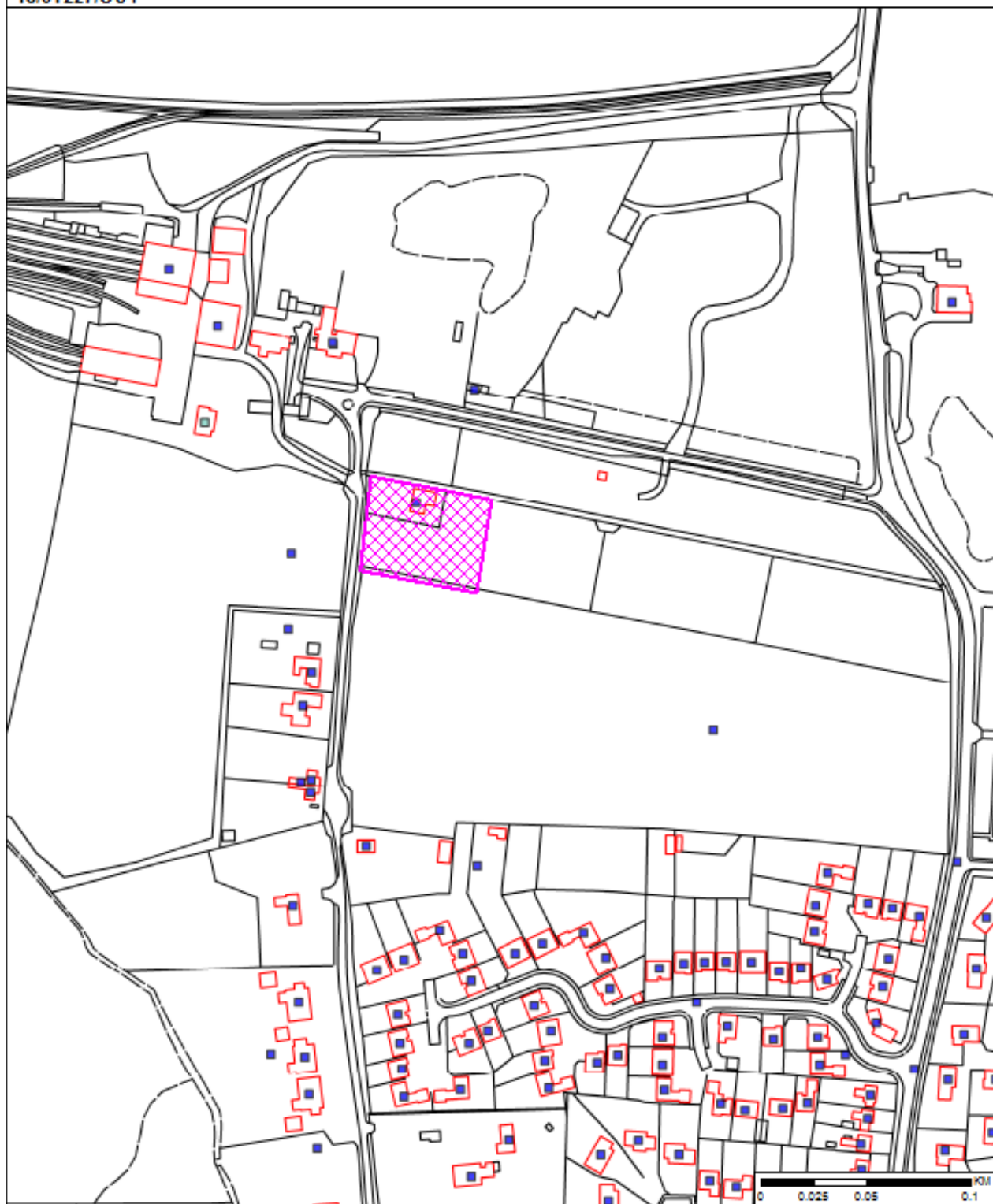
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Stables Mangapp Chase Burnham-On-Crouch

18/01227/OUT



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Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: SEAC

Date: 14/11/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a parcel of land measuring 0.26 hectares located at the northern end of Mangapp Chase. The site comprises an existing vehicle access to the west and a single storey stable block with further grazing land which is separated from the stable by low fencing. The boundaries of the site are formed by a mature hedgerow.
- 3.1.2 The surrounding area is rural in nature and is located outside of the settlement boundary for Burnham-On-Crouch, which lies around 210m to the south of the site. The site currently abuts agricultural land to the east and south, it fronts Mangapp Chase to the west and a public footpath, which leads through to Southminster Road 300m in an east west direction, runs along the northern boundary of the application site.
- 3.1.3 The northern end of Mangapp Chase comprises a residential dwelling, Mangapp Farm and the Mangapp Railway Museum which has its principle access taken from Southminster Road. There is currently sporadic residential development to the south of the site along Mangapp Chase. It should be noted that Outline planning permission has been granted on the currently vacant land to the east and south of the site for up to 80 dwellings, access to the residential development would be taken from Southminster Road. The indicatively submitted plan shows a 15m buffer strip between the residential development and Mangapp Chase.

Proposal and Background

- 3.1.4 Outline planning permission with all matters reserved is sought for the demolition of the existing stable building and the subdivision of the existing plot to construct 2 no. dwellings.
- 3.1.5 An indicative site plan shows the plot subdivided with the two dwellings centered within the plots and a detached garage to the side of each dwelling. Access, layout, appearance, landscaping and scale are all matters reserved for future consideration.
- 3.1.6 The proposal represents a resubmission of the refused scheme, OUT/MAL/17/00723. The reasons for refusal were:
 - 1. Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries and to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The site is in a rural location outside of the defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal for development outside of the defined settlement

boundary of Burnham-On-Crouch would erode the intrinsic character and beauty of the rural setting. The proposal therefore fails to comply with policies S1, S8 and D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

2. The proposed development would be within close proximity of two noise sources that would impact upon the future occupiers of the proposed dwellings. These noise sources are the Mangapps Railway Museum and the Mangapps Manor wedding venue. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum and the Mangapps Manor wedding venue if complaints arise from occupiers of the new dwellings. The proposal is therefore contrary to policies the National Planning Policy Framework and policy D1 and D2 of the Maldon District Local Development Plan.

The application should only be approved if the above reasons for refusal have been overcome.

- 3.1.7 An amended Planning, Design and Access Statement has been submitted to the Council. The amendments to the statement include two additional sections relating to the Landscape setting and Assessment of Landscape Effects, it also highlights that Mangapp Manor Wedding Venue, which was in use at the time of determining application OUT/MAL/17/00723, has now ceased operation. These matters are discussed in sections 5.2 and 5.3 of this report.

3.2 Conclusion

- 3.2.1 No material amendments to the previous scheme have been made. Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, would erode the intrinsic character and beauty of the rural setting, to the detriment of the character of the open countryside. Furthermore, the development, due to its proximity to noise generating sources and the lack of a submission of a noise survey to demonstrate that the potential impact on the residential amenity and living conditions of future occupiers can be overcome, would be unacceptable and contrary to the aims of the local plan. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework (NPPF), Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP) and Policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development

- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Burnham-on-Crouch Neighbourhood Development Plan

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) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include open market new-build housing.

- 5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that “Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan.”
- 5.1.4 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.
- 5.1.5 The application site is outside of the defined settlement boundary for Burnham-On-Crouch, within the countryside, as such the proposal is in conflict with the above mentioned policies; and technically the site would be away from sustainable modes of transport, local amenities and services. However, it is noted that the nearest bus stop to the application site is approximately 0.3miles away, on Southminster Road, which provides frequent bus services and extensive links with employment opportunity areas and the Burnham-on-Crouch train station. Furthermore, the site is located in close proximity to the northern settlement boundary of Burnham-on-Crouch and a public footpath runs along the northern boundary. Therefore, on balance, no objection is raised in terms of the accessibility of the site to safe pedestrian and cycle routes, to public transportation or local services and facilities.
- 5.1.6 The above policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon. The impact on the character and appearance of the surrounding area is discussed in the section 5.3 of this report.
- 5.1.7 The above stance is in line with the previous applications determined on the application site; FUL/MAL/13/00493 which was dismissed at appeal and refused application OUT/MAL/17/00723. The same stance was taken for two recently refused applications along Mangapp Chase; Land North Of Rosemary – OUT/MAL/18/00971 for the erection of two dwellings, which lies directly west of the application site and 6 Mangapp Chase Burnham-On-Crouch – FUL/MAL/18/00698 for the erection of one dwelling, which is south west of application site.

5.2 Design and Impact on the Character of the Area

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

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

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 This application represents a re-submission of a previously refused application; one of the reasons for refusal is related to the impact of the proposal on the intrinsic character and beauty of the rural setting. This reason for refusal must be overcome in order for the application to be approved.
- 5.2.7 This is an outline application and all matters are reserved for future consideration. All that is before the Council is an indicative site plan that shows two dwellings with detached garages are proposed. Reserved matters would need to be submitted, if outline approval was to be granted, and detailed matters of layout, design and access would be dealt with at that stage.
- 5.2.8 The application site is located in a currently rural area surrounded by open countryside. The application site is currently an open field occupied by a stable building which maintains the rural character of the area. At this time there are no directly adjacent residential developments to the application site. The residential

development to the south and north is dispersed and sporadic, wide gaps are maintained between the dwellings to the south while to the north, the buildings are spread within large plots, leaving large areas open and undeveloped. It is considered that this scattered form of development along Mangapp Chase and further to the northwest distinguishes the countryside from the settlement boundary, acting as a town fringe, creating a gradual transition into the countryside. Therefore, the site currently forms an important part of the rural character of the area and its retention would maintain the physical and visual gap between the built up area and the countryside.

- 5.2.9 It is noted that planning permission for up to 80 dwellings has been approved on the land directly adjacent to the east and south of the site; whilst it is noted that the area will be changing substantially, there is intended to be a 15m buffer strip between the site boundary of the approved residential development and Mangapp Chase and the development would be accessed off Southminster Road. It would also be reasonable to expect that a landscaping buffer will be provided at the boundary of that site. Therefore, it is considered that visually, this part of Mangapp Chase would still appear rural in nature and the introduction of two dwellings fronting and accessed off Mangapp Chase would fail to enhance the character and appearance of the area.
- 5.2.10 It must be noted that 80 dwellings were approved at a time where the Local Planning Authority (LPA) did not have a 5 year housing land supply and this is no longer the case. The site is outside the settlement boundary, as defined by the development plan. Therefore, the development is not sustainable.
- 5.2.11 The above assessment is in line with the previously refused application OUT/MAL/17/00723. Since the determination of refused application OUT/MAL/17/00723, there are no new material considerations that would change the stance taken above.

5.3 Noise

- 5.3.1 This application represents a re-submission of a previously refused application; one of the reasons for refusal was in relation to the close proximity of the proposed dwellings to the wedding venue; Mangapp Manor and the Railway Museum and the level of noise residents on the application site may be subjected to. This reason for refusal must be overcome in order for the application to be approved.
- 5.3.2 It should be noted that Mangapp Manor has currently ceased its use as a wedding venue however at this time; this remains the lawful use of the site. Therefore, the use as a wedding venue could be reinstated at any time without the need to apply for planning permission.
- 5.3.3 Mangapp Manor and The Railway Museum, complete with operating railway station are located to the north of the site. A number of complaints have previously been received by the Council's Environmental Health Team. These include complaints about loud and potentially alarming short term blasts from horns, engine noise, speech from public address systems from the railway station and museum and loud music of varying genres including heavy reverberant bass from the wedding venue.

- 5.3.4 The same issue was raised in relation to the approved residential development that abuts the site and the Inspector concluded that the issue could be overcome with use of a condition to ensure mitigation measures are in place. However, this site is in closer proximity to the noise sources and is not considered large enough to be able to provide the same type of mitigation measures that would be available at that site and required to mitigate the likely impact. The adjacent residential development was a major application with multiple properties and does not compare to this application site and has more scope within the site for noise attenuation measures to be installed. Therefore, in the absence of a noise survey it is not considered that this issue can be fully considered. It has not been demonstrated that it would be possible or reasonable to impose a similar condition as that which was used on the neighbouring site.
- 5.3.5 This stance is in line with the previously refused application and no new information has been provided with this application to suggest that the noise levels from adjacent sites would not detrimentally impact upon the residents. It should also be noted that the recently refused application at Land North of Rosemary (OUT/MAL/18/00971), which is located directly west of the application site, took the same stance that formed one of the reasons for refusal. Therefore, it is considered that it has not been demonstrated to the satisfaction of the LPA that the development would achieve sustainable living conditions and would not be subjected to noise pollution contrary to the NPPF, NPPG and policies of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 Limited detail has been submitted in respect of this proposal, given its outline nature. Therefore it is not possible to fully assess the impact of the development on neighbouring amenity and this would be considered at the reserved matters stage should the application be approved. However, the application site has no directly adjacent neighbouring dwellings therefore, it is not considered likely to result in a significant impact on the residential amenity of the occupiers of the neighbouring properties.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of

promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.5.3 These issues would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative plan shows two access points would be taken from Mangapp Chase, one to serve each dwelling. In order to comply with policy T2 for off-street parking provision in accordance with the Council's adopted Parking Standards; the number of spaces provided depends upon the number of bedrooms for each dwelling. Whilst no information has been provided with regards to the number of bedrooms in each dwelling, the indicative plan shows a detached garage and area of hardstanding that is considered to provide ample space to park in excess of three cars, which is the maximum requirement for a dwellinghouse.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 These issues would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative site plan shows each dwelling to have a private amenity area in excess of 500m².

5.7 Sustainability

- 5.7.1 The LDP, as approved, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.7.2 The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision taking. The Framework identifies three dimensions to sustainable development - Economic, Social and Environmental. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. Paragraphs 54 and 55 of the Framework explain that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities.
- 5.7.3 In economic terms, it is reasonable to assume that there may be some support for local trade and businesses from the development. This would however be limited given the

scale of the proposal of two dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses. It is also noted that future residents would be likely to make use of the existing services in the area. There would be economic benefits for the local area derived from the scheme; however, limited.

- 5.7.4 In social terms, development should assist in supporting a strong vibrant and healthy community. The application site was subject of a dismissed appeal following the refusal of application reference FUL/MAL/13/00493 for the 'change of use to convert former stables and tack accommodation into single residential dwelling house with associated internal and external alterations and formation of vehicular turning area and amenity space.' Although dismissed, the inspector concluded that the site is in a sustainable location in terms of distance from local services and facilities. The same stance was taken in the application refused under reference OUT/MAL/17/00723. There are no material changes that would alter this stance at this time; there is a farm shop a 10 minute walk away and the site is considered to be accessible by a choice of transport modes.
- 5.7.5 In relation to the environmental role, although it is acknowledged that the development would be located in an accessible location in terms of facilities and public transportation, the impact of the development on the character and appearance of the site and surrounding area is considered to be unacceptable. This has been discussed in section 5.3 of this report.
- 5.7.6 The appeal in relation to the previous application FUL/MAL/13/00493 was dismissed and application OUT/MAL/17/00723 was refused due to the impact of the residential development on the surrounding area. It is acknowledged, that a determined appeal for a residential development of up to 80 houses has been allowed by the Secretary of State (ref: OUT/MAL/14/00845) on land directly adjacent to the application site. However, it is not considered that the material considerations outweigh the presumption in favour of sustainable development as discussed above.

5.8 Other Material Considerations

Housing Need and Supply

- 5.8.1 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (October 2018), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 5.54 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. Policy S2 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance it is considered that two additional dwellings would not impose a burden of existing infrastructure to an extent that would justify the refusal of the application.

Ecology

- 5.8.2 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.8.3 Policy N2 of the LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”
- 5.8.4 A Protected Species Survey has been submitted as part of this application. It concluded that the site had no evidence of bats, badgers or barn owls and given the distance of the site from standing water, it is not considered to represent a suitable habitat for Great Crested Newts. Therefore, it is likely that these protected species are absent from the site and so the impact on the species as a result of the proposed development is low.
- 5.8.5 Having regard to these findings it is not considered that the proposal would result in the loss of any important ecological interests. Therefore, the proposal is considered to be in accordance with Policy E4 and N2 of the LDP.

European Designated Sites

- 5.8.6 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.7 The development of two dwellings 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 (ZoI) for the Essex Coast RAMS with respect to the below sites? **Yes**

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

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

Test 2 – the integrity test

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

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

- 5.8.8 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.8.9 It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of the two dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of two dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00493** - Change of use to convert former stables and tack accommodation into single residential dwelling house with associated internal and external alterations and formation of vehicular turning area and amenity space. Refused Appeal Dismissed.
- **OUT/MAL/17/00723** - Erection of 2 dwellings (following demolition of existing stable). Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Council Highways Authority (ECC)	This section of Mangapp Chase is privately-owned; therefore, from a highway and transportation perspective, the Highway Authority does not wish to object to the proposal, subject to a condition.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	This service objected to a previous application on grounds of loss of amenity related to the nearby wedding venue. The venue has closed although I assume the planning permission as a wedding venue remains. The much larger site to the east mentioned in the design and access statement, received permission on appeal and the inspector included noise conditions to protect future occupants of that development. It is difficult to determine whether similar conditions should be included to protect residents from noise which currently does not exist but could in theory be reinstated without any further planning application. Conditions recommended if minded to approve the application.	Please see section 5.4 of this report.

8. REASONS FOR REFUSAL

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined

settlement boundaries and to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The site is in a rural location outside of the defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal for development outside of the defined settlement boundary of Burnham-On-Crouch would erode the intrinsic character and beauty of the rural setting. The proposal therefore fails to comply with policies S1, S8 and D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

- 2 The proposed development would be within close proximity of two noise sources that would impact upon the future occupiers of the proposed dwellings. These noise sources are the Mangapps Railway Museum and the Mangapps Manor wedding venue. In the absence of a noise assessment the impact of the two noises sources upon the future occupiers of the dwellings cannot be fully assessed. As such it is highly likely that future occupiers of the proposed residential properties would be subject to excessive noise levels which would be detrimental to the amenities of future residents. Furthermore, the development may impact upon the existing business operations of Mangapps Railway Museum if complaints arise from occupiers of the new dwellings and potentially the Mangapps Manor wedding venue, if reopened. The proposal is therefore contrary to policies the National Planning Policy Framework and policy D1 and D2 of the Maldon District Local Development Plan.