



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 MARCH 2019**

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

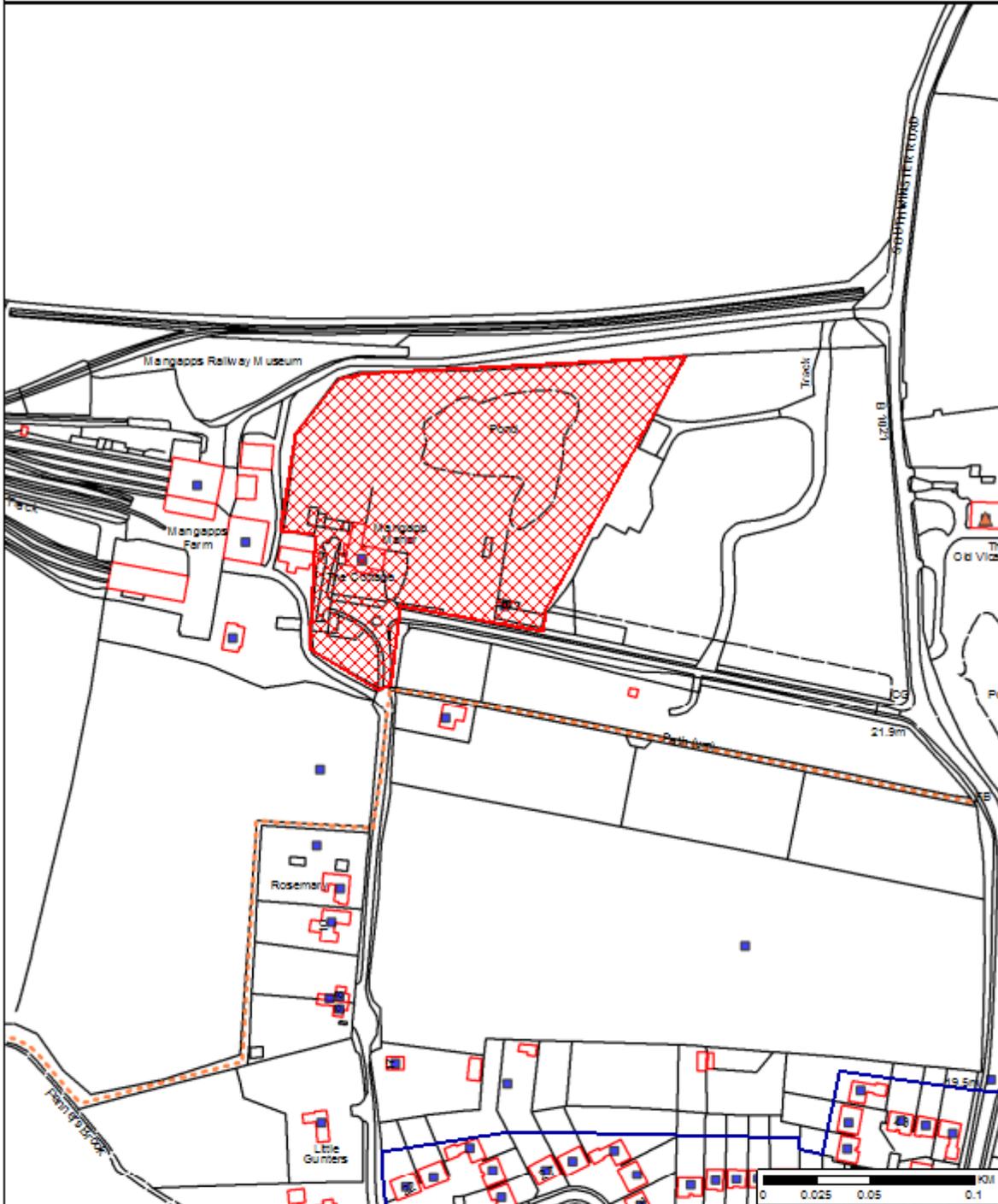
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

**18/01374/FUL Mangapp Manor Southminster Road
SEAC**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	12/02/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is an irregular shape measuring approximately 1.9ha and located at a minimum of 96m to the western side of Southminster Road, outside of a defined settlement boundary. The site is accessed along a private track and is currently occupied by a dwellinghouse and a number of outbuildings, which have a residential and wedding venue use. To the north of the site is a large pond.
- 3.1.2 The application site is located to the north of Mangapp Chase, which features a low density arrangement of dwellings. To the north of the application site is open countryside and Mangapps Farm and Railway Museum is located to the west. To the southeast of the site is a field which benefits from outline planning permission to erect up to 80 dwellings (OUT/MAL/14/00845, APP/X15454/W15/3009772).

Background Information

- 3.1.3 The application site forms the grounds of Mangapp Manor, which has a mixed use of residential and a wedding venue. In March 2008 planning permission (FUL/MAL/08/00027) was granted on the area of land to the east of the residential curtilage to erect a marquee for the use of wedding receptions and functions. This permission was subsequently amended under the terms of FUL/MAL/08/00516 which varied the number of guests allowed at the functions and the access arrangements. Following this an application was approved (FUL/MAL/09/00007) to allow civil ceremonies to take place in the ground floor 'drawing room' of the Manor House.
- 3.1.4 The area of land to the east of the site, beyond the pond was considered under application FUL/MAL/08/00516 to be outside of the recognised domestic curtilage. However, it is noted that the area of land formed a part of the grounds of Mangapp Manor and its residential use.

Proposal

- 3.1.5 Planning Permission is sought to remove the wedding venue use from the site and revert it back wholly to residential use. It is also proposed to construct an outbuilding towards the southeast corner of the site.
- 3.1.6 The proposed building would measure 18.5m in width and 10m in depth, with an eaves height of 2.3m and a maximum height of 5.6m. The building would be constructed from timber and weatherboard, red pantile roof tiles and brown UPVc openings. There are four windows proposed in the east and west elevations, with a set of double doors in the west elevation and a large almost fully glazed wall with glazed double doors on the south elevation.
- 3.1.7 The proposal includes the addition of an area of hardstanding around the proposed building which will consist of 20mm shingle and an area of block pavers at the entranceway to the building. An entrance gate is also proposed to the south of the building and laurel hedging will be planted along the southern boundary.

3.2 Conclusion

- 3.2.1 The proposal to revert the site back to a sole residential use is not objected to as the residential use at the site is existing and there would be minimal impacts on tourism within the wider area, which would be outweighed by the reduced levels of harm on neighbouring occupiers resulting from noise at the site. However, it is considered that the proposed outbuilding, namely as a result of its scale, bulk, design and siting in relation to the host dwelling and outside of the residential curtilage, countryside and the public footpath to the south, would result in overly large and incongruous form of development which would create an urbanising impact to the detriment to the character and appearance of the site and the intrinsic character and beauty of the countryside. Furthermore the proposed outbuilding, as a result of its physical separation, lacks a visible relationship with the host dwelling. Therefore, the proposal is considered to be detrimental to the character and appearance of the rural area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan (LDP), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and Government guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- E5 Tourism
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of erecting outbuildings within the curtilage of a dwelling to provide facilities in association with residential accommodation is considered acceptable in line with policy D1 of the LDP. However, the location of the proposed outbuilding is considered to be outside of the residential curtilage of the site and therefore would be located in the open countryside. As with any new form of development within the open countryside, they should only be allowed for specific and justified purposes where an applicant can substantiate a need for the development and where the impact of that building would accord with policies S1 and S8 of the LDP. However, inadequate justification for the use and siting of the proposed outbuilding has been provided and therefore, it is considered that the proposed development would be contrary to policies S1 and S8 of the LDP particularly having regard to the visual impact that is discussed in section 5.2.
- 5.1.2 In addition to the construction of the outbuilding, the proposal also seeks to remove the use of the ‘drawing room’ on the ground floor of the Manor house for Civil Ceremonies which was approved under the terms of application FUL/MAL/09/00007 and the change of use of the land designated under application FUL/MAL/08/00516 for wedding facilities and functions back to residential use.
- 5.1.3 The existing use of the site is considered to relate to tourism to some degree. Policy E5 of the LDP states that the change of use from tourism uses will only be considered if:
- 1) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs;
 - 2) The existing business/service is not and cannot be made viable; and
 - 3) There is no known demand for existing and alternative tourism use, and the site has been market effectively for all alternative tourism related uses.
- 5.1.4 Whilst it is noted that the loss of a wedding venue would have the potential to impact on tourism within Burnham-on-Crouch, for example there would be less demand for hotel rooms, the impact is considered to be minor. Therefore, it is considered criterion 1 is satisfied.
- 5.1.5 Whilst no information has been submitted in relation to criterion 2 and 3, regard should be had to the fact that the site has always been used in association with a residential use and therefore, it is not considered that there would be a substantial change of use of the site in comparison to its former uses. It is also worth noting that the existing owner has no intention of using the site for wedding use and therefore, the use of the site has already ceased and will not be reinstated in the long term. This is something that can be done without the need for planning permission and is outside of the Councils control.
- 5.1.6 Consideration is also given to the fact that the removal of the wedding venue use will improve the living conditions of nearby occupiers due to matters such as a reduction

in noise levels. Whilst this will be discussed in more detail under section 5.3, it is worth considering in relation to the principle of the development as the benefits to the living conditions of nearby occupiers could outweigh the minimal harm resulting from the loss of the wedding venue use.

- 5.1.7 Having regard to the above, although the criterion of Policy E5 has not been fully met, taking a pragmatic stance and having regard to the above points, it is considered that reverting back to a complete residential use is acceptable in principle.

5.2 Design and Impact on the Character of the Area

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

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

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

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

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

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

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

- 5.2.5 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (BOCND) states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 The proposed outbuilding would be situated over 50 metres from the host dwelling and would be located outside of the existing residential curtilage of the dwelling. Having regard to the significant separation distance between the dwelling and the proposed building and its location outside of the residential curtilage, it is considered that there would be a lack of visual link between the host dwelling and the proposed outbuilding. The impacts of which would be exacerbated by the design of the building, including a large level of glazing and grey weatherboarding, which are not considered to be characteristic features of rural outbuildings. It is considered that this would prevent the development having a subservient relationship with the host dwelling. Therefore, it is considered that the proposed outbuilding would result in unacceptable urban sprawl into the countryside through the addition of an outbuilding, outside of the residential curtilage, that has no visual links to the dwelling within the site.
- 5.2.8 The proposed outbuilding would have a footprint which is 66% of the floor area of the host dwelling. This along with the substantial height of the outbuilding at 5.5 metres and the excessive scale and bulk of the proposal, with a floor area of 187m², it is considered that the proposed development would be excessive in size. This is considered to also contribute to the unjustified sprawl of the residential use and domestication of the countryside.
- 5.2.9 In addition to the above the proposal would be visible from within Southminster Road and also the public footpath, further increasing the dominating and urbanising impacts on the intrinsic character and beauty of the countryside.
- 5.2.10 Whilst it is noted that there are existing trees within the site, hedgerows sited along Southminster Road and that the applicant has proposed the planting of a laurel hedgerow along the southern boundary of the application site, which would provide some screening of the development from the highway and public footpath, it is not considered that the limited level of landscaping would be sufficient in overcoming the material harm to the countryside, particularly in the winter months and because there are no guarantees that the planting and trees within the neighbouring site adjacent Southminster Road which falls outside of the application site would be maintained for the lifetime of the development.
- 5.2.11 It should also be noted laurel hedgerows are not a native species and therefore, would not be favoured in this location as they are not considered to be suited to a rural

environment. Therefore, the use of the laurel hedgerow would be likely to increase the level of material harm to the countryside.

- 5.2.12 Given that the site lies outside of the settlement boundary and residential curtilage, within the countryside, it is not considered that a building of this scale, bulk and design is acceptable and is therefore, contrary to policies S1, S8, D1 and H4 of the LDP and policy HO.8 of the BOCNDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The dwellings approved under APP/X15454/W15/3009772 to the south of the site would be the closest residential development to the proposal at a distance of 43m. Given the significant separation distance between the proposed development and the adjacent permission it is not considered that there would be demonstrable harm to the neighbouring amenity. However, if the application were approved a condition should be applied ensuring that the development remains incidental to the enjoyment of the Mangapp Manor to prevent any undue harm to neighbouring amenity.
- 5.3.3 It is also considered that the removal of the wedding venue use will reduce any potential harm resulting from the noise impacts associated with the existing use. For example the dwellings approved under APP/X15454/W15/3009772 located to the south of the site is subject to a condition requiring a fully detailed scheme of mitigation for protecting the living conditions of future occupiers of the dwellings from noise arising in connection with events at Mangapp Manor. The removal of the wedding venue use will therefore, substantially enhance the living environment of existing and future occupiers within the surrounding area.
- 5.3.4 Having regard to the above it is not considered that the proposal will result in unacceptable harm to the amenity of neighbouring occupiers, in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

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

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

- 5.4.3 The existing site provides sufficient parking for the existing dwelling and the proposal will contribute positively to this provision. Therefore, there is no objection to the level of car parking provided.
- 5.4.4 The proposed access would be situated to the north of the private track. Whilst the Local Highways Authority have raised no objection as the track is private, it is not considered that the access would result in detrimental impacts on highway safety and is therefore considered acceptable in accordance with policies S1 and T2 of the LDP. Furthermore, the change of use could result in the reduced use of the access due to fewer visitors to the site.
- 5.4.5 The Local Highways Authority has requested a condition stating that the public's rights and ease of passage over footpath number 2 in Burnham-on-Crouch shall be maintained free and unobstructed at all times. It is considered necessary to impose this condition, should the application be approved, to prevent any obstruction of the footpath particularly during the development by construction traffic.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposal would result in some loss of amenity space. However, there is sufficient private amenity space situated to the rear of the existing dwelling which is in excess of the required standards. Therefore, there is no objection in this regard.

5.6 Foul and Surface Water Drainage

- 5.6.1 It is noted that the applicant has stated within the application form that foul drainage would be dealt with via a mains sewer but states that it is 'unknown' whether a connection to an existing drainage system is being proposed. This information conflicts with information submitted under application OUT/MAL/17/01300 which related to a similar development but was withdrawn. The information as part of that application stated that a septic tank would be provided. However, it is not considered that the building would require foul drainage and therefore, a condition in this regard is not considered necessary.

5.6.2 Although the application form states that surface water will be dealt with via a soakaway, there has been no confirmation of the intended surface water drainage method proposed. Therefore, a condition requiring details of a surface water drainage scheme should be imposed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/90/00992** - Formation of landscaped embankments. Approved no conditions.
- **FUL/MAL/08/00027** - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved.
- **FUL/MAL/08/00516** - Variation of condition 15 (relating to maximum no's of guests) and removal of conditions 9,10,11 &12 (relating to access) of FUL/MAL/08/00027 - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved
- **DET/MAL/08/05074** - Compliance with conditions notification of FUL/MAL/08/00516 - Conditions: 6, 10 and 12. Condition Cleared.
- **DET/MAL/08/05156** - Compliance with Conditions notification: FUL/MAL/08/00516 - Condition 6 - Noise insulation. Condition Cleared.
- **FUL/MAL/09/00007** - Change of use of room for marriage civil ceremonies. Approved.
- **OUT/MA/17/01300** - Addition of barn within grounds of Mangapp manor and associated access. Application withdrawn.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No comments subject to a condition ensuring that the public's right and ease of passage over footpath number 2 in Burnham-on-Crouch shall be maintained and free from obstruction at all times.	Noted and addressed at section 5.4

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Economic Development	Neither object nor support as the team would like to see the option for the wedding use to take place, they understand that the new owner does not ever intend to use it this way	Please see section 5.1
Environmental Health	No objection subject to conditions regarding foul and surface water drainage as it is not clear how realistic it would be to make a connection to the mains sewer in this location and it is not clear how surface water will be disposed of.	Please see section 5.6

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. REASON FOR REFUSAL

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