REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
SOUTH EASTERN AREA PLANNING COMMITTEE
9 DECEMBER 2015

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Our Vision: Working in Partnership to make the Maldon District a better place to live, work and enjoy

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Applicant:- John Plumb
Agent:- Stewart Rowe - The Planning & Design Bureau Ltd

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 Replacement Local Plan 2005 – Saved Policies

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 and 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
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance
   - National Planning Policy Framework (NPPF) and Technical Guidance
   - Planning Practice Guidance (PPG)
   - Planning policy for traveler sites
   - Planning practice guidance for renewable and low carbon energy
   - Relevant government circulars and other planning policies

ii) Essex County Council
   - Essex Design Guide 1997

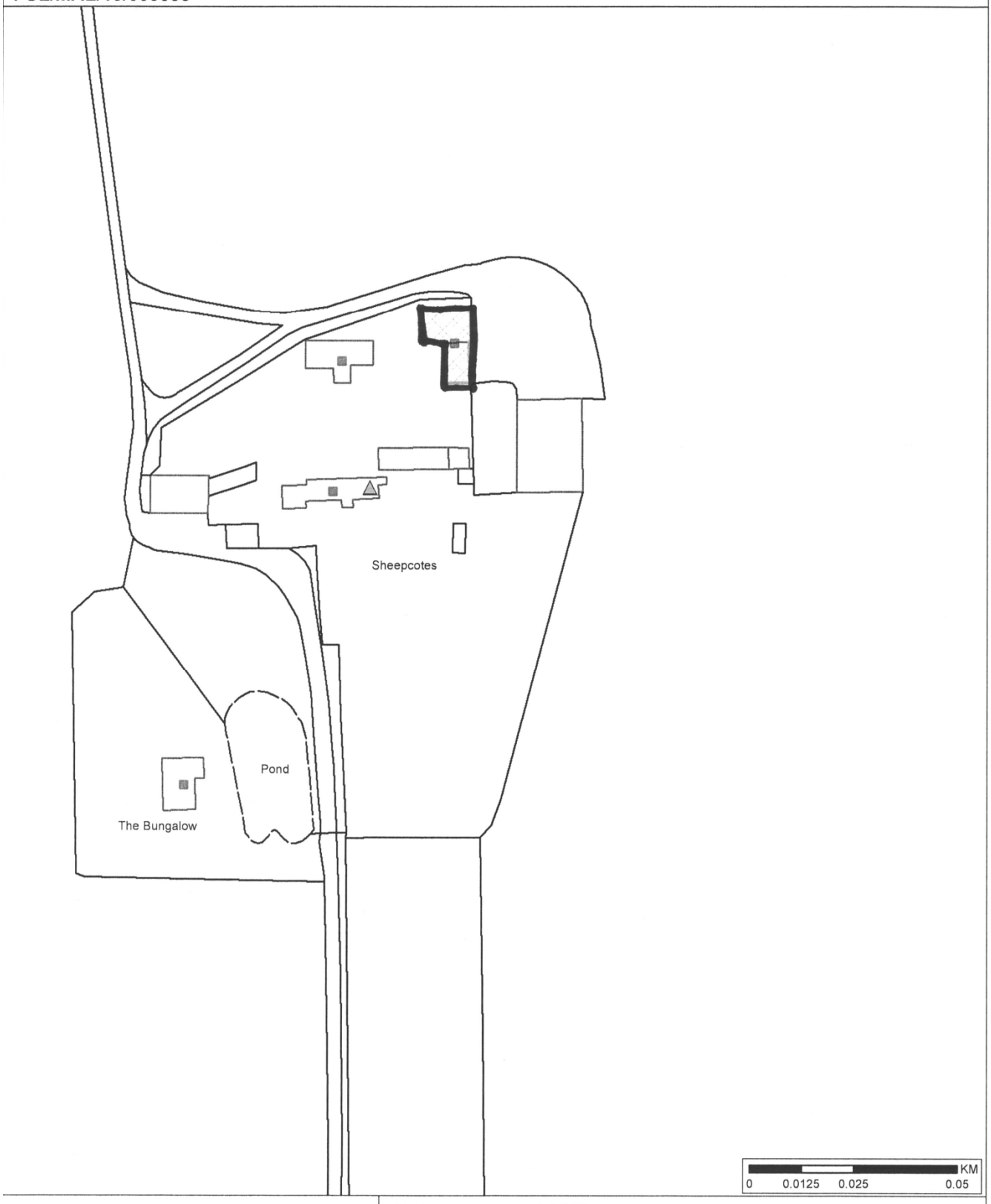
iii) Maldon District Council
   - Submission Local Development Plan (April 2014) (as amended)
   - Planning Policy Advice Note (latest)
   - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
   - Infrastructure Phasing Plan (January 2015)
   - North Heybridge Garden Suburb Strategic Masterplan Framework SPD
   - South Maldon Garden Suburb Strategic Masterplan Framework SPD
   - Vehicle Parking Standards Supplementary Planning Document (SPD)
   - Children's Play Spaces SPD

- Affordable Housing Guide SPD
- Sadd's Wharf SPD
- Heybridge Basin Timber Yard SPD
- Developer Contributions Guide 2015
- Heybridge Basin Village Design Statement
- Wickham Bishops Village Design Statement

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

Holiday Cottage, Sheepcotes Farm, Sheepcotes Lane, Southminster

FUL/MAL/15/000033



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE1	**Application Number**	**FUL/MAL/15/00033**
	Location	Holiday Cottage Sheepcotes Farm Sheepcotes Lane Southminster
	Proposal	Change the use of holiday home as annexe
	Applicant	Mrs Joanna Wood
	Date Valid	12 January 2015
	Target Date	9 March 2015
	Case Officer	Kara Elliott, TEL: 01621 875860
	Parish	**SOUTHMINSTER**

1. Introduction

1.1 This item is presented to the South Eastern Area Planning Committee as the application site is over 1 Hectare and is therefore considered a Major application.

2. Site Description

2.1 The site falls outside of the defined settlement boundary for Southminster. The main farmhouse is a Grade II Listed Building of 16th Century origin with a number of detached outbuildings within its curtilage orientated around a pond . One of these buildings received planning permission to be used as an annexe for an elderly relative in 2004.

2.2 The building subject of this application is to the northeast corner of the site, furthest from the farmhouse. It is a single storey brick and weatherboarded building which converted from a redundant outbuilding to a holiday unit following planning permission in 2010. The building is currently occupied as unauthorised residential accommodation

3. The Proposal

3.1 Planning permission is sought to convert the holiday unit to annexe accommodation ancillary to the main farmhouse - Sheepcotes Farm. The internal facilities consist of full residential facilities including two bedrooms, a bathroom, kitchen/dining room and lounge area.

3.2 No external or internal alterations are proposed.

4. Relevant Planning History

- **10/00732/FUL -** Change of use of redundant barn to holiday accommodation – **APPROVED** 25.10.2010.

Related outbuilding within curtilage ('Cow shed')

- **04/00016/FUL** - Conversion of cow shed to granny annex – **APPROVED** 27.02.2004

5. Consultation Replies

Parish Council
Southminster Parish Council – Supports. *Comments, no significant impact on tourism.*

Internal
Conservation Officer – Objects. *Comments; will potentially lead to the subdivision of the site, which could be to the detriment of the listed building's setting.*

Economic Development – Objects. *Comments; loss of holiday unit is contrary to the Maldon District Council Economic Prosperity Strategy.*

6. Letters of Representation

Letter of Objection
Craig & Sharon Wilson, Winfields, Steeple Road, Latchingdon, Essex CM3 6LD.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies
Adopted Maldon District Replacement Local Plan

- S2 Development outside Development Boundaries.
- BE1 Design of New Development and Landscaping.
- BE16 Extensions alterations to and additional buildings in the curtilage of Listed Buildings.
- REC21 Redevelopment of Tourist Accommodation.
- H11 Special Family Needs.
- CC6 Landscape Protection.
- T8 Vehicle Parking Standards.

(ii) Maldon District Local Development Plan
The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process.

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following emerging policies are considered relevant to this application:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- T2 Accessibility
- E5 Tourism
- H3 Accommodation for Specialist Needs

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 There are a number of factors which establish the principle of the proposed development to be assessed. Firstly, the principle of the loss of holiday accommodation is explored.

7.1.2 Planning permission was granted in 2010 for the change of use of the redundant building to a holiday let. A number of conditions were imposed including the restriction of the use of the building as a separate or independent permanent dwelling house for a person's sole or main place of residence. The NPPF at paragraph 28 supports prosperous rural economies by supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

7.1.3 Policy E5 of the emerging Local Development Plan states that in order to remain a competitive destination and to encourage growth of the tourism related sectors, the District will need to continue to develop tourism related assets such as accommodation, attractions and unique visitor experiences. This includes protecting

the existing tourism provision of the District. The District's holiday accommodation is made up of informal, small scale accommodation of which is typical of the application site and the rural character of the District, versus large-scale/purpose-built accommodation. The holiday accommodation provided at the application site, despite its small scale, is therefore considered to amount to an important contribution to the District's tourism offer - an important component of the District's economy. The Council's Economic Prosperity Strategy states that the visitor economy is linked to over 10% of jobs in the District and visitor spending contributes approximately 5% of the District's total economic output.

7.1.4 The application fails to demonstrate that the viability of continuing the existing tourism use has been fully and appropriately investigated. No marketing has been undertaken to demonstrate that there is no viable appropriate tourism related use for the site, including the level of interest. The loss of the holiday accommodation is therefore in conflict with the Council's strategy in protecting tourism provision.

7.1.5 The principle of providing annexe accommodation ancillary to the residential use of the main dwellinghouse is acceptable, providing that the accommodation is the minimum required to satisfy the functional needs of the occupier, the accommodation is in fact ancillary to the dwellinghouse and there is a common main entrance to the dwellinghouse and the annexe. These requirements are established within policy H11 of the adopted Local Plan, which also requires an evident need to be established to justify the requirement of the annexe accommodation. This policy ensures that a new independent dwellinghouse is not created, in reflection of the Councils aim to protect areas outside of defined development boundaries from new residential development in the interests of protecting the countryside of the District.

7.1.6 The accommodation provides provision of a kitchen/dining area, two bedrooms, lounge and bathroom of which are considered to be fully capable of providing a self-contained dwelling. The detached situation of the building also further exacerbates the independent nature of the accommodation. Furthermore, no specialist 'need' is demonstrated for the separate accommodation.

7.1.7 The facilities proposed enable the development to operate independently of the existing dwelling with ease. Occupier/s could undergo day-to-day movements in full independence of the existing dwelling.

7.1.8 The proposed development is therefore considered to be in conflict with policy H11 of the adopted Local Plan and H3 of the emerging LDP.

7.1.9 As the proposal would not amount to an annexe situation but rather one new dwelling outside of any defined settlement boundary, as defined by the adopted Local Plan and the Pre-submission Draft Local Plan, the development proposal is considered to be contrary to Development Plan Policies in principle.

7.1.10 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. This principle is brought forward within Policy S8 of the LDP.

7.1.11 Policy CC6 seeks to protect the rural landscape in the District and is considered to be compliant with NPPF which seeks to protect the 'intrinsic character and beauty of the countryside'. The site is located outside of the defined settlement boundary of Southminster in a remote setting. he distance of 600 metres from the site to Southminster would be taken from an unlit track with no pedestrian footpath and no lighting resulting in an unlikely alternative to the dependency on the use of a private car as the main form of transport to and from the site.

7.1.12 In respect of this, paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". This is reflected in policy T1 of the Local Plan. The proposal would not comply with this requirement.

7.1.13 The principle of a dwelling in this location is in stark contrast to policy S2 of the adopted Local Plan as the site lies within a rural area outside of the settlement boundary as well as S8 of the Local Plan and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.

7.2 Housing Need

7.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. The proposal would provide one, two bedroomed dwelling.

7.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

7.2.3 Policy H2 of Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, with around 71% of all owner occupied properties having three or more bedrooms.

7.2.4 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands in which this development would carry some weight in assisting towards.

7.3 Impact on Character and Appearance of the Area & The Setting of the Listed Building

7.3.1 The outbuilding falls within the domestic and historic setting of Sheepcotes Farm House. No external alterations are proposed to the building as these were undertaken at the time of the change of use to holiday accommodation.

7.3.2 It is therefore considered that the appearance of the building would not have an adverse impact on the character and appearance of the rural area or on the setting of the heritage asset.

7.4 Access, Parking and Highway Safety

7.4.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising one bedroom require a maximum of one parking space. The layout of the development has been provided in support of this planning application and it is agreed that the site can accommodate this off-street parking requirement.

7.4.2 No alterations are proposed to the existing access to the site. The scheme is therefore in accordance with Policies T2 and T8 of the adopted local plan and T1 and T2 of the Local Development Plan.

7.5 Other Material Considerations

7.5.1 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

7.5.2 Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development.

7.5.3 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the submission LDP which emphasises the need for sustainable development.

7.5.4 In relation to this proposal in economic terms, it is acknowledged that the occupier/s will use local shops and services, restaurants etc. which will go somewhat towards an economic benefit. However, the loss of the holiday unit will be to the detriment of the economic and tourism value of the site, as outlined in the above sections of the report.

7.5.5 In social terms the proposal would fail to support a strong vibrant and healthy community, failing to provide a high quality development in the right place where it can meet a choice for access to essential support facilities by a variety of reliable means of transport, other than private car. Although the dwelling would help to meet housing need, it would not be in a location where social inclusion would be supported or encouraged, as required by the NPPF.

7.5.6 In environmental terms the development would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the rural area. Providing new development in an area where use of sustainable transport modes of transport is not an attractive option would directly conflict with this environmental strand of sustainability as it would fail to minimise pollution in the move towards a low carbon community.

7.5.7 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF.

7.6 Conclusion

7.6.1 The pre-amble to policy H11 of the Local Plan states that accommodation for special family needs should be the minimum required to satisfy the functional need of the prospective occupiers and can be satisfactorily used as part of the accommodation of the existing dwelling. In this instance the proposal is considered to form a separate dwelling unit due to provision of full residential facilities including two bedrooms, a dining room/kitchen, lounge area and bathroom. This would amount to the creation of a new, independent dwelling, able to be occupied without the reliance of the main dwelling. Furthermore, the loss of the holiday accommodation is in conflict with the Council's strategy in protecting tourism provision and no evidence has been submitted to prove that the holiday use is unviable or there is no demand.

7.6.2 Policy E5 of the emerging Local Development Plan states that in order to remain a competitive destination and to encourage growth of the tourism related sectors, the District will need to continue to develop tourism related assets such as accommodation, attractions and unique visitor experiences. This includes protecting the existing tourism provision of the District. The District's holiday accommodation is made up of informal, small scale accommodation of which is typical of the application site and the rural character of the District, versus large-scale/hotel accommodation. The holiday accommodation provided at the application site, despite its small scale, is therefore considered to amount to an important contribution to the District's tourism offer - an important component of the District's economy. The Council's Economic Prosperity Strategy states that the visitor economy is linked to over 10% of jobs in the District and visitor spending contributes approximately 5% of the District's total economic output.

7.6.3 The application fails to demonstrate that the viability of continuing the existing tourism use has been fully and appropriately investigated. No marketing has been undertaken to demonstrate that there is no viable appropriate tourism related use for the site, including the level of interest. The loss of the holiday accommodation is therefore in conflict with the Council's strategy in protecting tourism provision.

Recommendation

REFUSE for the following reasons:

1 The degree of self-containment and separation of the proposed residential annexe building would be tantamount to the creation of a separate dwelling unit not associated the main dwellinghouse, in contrary to adopted policy H11 of the adopted Maldon District Replacement Local Plan, H3 of the emerging Local Development Plan and the NPPF.

2 Policy S2 seeks to provide control over new dwellings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policy S2 of the Maldon District Replacement Local Plan as the site lies within a rural area outside of a settlement boundary and is remote from services and facilities needed for everyday living. The development is therefore considered contrary to policies S2 of the adopted Local Plan, emerging policy S8 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework.

3 The loss of holiday accommodation would result in the loss of a contribution to the District's tourism offer and economic output. Furthermore, the application fails to demonstrate to the Council's satisfaction that the viability of continuing the existing use has been fully and appropriately investigated, and that effective marketing has been undertaken to demonstrate that there is no viable appropriate tourism related use, in conflict with emerging policy E5 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework.

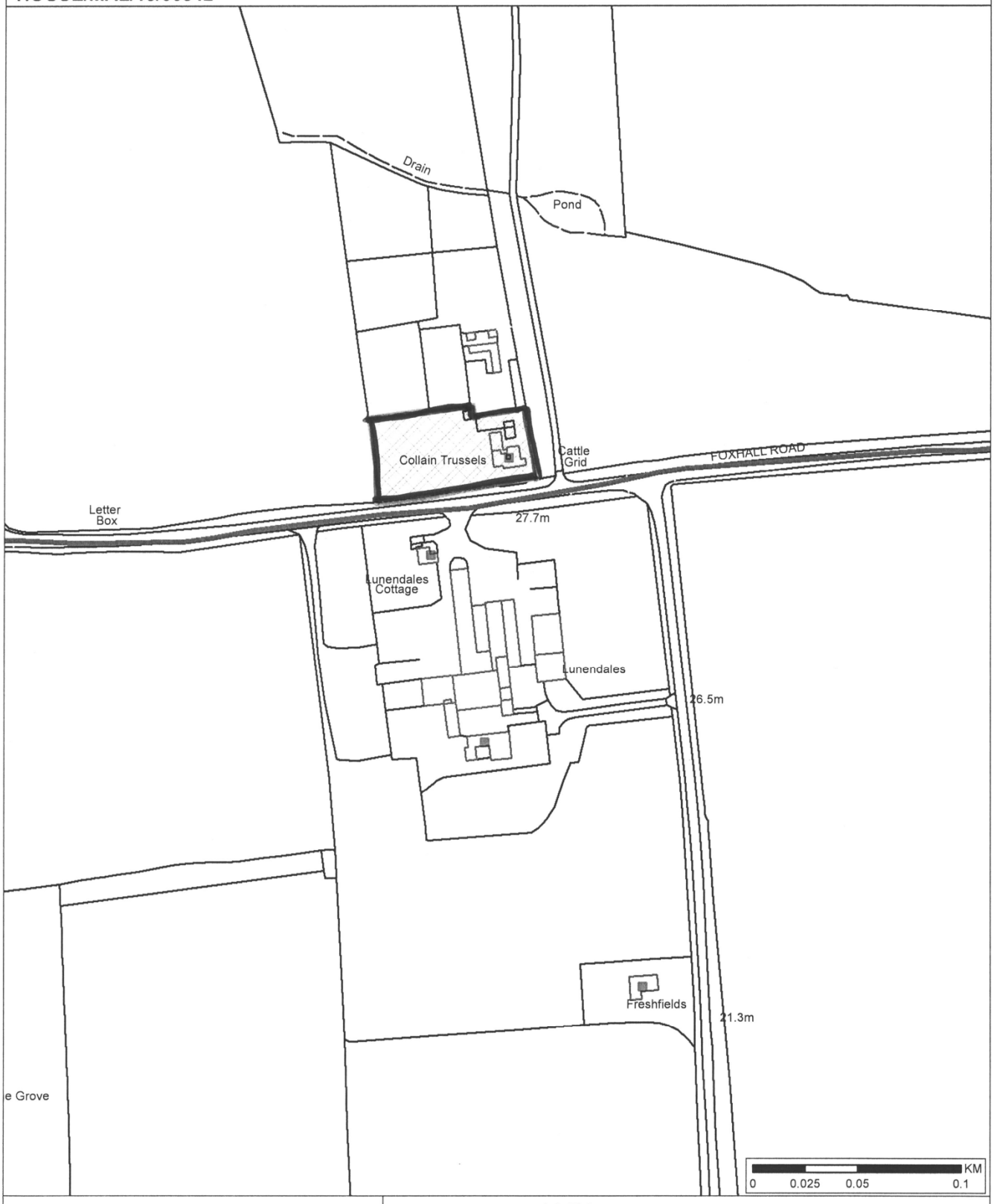
POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Lily Rose Cottage, Foxhall Road, Steeple

HOUSE/MAL/15/00842



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	30/11/2015
MSA Number:	100018588

SE2	**Application Number**	**HOUSE/MAL/15/00842**
	Location	Lily Rose Cottage Foxhall Road Steeple Essex
	Proposal	New second floor and loft conversion to bungalow including full dormer to rear and three roof lights to front.
	Applicant	Mrs Jane Fariner
	Agent	Mr Gabriel Kakanos - Kticic Architects
	Date Valid	18 September 2015
	Target Date	13 November 2015
	Case Officer	Emily Hall, TEL: 01621 875744
	Parish	**STEEPLE**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee as the recommendation is contrary to that of the Parish Council.

2. Site Description

2.1 The application site is located on the north side of Foxhall Road, to the north of Southminster and the east of Mayland. The site is outside of the any defined settlement boundary and is located within in a rural setting.

2.2 The site is occupied by a detached single storey dwelling which is set back from the highway by 7 metres.

3. The Proposal

3.1 Planning permission is sought to erect a box dormer to the rear elevation to facilitate the conversion of the loft space to habitable accommodation. In addition, fenestration detailing in the form of rooflights and windows are proposed on the principal and flank elevations.

3.2 The proposed extension takes the form of a flat roof box dormer which will measure approximately 12 metres wide, will project 5 metres from the roof slope and have a ridge height of approximately 5.5 metres.

3.3 Finish materials are weatherboarding.

4. Relevant Planning History

4.1 No relevant planning history.

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5. Consultation Replies

Parish Council
Steeple Parish Council – Support application.

6. Letters of Representation

6.1 None received at the time of writing.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies
Adopted Maldon District Replacement Local Plan

- BE1 - Design of New Development and Landscaping
- BE6 - Extensions to Dwellings
- T8 - Vehicle Parking Standards

(ii) Maldon District Local Development Plan (LDP)
The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

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The following policies are considered relevant to this application:

- D1 - Design Quality and Built Environment
- T2 - Accessibility

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development and Sustainability

7.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the Replacement Local Plan (RLP) and H4 of the emerging LDP. Other material planning considerations are discussed below.

7.2 Scale, design and impact of the proposal

7.2.1 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 should be sought to create a high quality built environment for all types of development.

7.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

7.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

7.2.4 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".

"that 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."

7.2.5 Planning permission is sought to erect a roof extension in the form of a large box dormer on the rear roof slope of the dwelling.

7.2.6 The proposed development will extend virtually the entire width of the dwelling and will project 5.5 metres from the plane of the roof at the highest point. The design of

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the proposed extension is that of a flat roof box dormer. It is proposed to finish the proposed development in weatherboard cladding.

7.2.7 The proposed development is located to the rear of the dwelling and will have limited views from the public realm. However, in terms of its design, the proposed development is considered to be of very limited architectural merit, and given its extension width and depth is considered to result in a bulky and incongruous addition to the roofscape to the detriment of the character and appearance of the dwelling, contrary to the stipulations of policy BE1 of the RLP and D1 of the submitted LDP.

7.2.8 Furthermore, the proposal as submitted is not considered to assimilate into the existing dwelling in terms of scale, bulk and proportions to an acceptable level and would appear as a dominant and contrived addition to the detriment of the appearance of the host dwelling, contrary to the stipulations of policy BE1 of the RLP and D1 of the submitted LDP.

7.2.9 Windows are proposed in the gables of the flank elevations at first floor level and rooflights are proposed on the principal roofslope. There is no objection in the principal to the design or arrangement of these elements of the proposed development.

7.2.10 However, overall, the proposed development is considered to have a detrimental impact on the character and appearance of the dwelling due to its dominant scale and bulk, contrary to the stipulations of policy BE1 of the RLP and D1 of the LDP and guidance contained within the NPPF.

7.3 Effect upon Neighbouring Properties

7.3.1 The dwelling is located in an isolated rural location. To the north, east and west of the site are agricultural fields. To the south of the site is Foxhall Road, beyond which are Lunendales Farm and Lunendales Cottage. Lunendales Cottage is located approximately 50 metres southwest of the application site.

7.3.2 Whilst there are openings proposed at first floor level their arrangement is not considered to give rise to issues of overlooking, given the distance to the nearest neighbours.

7.3.3 The proposed development is not considered to cause a loss of light or outlook to neighbouring properties due to the distance between the development and the neighbouring properties.

7.3.4 It is considered that the proposal would not have an adverse impact on the amenity of the neighbouring occupants in relation to overlooking, overshadowing or domination, in accordance with policy BE6 of the RLP and policy D1 of the submitted LDP.

7.4 Access, Parking and Highway Safety

7.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The adopted Maldon District Vehicle Parking Standards SPD sets out the parking standards as maximum standards and Government

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guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

7.4.2 The proposed development will result in the creation of three additional bedrooms. The adopted Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that dwellings with more than four bedrooms should provide space to park a maximum of three cars.

7.4.3 There is ample space to the front and side of the property to accommodate three cars within the site the arrangement of which will not be impacted as a result of the proposed development. The proposed development will not have a detrimental impact on the provision of vehicle parking on the site; the development is, therefore, in accordance with the stipulations of Policy T8 of the RLP and D1 of the LDP.

7.5 Private Amenity Space

7.5.1 The Essex Design Guide advises a suitable garden size is commonly recognized as 100m² for dwellings with three or more bedrooms. The proposed development will provide three additional bedrooms, resulting in a dwelling with at least four bedrooms.

7.5.2 The proposed development is located at first floor level; there will be no loss of amenity space within the site. The existing garden on the site satisfies the standard contained within the Essex Design Guide and therefore, there is no objection to the proposal in relation to amenity space.

7.6 Conclusions

7.6.1 The proposed development is considered to have a detrimental impact on the character and appearance of the dwelling due to its dominant scale and bulk, contrary to the stipulations of policy BE1 of the RLP and D1 of the LDP and guidance contained within the NPPF.

Recommendation

REFUSE for the following reason:

1 The proposed dormer, by reason of its scale, bulk and design, would cause material harm to the character and appearance of the dwelling contrary to Policy BE1 of the Replacement Local Plan and Policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework, notably paragraph 64.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

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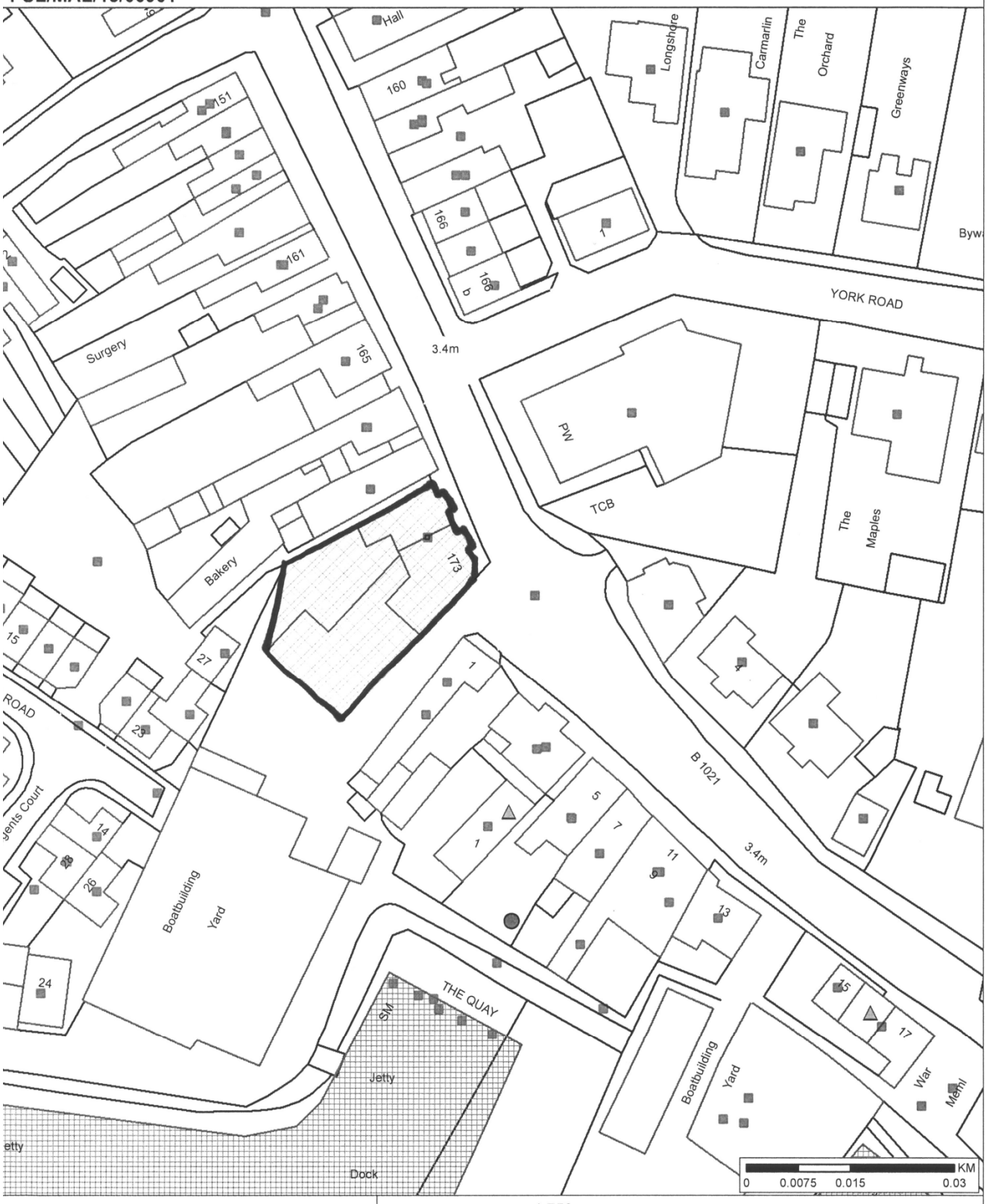
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King And Hines Limited, 171-173 Station Road, Burnham-On-Crouch

FUL/MAL/15/00901



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:750
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Commitee
Date:	30/11/2015
MSA Number:	100018588

SE3	**Application Number**	**FUL/MAL/15/00901**
	Location	King And Hines Limited 171 - 173 Station Road Burnham-On-Crouch Essex
	Proposal	Partial reinstatement of 171 Station Road to full residential use. Conversion of brick outbuilding to residential use. Reinstating the wall between the residential and retail areas to reduce the existing retail area. Removal of dilapidated metal clad outbuilding (between rear of 173 and brick outbuilding) and replacement with residential accommodation. With the development comprising a total of 8 residential flats (3no 1 bed units, 5no. 2 bed units) 1 retail unit and associated vehicle access/parking and amenity.
	Applicant	King & Hines Ltd
	Agent	Mr Simon Plater - Plater Claiborne Architecture + Design
	Date Valid	9 September 2015
	Target Date	4 November 2015
	Case Officer	Rebecca Greasley, TEL: 01621 875805
	Parish	**BURNHAM SOUTH**

1. Introduction

1.1 This application is brought to the South Eastern Area Planning Committee for determination as the officer has a view contrary to that of Burnham Town Council.

2. Site Description

2.1 The application site is located on the southern side of Station Road, within the development boundary for Burnham-on-Crouch, and the Burnham Conservation Area. The site comprises No.171-173 Station Road and the outbuildings to the rear. The site currently accommodates Kings and Hines Limited, a hardware shop, with the northernmost element accommodating a residential use. The first floor is used for both residential use and as an office and store room used in association with Kings and Hines Limited.

2.2 The site is bounded by Station Road to the north, and High Street to the east. There is an access road running down the east of the building which provides access to Priors Boatyard to the immediate south of the application site. Along the western boundary is a narrow pedestrian access leading to the adjacent properties and Kings Wharf to the rear.

3. The Proposal

3.1 Full planning permission is sought for the partial reinstatement of 171 Station Road to full residential use. Conversion of brick outbuilding to residential use. Reinstating the wall between the residential and retail areas to reduce the existing retail area. Removal of dilapidated metal clad outbuilding (between rear of 173 and brick

outbuilding) and replacement with residential accommodation. With the development comprising a total of 8 residential flats (3no 1 bed units, 5no. 2 bed units) 1 retail unit and associated vehicle access/parking and amenity.

3.2 Main Building - The retail element would be retained, but reduced in its footprint. The main building (171-173 Station Road) would be divided and extended to the rear, and the roofspace converted to residential use. In total the main building would accommodate no. 6 residential units.

The extension proposed to the rear would measure 10.5m in length, 6.1m in width, and 5.3m in height and would adjoin the existing retail element to the rear.

Unit 1 – comprising a 1 bedroom unit on the ground floor (accessed from a communal entrance to the north of Station Road).
Unit 2 - comprising a 1 bedroom unit on the ground floor (accessed from a communal entrance to the north of Station Road).
Unit 3 – comprising a 2 bedroom unit on the ground floor (accessed from the vehicular access to the east of the site). The unit would utilise part of the existing retail element, and the proposed rear extension.
Unit 4 – comprising a 2 bedroom unit (accessed from the vehicular access to the east of the site). The unit would be split over the first and second floor.
Unit 7 – comprising a 2 bedroom unit (accessed from a communal entrance to the north of Station Road) the unit would be split over the first and second floor.
Unit 8 – comprising a 2 bedroom unit (accessed from a communal entrance to the north of Station Road) accommodating the first floor.

3.3 Brick Outbuilding - The brick outbuilding would be retained, and converted to parking spaces at ground floor, and residential use at first floor. In order to accommodate the conversion the unit would be extended to accommodate an additional floor. The ridge height would be increased to 7.5m.

At ground floor the outbuilding would accommodate 4 undercover communal parking spaces, refuse and recycling store and an allocated parking space for unit 5.

Unit 5 – comprising a 2 bedroom unit (accessed from the vehicular access to the east of the site). The access would be at ground floor, with the accommodation located at first floor.
Unit 6 - comprising a 1 bedroom unit (accessed from the vehicular access to the east of the site). The access would be at ground floor, with the accommodation located at first floor.

3.4 The metal clad building between the outbuilding and the main building would be demolished to accommodate the proposal. A communal garden is proposed measuring 35sqm, and an additional three parking spaces, to the south of the main building.

4. Relevant Planning History

- No relevant planning history.

5. Consultation Replies

Town Council
Burnham Town Council – Support.

External
Essex County Council Highway Authority – No objection.

Environment Agency – No objection.

Internal
Conservation Officer – No objection.

Emergency Planner – No objection. The flood risk assessment should be available to future residents so that they know what to do in the event of a flood.

Environmental Health – No objection subject to conditions.

Housing Department – Object as affordable housing requirements of 30% (2.4 units) has not been provided.

Planning Policy – Object (loss of employment and retail use).

Waste Management – No objection.

6. Letters of Representation

Letters of Objection:
Johnathan and Rachel Hill – Bakers Cottage, 27 Kings Road, Burnham

Main reasons for Objection:
- Concerns regarding overlooking.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies
Adopted Maldon District Replacement Local Plan
- S1 Development boundaries and New Development.
- H1 Location of new housing.
- H6 Housing Density.
- H8 Conversion of dwellings and other buildings to flats.
- BE1 Design of Development and Landscaping.
- BE13 Development in Conservation Areas.
- SH1 Core Retail Areas.
- T1 Sustainable Transport and Location of New Development.

- T2 Transport infrastructure in new developments.
- T8 Vehicle Parking Standards.

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process.

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47.

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following emerging policies are considered relevant to this application:

- S1 Sustainable Development.
- S7 Prosperous Rural Communities.
- S8 Settlement boundaries and the countryside.
- D1 Design Quality and Built Environment.
- D2 Climate Change and Environmental Impact of New Development.
- D3 Conservation and Heritage Assets.
- H2 Housing Mix.
- H4 Effective Use of Land
- T1 Sustainable Transport.
- T2 Accessibility.

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 The proposal is for 8 new residential units within of the settlement boundary of Burnham Town Council as defined by the adopted Local Plan and the Pre-submission Draft Local Plan.

7.1.2 The site is located within a Core Retail Area as defined by the Local Plan. Policy SH1 states that 'within the Core Retail Areas of Maldon and Burnham-on Crouch town centres, ground floor retail units will be protected from changes to other uses'. The proposed development would result in the change of use of part of the retail unit to residential purposes, and as such is contrary to this policy requirement.

7.1.3 However, the part of the retail element to be converted to residential purposes currently appears as a residential frontage, and does not contribute to the current retail appearance of the unit. The current retail frontage on the site would be retained, and as such, the principle of the change of use is not objected to.

7.2 Housing Need

7.2.1 The proposal would result in eight new residential units on the site. These units comprises of 1 and 2 bedroom units, and as such do meet the requirement of providing smaller residential units within the district. However, as the council is able to demonstrate a 5 year housing land supply, this is given minimal weight in determining the application.

7.3 Design and Impact on Character and Appearance

7.3.1 The application site is located within the Burnham Conservation Area, and as such policy BE13 is a consideration. Policy BE13 states that development including extensions to existing buildings in Conservation Areas will only be permitted if all of the following criteria is met:

a) The design is of a high standard incorporating scale, form, materials and detailing that respect the characteristics of buildings in the area.
b) Open spaces important to the character or historic value of the area are protected.
c) Important views within, into and out of the area are protected.
d) Trees and other landscape features contributing to the character or appearance of the area are protected.

7.3.2 Policy BE1 (a) relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale/bulk/height, materials and visual impact (among other factors). BE1 (c) states that outside of defined development boundaries, development should make a positive contribution to the landscape and open countryside.

7.3.3 The proposal would result in a number of extensions and new development. Most of this development would be to the rear of the site. The street-fronting building has a relatively plain form but attractive detailing, including ornamental terracotta window surrounds and head and a glazed tile shop front. No substantial changes are proposed to the northern elevation which fronts onto Station Road, a single rooflight is

proposed to accommodate the new residential unit to the second floor. As such, the alterations to the Station Road frontage are not considered to result in demonstrable harm to the character and appearance of the Burnham Conservation Area.

7.3.4 The proposed development to the rear of the site is however considered to appear more radical, and would change the character of the site and the surrounding area. The proposed development with a maximum height of 7.5m in height would be visible from public vistas.

7.3.5 An opening for a garage door will punch through one of the original windows on the south-east elevation of the brick building. While the loss of this window is not considered to preserve and enhance the character of the Burnham Conservation Area, the manner of the intervention and the style of the garage door are typical of the sort of functional alterations made to such utilitarian buildings, it is considered that by retaining the arched window-head, the building's development can easily be read.

7.3.6 Whilst the proposed design of the extensions and alterations to the rear are considered to result in a drastic alteration to the character of the site. The proposed materials would draw upon the existing industrial boat sheds located to the south of the site.

7.3.7 In terms of the scale and bulk of development, the proposed ridge height of the southernmost building measuring 7.5m in height, would appear as a dominant addition to the streetscene. The immediate locality is characterised by road frontage development, with buildings of a more subservient height and bulk to the rear. The proposed development would fail to follow this gradual transition of buildings heights, appearing as a dominant and overbearing form of development in the streetscene. However, from undertaking a site visit, it is evident that units of a similar scale and bulk are evident to the north west of the site, and as such, on balance, the height, scale and design are not objected.

7.3.8 The proposal would result in the demolition of an existing outbuilding on the site. The outbuilding is a redundant corrugated metal shed previously used for boatbuilding and repairs. This building is not considered to contribute to the character and appearance of the Maldon Conservation Area, and on this basis the demolition of this building is not objected to.

7.3.9 In summary of the above assessment, the proposed scale, bulk and design, on balance are considered to be acceptable.

7.4 Affordable Housing

7.4.1 The application for 8 residential units would trigger the requirement to provide affordable housing under Policy H1 of the Maldon District Council's emerging Local Development Plan 2014-2029 which requires 30% affordable housing on this development. This would amount to a total provision of 2.4 affordable units on the site.

7.4.2 In liaison with the councils housing department it has been confirmed that concerning the 0.4 element of the 2.4 affordable units, the council would require a commuted sum payment for this proportion.

7.4.3 The applicant has not provided a draft heads of terms as part of the submission, nor requested that the council enter in a legal agreement to ensure that this provision is secured. The application has made no reference to affordable housing as part of the submission, and has made reference to the provision of market housing only. The affordable scheme detailing tenure, cost and allocation of units would need to be agreed by Maldon District Council as part of the Section 106 Agreement.

7.4.4 As such, policy H1 has not been met as part of this application.

7.5 Provision of Amenity Space and Landscaping

7.5.1 The proposal would accommodate 8 residential units. Policy H8 states that the provision of a minimum of 25sqm of amenity space should be required. In addition, the Essex Design Guide requires that two or more bedroom flats to have a minimum of 25m² of private garden space. It is acknowledged that the two bedroom flats proposed are likely to attract families, and as such, the provision of usable amenity space is an important consideration.

7.5.2 The number of bedrooms that each unit is to accommodate is noted below.

Unit 1 –1 bedroom unit
Unit 2 - 1 bedroom unit
Unit 3 – 2 bedroom unit
Unit 4 - 2 bedroom unit
Unit 5 - 2 bedroom unit
Unit 6 - 1 bedroom unit
Unit 7 - 2 bedroom unit
Unit 8 - 2 bedroom unit

7.5.3 No private amenity space has been provided as part of the application. However, a communal area measuring 35sqm is proposed to the rear of the main building. This area, whilst would not accord with the requirements of the Essex Design Guide or Policy H8 is also not considered to provide usable private space. The location of this area within the proposed car park, adjoining a public footpath, would be directly overlooked and within views from the highway and public areas of the site.

7.5.4 Whilst it is acknowledged that a condition could be imposed regarding boundary treatment to be provided around this space, to result in these areas being private, the erection of 2m high boundary treatment is not considered to protect or enhance the Burnham Conservation Area and as such would not be appropriate in this instance.

7.5.5 Five of the flats are to be two bedrooms in nature, and could provide family accommodation, and therefore it is essential that an acceptable and useable amenity space is provided on site for the benefit of the future occupiers of the flats; which is likely to include small children.

7.5.6 The proposed development fails to make adequate provision for private amenity for the accommodation provided to the detriment of the residential amenities of the proposed development contrary to Policy BE1 of the adopted Maldon District Replacement Local Plan, D1 of the emerging Local Plan and the guidance of the National Planning Policy Framework.

7.6 Impact on Residential Amenity

7.6.1 Residential units are located to the north west of the application site. As such, the impact of the development in terms of overlooking and overshadowing is assessed in detail.

7.6.2 In terms of overlooking, no windows are located on the north western flank elevation to directly overlook the neighbouring properties amenity space. In terms of overshadowing, given the orientation of the proposed building, and distance of the unit from no. 27 Regents Court, the proposal is not considered to result in an overbearing impact on the neighbours' amenity.

7.6.3 It is noted that the application site is located immediately adjacent to a boatbuilding yard. At the time of undertaking the site visit no works were being carried out on the boats to fully assess the impacts of noise and disturbance on the future occupiers of the site. However, it must be noted that residential units 23 and 27 Regents Court are located within closer proximity of the boatbuilding yard than that of the application site. Furthermore, the environmental health department has raised no concerns regarding the development.

7.7 Access, Parking and Highway Safety

7.7.1 The access to the south east of the application which is accommodated by the boatbuilding yard, would be utilised as part of the proposed development. An entrance way would be created between the extension to the main building, and the outbuilding to the south of the site.

7.7.2 In terms of car parking, the proposal would accommodate one allocated car parking space for unit 5, and 7 communal parking spaces for the remaining units. The Maldon Vehicle Parking Standards state that a maximum of 1 parking space should be provided for a one bedroom unit, and 2 parking spaces should be provided for a two bedroom unit.

7.7.3 Whilst the proposal would fail to meet with this requirement, it must be acknowledged that the application site is located in a town centre location, where alternative modes of transport are available. As such, in this instance the provision of one parking space per unit is considered to be sufficient.

7.7.4 In terms of visitor parking spaces the SPD states that 'new flats or housing incorporating communal parking which is not designated to individual housing unit' does not require visitor parking spaces.

7.8 Refuse Storage

7.8.1 Refuse storage is to be located to the south west of the application site, to the ground floor of unit 5. In liaison with the councils waste management team it is considered that the bin store provided can accommodate at least three 1100 litre refuse wheeled bins and a 240 litre bin for glass. Also that the doors to the bin store are adequate width to wheel the 1100's in and out.

7.8.2 The waste management team have raised concern over the lack of accommodation for trade waste from the retail unit. However, it must be acknowledged that this unit is already on the site, and as such it would be unreasonable to impose a condition requiring these details to be submitted.

7.9 Other Considerations

7.9.1 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

7.9.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the submission LDP which emphasises the need for sustainable development.

7.9.3 In relation to this proposal, and in economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses or that materials would be locally sourced. There are no local shops or services that would benefit from increased footfall as a result of this scheme. Any economic benefits are therefore minimal.

7.9.5 In social terms the proposal would fail to support a strong vibrant and healthy community, failing to provide a high quality development with a sufficient and useable level of amenity space where it can meet housing need and affordable housing.

7.9.6 In environmental terms the development would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the conservation area, as a result of the scale and bulk of the development.

7.9.7 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF.

7.10 Conclusion

7.10.1 The proposal would result in a height and bulk of development that would fail to enhance the character and appearance of the Burnham Conservation Area, and would fail to provide an appropriate level of private amenity space contrary to adopted LP policies, emerging LDP policies and the guidance and provision as contained within the NPPF. In addition, the proposal fails to provide any affordable housing contrary to policy.

Recommendation

REFUSE for the following reasons:

1 The proposed development, due to the contrived and restricted nature of the amenity space, fails to provide an appropriate level of private amenity space, to the detriment of the living conditions of these future occupiers, contrary to policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

2 The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H9 of the Adopted Maldon District Replacement Local Plan, H1 of the Maldon District Submission Local Development Plan and guidance and principles contained in the National Planning Policy Framework.

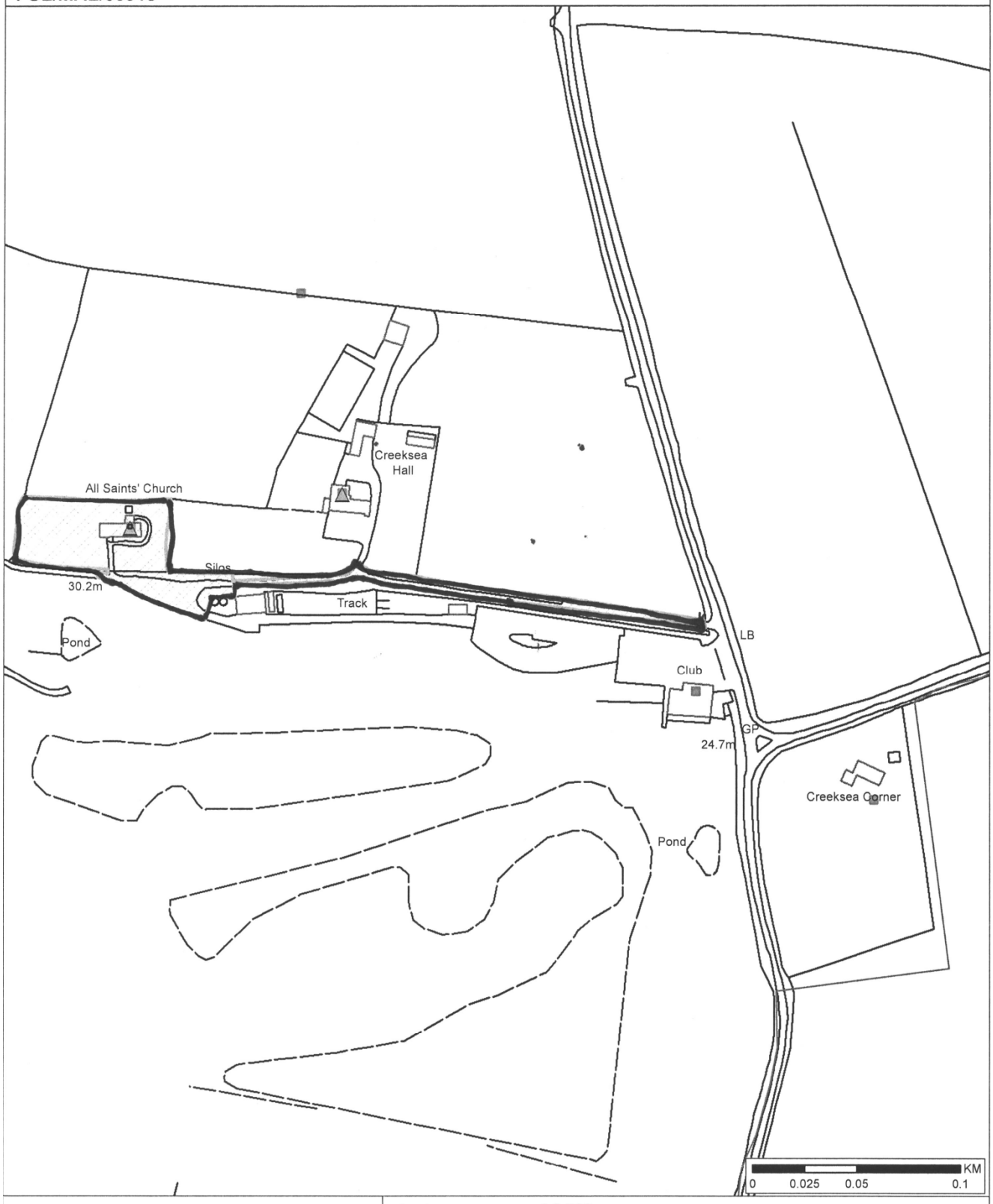
POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Church Of All Saints, Ferry Road, Burnham-On-Crouch

FUL/MAL/00913



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE4	**Application Number**	**FUL/MAL/15/00913**
	Location	Church Of All Saints Ferry Road Burnham-On-Crouch Essex
	Proposal	Proposed side extension to the church to provide a meeting room, tea making facility, toilet and an overflow car parking area (Revised following FUL/MAL/12/00528)
	Applicant	The Parochial Church Council Of The Parish Of All Saints' Ch
	Agent	Raymond Stemp Associates Ltd
	Date Valid	2 September 2015
	Target Date	28 October 2015
	Case Officer	Ernest Addae-Bosompra, TEL: 01621 876274
	Parish	**BURNHAM NORTH**

1. Introduction

1.1 This application has been brought to the South Eastern Area Planning Committee as the officer recommendation is contrary to that of the Parish Council.

2. Site Description

2.1 The Church of All Saints, Creeksea is listed as Grade II. The origins of the church are in the 14th Century. The site is accessed via a private driveway which serves and is mostly owned by Creeksea Hall. The Church lies to the west of Creeksea Hall. From the west of Creeksea Hall the Church then gains access over Maldon District Council land which is leased to the Golf Club.

2.2 The Church is accessed from this land via a five bar gate and a single pedestrian gateway on the southern boundary of the site.

2.3 The Golf Club extends to the south and west of the site and there are open fields to the north. The site is in a rural position.

3. The Proposal

3.1 Application Ref; FUL/MAL/12/00528 was refused permission and dismissed at Appeal on 4 November 2013. The application was for a community hall to the north of the existing church. It was proposed to provide a small kitchen, a wheelchair accessible toilet and a single WC. The community hall will be connected to the church through a link providing wheelchair access to the church.

3.2 The current proposals have been amended to a smaller scheme taking the inspectors decision into consideration. The proposed extension measures 11.58m in length, and 5.43m wide. The proposed meeting room has a reduced floor space of 41.23m.

3.3 Two access points would be made from the existing church into the community hall building. A replacement five bar gate and pedestrian gate are proposed at the southern boundary of the site. No listed building consent is required from the local

authority as the works are exempt by virtue of The Ecclesiastical Exemption (listed buildings and Conservation Areas) (England) Order 2010.

3.4 The meeting room will not be used for community purposes as originally proposed but for church activities. The car parking area, adjacent to the church now forms part of the proposals. Additional overflow car parking will be provided at Elm Farm, which is situated off Ferry Lane. The kitchen facility has been removed and replaced by a tea making facility. Only one toilet has been retained. Bicycle parking space has been included within the curtilage of the church yard.

3.5 The meeting room will be separated from the main body of the Church by a small courtyard, so that the main north window of the Nave remains an external window and light is to be maximised as far as possible. The small lancet window to the west of the north elevation will become an internal window in to the new connecting lobby, while the existing vestry window will also become an internal window. In both cases the existing window stonework will be preserved and will not be covered by new work, apart from the Church interior north wall, where an opening is to be formed and two pews are to be removed.

3.6 A disabled access ramp will be formed at the east door. A wheelchair accessible toilet will be formed at the new work. Level access will be provided to the external paved area to the West of the Community Hall.

4. Relevant Planning History

- **Application Ref; 12/00528** – Development of a new community hall connected to the north of the existing All Saints Church through a link providing wheelchair access. The hall includes a small kitchen, a wheelchair accessible toilet and another single WC. Refused by notice dated 22 June 2012 for the following reasons.

  "The proposal would lead to an increase in activity at the site which would give rise to the need for increased use of the access to the site and the need for additional parking provision. The application has failed to show that the proposal would provide an adequate access arrangement and parking at the site to meet the needs of the development. As such the proposal through insufficient access and inadequate parking provision would give rise to on street parking demands along a narrow rural country lane which would lead to potential vehicular conflicts and difficulties for road users to the detriment of highway safety. The proposal is contrary to policies T2 and T8 of the adopted Maldon District Local Plan and the guidance contained within the National Planning Policy Framework."

- **Appeal Ref; APP/X1545/A/13/2194487** – Dismissed on 4 November 2013.

  Associated site:- Creeksea Church Rooms

- **FUL/MAL/07/00445** - Change of use to offices (B1 use), industrial (B2 use) and storage (B8 use). Approved.

- **FUL/MAL/08/00655** - Conversion of former church room to residential dwelling. Refused.

- **FUL/MAL/09/00898** - Change of use and conversion to residential dwelling with single storey extensions. Refused.

- **FUL/MAL/12/00812** - Dismantling of existing schoolroom, reconstruction and new single storey extension and conversion of schoolroom to residential 2 bedroom dwelling with associated curtilage. Currently pending the outcome of SEAC 5 November 2012.

  Financial gain as a result of this development is said to be able to facilitate the development at the Church.

5. Consultation Replies

Town Council
Burnham-on-Crouch Town Council – Supports the application.

External
Essex County Council Highways - No objection to the proposal.

Victorian Society – The Application in its current form should be refused on the grounds that the extension is not appropriate to its context and would have a detrimental visual impact on the settings of a high-quality listed building and the harm is not justified by any substantial public benefit the extension would provide.

Internal
Archaeology – The proposed addition of an extension within the grounds of All Saints Church with a link to the Church has potential for impacting on archaeological remains relating to the medieval All Saints Church. While the current All Saints Church was largely rebuilt in 1878, it has origins in the 14th century and is Listed Building. Any approved development should be preceded by a programme of archeological investigation which should be secured by an appropriate condition attached to the forthcoming planning consent. If the proposal is approved, A full architectural condition will be requested in line with the NPPF paragraphs 139 – 141.

Environmental Health – No objection subject to the details of the foul drainage to be submitted via condition..

6. Letters of Representation

Letters of Support:
Liz Wastrage Creeksea Hall Ferry Road Burnham-on-Crouch

Main reasons for Support:
- The applicant has modified their plans, made them smaller and more unobtrusive to our beautiful early Victorian Church. So long as they restrict it to Church of England functions such as ‘no revenue based lettings’ then the road usage will be kept under control.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 Development Outside Development Boundaries
- CC6 Landscape Protection
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Development
- T8 Vehicle Parking Standards
- CON5 Pollution Prevention
- BE1 Design of New Development and Landscape
- BE16 Extension, Alteration and Additional Buildings in the curtilage of Listed Buildings.

(ii) Maldon District Local Development Plan

The Maldon District Replacement Local Plan (RLP) was adopted in November 2005 and the 'saved policies' still form the statutory Development Plan for the District. However, the RLP was prepared in accordance with Part II of the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991. As the RLP was produced using national planning policy prior to the 2004 Act, in accordance with the requirements of the NPPF Para 215, due weight should only be given to relevant saved policies according to their degree of consistency with the NPPF. The greater the consistency with the NPPF, the greater the weight that can be given to the existing saved policies in the RLP. The Council has undertaken an assessment of the consistency of key RLP policies with the NPPF, which was endorsed by the Planning and Licensing Committee on the 3 October 2013 (Item 9, Appendix 2).

The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.

In terms of the progress of the LDP, the Plan has been published and submitted for Examination-in-Public. It has been the subject of extensive consultation at each stage of the Plan's preparation. Public hearing sessions for the housing and infrastructure related policies (LDP Policy S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2) took place between 20 January and 4 February 2015. The LDP, and in particular the policies which have been subject to public hearings, are therefore at a very advanced stage in their preparation.

With regards to compliance with the NPPF, the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date

evidence base, Sustainability Appraisal and extensive public consultation. The Inspector's Interim Findings made no comments in relation to the soundness or legal compliance of any aspects of the LDP other than the Gypsy and Travellers' provision. Therefore it is reasonable for the Council to assume that the relevant LDP policies (as amended) with the exception of Policy H6 can be attributed weight in decision making.

A number of concerns were raised by the Inspector during the examination on a variety of issues surrounding the soundness and legal compliance of the LDP policies, and there are other objections made to the LDP. Additional information has been produced during and after the hearing sessions by the Council and other participants to address these concerns and objections. This includes further clarification on the extent of the Maldon Housing Market Area, additional viability information in relation to the Garden Suburbs and Strategic Allocations. A number of these objections have also been resolved through recent progress on strategic allocations including the granting of permission on a number of strategic sites.

Based on the above considerations the Council is satisfied that material weight should be given to LDP Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, I1 and I2 in decision making.

The following policies are considered relevant to this application:

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

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 The main issue is whether the revised scheme and relocation of the car park off Ferry Road would be considered acceptable and generate parking demand and vehicular movements to levels that would lead to detrimental highway conditions.

7.1.2 The site is considered to be in an inaccessible location. It is located a considerable distance away from any village settlement, any local services, shops, or facilities such as schools and medical centres and is not within walking distance of a local bus service that may otherwise provide options for alternative transport means. The site is not well served by bus or other public transport facilities and walking or cycling from the site to the surrounding area would be considered unsafe and undesirable, particularly for older members of the community, as there are no public footpaths or cycle routes offering safe alternatives. There is also no lighting along the highway meaning that in winter months or late evenings, walking and cycling in the locality would be even less desirable to future occupiers of the proposed dwellings.

7.1.3 The lack of transport choice from the site would result in future occupiers and uses being heavily reliant on the use of private cars for accessibility purposes. The remoteness of the church, and the widespread community it serves journeys to and from it would be predominantly by car. The applicant states that 'The concept of building a hall to serve the wider community has been dropped. What is now proposed is a much smaller meeting room aimed at serving solely those attending church activities. The kitchen has been replaced by a small tea making facility and the two toilets have now been replaced by only one MIP toilet'.

7.1.4 The frequency of events and the popularity of the Church could attract more vehicles with growing need for overspill parking on a more regular basis, and raising the prospect of conflict with the golf club users. Without long term arrangements, the prospect of vehicles parking frequently on Ferry Road or the access drive cannot be discounted. The proposed arrangement is an unsatisfactory situation. Policy T8 allows for parking standards to be used flexibly where it would assist with the re-use of a building of architectural or historic interest. Any reduction in standards must be balanced against the remote rural location of the church and the likelihood of the car being the predominant mode of transport.

7.1.5 The Church has outlined that it is meeting a need and demand for accommodation in an already overcrowded space. The NPPF identifies that local authorities should promote and develop local services and community facilities such as … meeting places…cultural buildings …and places of worship. The Council needs to consider a balance between ensuring that the principles of the NPPF are supported whilst protecting the amenities of the neighbouring residents and the rural countryside from intensification in the use of the church and the potential for an increase in traffic to and from the site. The site is considered unsustainable and is contrary with the general principles of the NPPF and adopted and emerging local plan policies and the overflow car parking. Similarly the over flow car parking by virtue of its location and distance from the church is considered an inadequate parking arrangement necessary to meet the needs of the development and therefore, would not overcome the harm highlighted above.

7.2 **Scale, Design and Impact on the Character and Appearance of the Area and impact on Listed Building**

7.2.1 The proposed extension would be situated to the north of the existing church within close proximity of the northern boundary and would not be widely visible within the surrounding landscape. The design of the extension is considered appropriate in terms of the rural vernacular and the Grade II listed building. The proposed extension is therefore considered to be acceptable in terms of its impact on the character and visual appearance of the surrounding area in accordance with Policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

7.2.2 Policy BE1 concerns the design of new development. For the proposal to be considered to accord with this policy the design of new development must be compatible with or improve its surrounding. The criteria of policy BE1 is as follows:-

BE1 (a) (i) Layout, (ii) Site coverage, (iii) Architectural style, (iv) Scale / bulk / height, (v) External materials, (vi) Visual impact, (vii) Effect on the safety and or amenity of neighbouring, properties or the occupiers therein, (viii) Relationship to

mature trees, (ix) Relationship to important landscape or open spaces, (x) Traffic impact and access arrangements.
c) Outside defined development boundaries they make a positive contribution to the landscape and open countryside, and;
e) Landscaping is included as an integral part of the overall design.

7.2.3 Whilst no listed building consent is required in this instance, Policy BE16 is still relevant for consideration. Policy BE16 identifies that works should only be undertaken to listed buildings where these works do not have a harmful impact upon the special interest or character of the building.

7.2.4 This scheme has been designed following the detailed advice given to the applicants by English Heritage and the Senior Conservation Officer at MDC. The scheme is considered to be well designed with minimal disturbance to the Listed Building. Any works to the building are covered by Ecclesiastical Exemptions.

7.3 **Effect on Neighbouring Residential Occupiers**

7.3.1 The concerns raised by the single objector include the use of the vehicle access and increase in parking at the site, as it is considered that the extension of the church to provide for a Community Hall would result in increased traffic, construction traffic and greater parking being required on the site. The objector states that if the Church restricts its work to purely Church of England functions and there is no 'revenue based letting' then the road usage will be kept under tight control.

7.3.2 The site is accessed via a private driveway owned by the occupiers of Creeksea Hall and it is understood that access along the driveway for visitors of the church has traditionally been granted by the owner. The neighbour has raised concern about the impact of further traffic volume causing damage to the track, but the consequences of this is a civil matter between the parties involved.

7.3.3 The drive passes approximately 30m in front of Creeksea Hall and the garden area has considerable hedging to the boundary of the driveway, which will provide a modest visual barrier to any increase in traffic. However it is recognised that the site already experiences a long working relationship with each other and therefore an amount of noise and disturbance is occurring already.

7.3.4 It is recognised that the increase in the facilities at the church no matter how small, may result in increased traffic volume to the site. This is likely to be significant to the extent that the golf course car park could be used as an overflow to the detriment of their members. This is likely to be significant, and result in a harmful increase given that the members using such facilities use them during daylight when churchgoers are likely to be visiting the church. The facilities proposed are designed to primarily make the church going experience more comfortable and prosperous; however there may be a minimal increase in the number of people in the congregation with a growing need for overspill parking. Given the distance between the proposed overflow parking and the church, it is likely that the golf course car park will be used on a more regular basis causing conflict with their members.

7.4 Access, Parking and Highway Safety

7.4.1 Although, the highways authority have not raised objection to the scheme as the site is situated on a private track and other issues have been raised about ensuring the appropriate discharge of foul drainage. Appropriate conditions have been added at the request of Environmental Health. The development is however considered not to accord with the principles of T2, T8 of the adopted Maldon District Local Plan and the guidance contained within the National Planning Policy Framework.

7.5 Other Considerations

7.5.1 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

7.5.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the submission LDP which emphasises the need for sustainable development.

7.5.3 In relation to this proposal, and in social terms, it is reasonable to assume that there may be some support from the community for the development. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses or that materials would be locally sourced. There are no local shops or services that would benefit from increased footfall as a result of this scheme. Any economic benefits are therefore minimal.

7.6 Conclusion

7.6.1 In environmental terms the overflow car parking area would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the rural area. Furthermore, providing an overflow car park in an area where use of sustainable transport modes of transport is not an option, would lead to an inadequate parking arrangement at the site to meet the needs of the development.

7.6.2 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF.

Recommendation

REFUSE for the following reason:

1 The location and use of the overflow car parking area provided at Elm Farm, Ferry Lane would lead to unsatisfactory parking arrangement to meet the demands of the likely and more regular increase in numbers of people visiting the premises raising the prospect of conflict with golf club users at the adjoining Golf Club. The application

has therefore failed to show that the proposal would provide an adequate parking arrangement to meet the needs of the development. As such, the proposal through inadequate parking provision would give rise to on street parking demands along a narrow rural country lane which would lead to potential vehicular conflicts and difficulties for road users to the detriment of highway safety. The proposal is contrary to policies T2 and T8 of the adopted Maldon District Local Plan and the guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Springfield Nurseries, Steeple Road, Latchingdon

FUL/MAL/15/00914



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE5	**Application Number**	**FUL/MAL/15/00914**
	Location	Springfield Nurseries Steeple Road Latchingdon Essex
	Proposal	Temporary storage of 3 Mobile Caravans and 3 Heavy Goods Vehicles - limited to two years
	Applicant	Mrs M Anderson
	Agent	Sarah Threlfall - TMA Chartered Surveyors
	Date Valid	24 August 2015
	Target Date	19 October 2015
	Case Officer	Nigel Hebden, TEL: 01621 875741
	Parish	**LATCHINGDON**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee for determination because the officer recommendation is at variance with the view of the Parish Council.

2. Site Description

2.1 The application site is located on the south side of Steeple Road between Latchingdon and Mayland. The site was formerly a nursery and some of the original storage and workshop buildings remain. The north western part of the site has been cleared and a new dwelling is nearing completion. The remainder of the site has various vehicles, machinery and materials stored in the open. There are also 4 mobile homes standing on the site, 3 of which are occupied as residential units. In addition there are 4 touring caravans.

2.2 The access to the site is to the east of the frontage and this gives onto an offshoot from the main carriageway which creates an island to the north. On the island are a pair of semi-detached cottages and there are other dwellings to the east and west of the site. Otherwise there is open countryside to the north and south.

3. The Proposal

3.1 The application is for the temporary storage of 3 mobiles homes and 3 Heavy Goods Vehicles (HGVs) for a period of two years. Clarification has been sought from the agent as to the scope of the application. It is stated that one of the mobile homes has temporary planning permission to be residentially occupied. It is argued that the other two occupied mobile homes may be located on the development site of two dwellings that have planning permission as permitted development. It therefore has to be assumed that an additional 3 three mobile homes are to be stored on the site. In addition consent is sought for the storage of 3 HGV's used in connection with the applicants ground works and road laying business.

4. Relevant Planning History

- **MAL/32/53** – Greenhouse for agricultural holding. Approved 24/03/53.

- **MAL/254/55** – Agricultural building. Approved 21/02/56.
- **MAL/50/6**6 – Greenhouses. Approved 22/02/66.
- **FUL/MAL/90/00823** – Temporary planning permission limited for five years personal to A&B Contractors to use land for the parking of three lorries and temporary storage of surplus building materials and civil engineering materials with ancillary use of existing storage and workshop buildings. Refused 08/11/90.
- **FUL/MAL/02/01269** – Retain use of buildings as workshops, offices and stores with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors business. Refused 12/05/03.
- **FUL/MAL/03/00760** – Discontinue commercial uses, demolish all buildings and greenhouses; erecting two detached houses and associated garages and form vehicular access onto Steeple Road. Refused 09/12/2003.
- **FUL/MAL/03/00738** – Change of use of buildings for class B1. Approved 09/12/2003.
- **FUL/MAL/04/00264** – Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials. Withdrawn 29/06/2004.
- **FUL/MAL/04/00696** - Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors. Refused 11/10/2004.
- **FUL/MAL/05/00903** - Demolition of all existing buildings and structures, the cessation of commercial uses of the land and erection of three detached dwellings with garages. Refused 26/09/2005 and appeal dismissed 08/12/2006.
- **FUL/MAL/08/00967** - Demolition of existing structures and replace existing residential unit with one detached three bedroom bungalow and landscaping. Refused 11/11/2008.
- **FUL/MAL/08/01313** - Extension of time for consent 03/00738/FUL: Change of use of existing buildings for class B1 (business purposes). Retention of existing managers dwelling. Refused 19/02/209.
- **LDE/MAL/10/00307** - Claim for Lawful Development Certificate for existing use of residential dwelling. Refused 15/07/10 and appeal allowed 29/06/2011
- **FUL/MAL/12/00877** - Continuation of B1 light industrial use for existing buildings A, B and C and replacement dwelling. Withdrawn 08/04/13
- **FUL/MAL/12/00948** - . Temporary mobile home. Withdrawn 08/04/13
- **FUL/MAL/13/00348** – Temporary Mobile home to provide accommodation. Approved 06/08/13 expires 01/08/16
- **FUL/MAL/13/00350** – Replacement Dwelling. Approved 05/08/2013
- **FUL/MAL 14/00360** – Erection of two bungalows. Approved 20/10/14
- **ENF/13/00128/CU** – Enforcement investigation use of mobile homes for residential occupation

5. Consultation Replies

Parish Council

Latchingdon Parish Council – Support.

External
Highway Authority – No objection subject to the imposition of conditions.

6. Letters of Representation

Letters of Objection:
Craig and Sharon Wilson, Winfields, Steeple Road, Latchingdon

Main reasons for Objection:

- This will lead to loss of privacy and outlook, increase in noise and pollution and flooding.
- Established conifer trees have been removed from the site; the caravans which are occupied have been moved close to our fence reducing our privacy.
- The occupied caravans have been there 3.5 years and reduced the water flow on the rear ditch and since then our land has been flooded after rainfall.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

The Maldon District Replacement Local Plan (RLP) was adopted in November 2005 and the 'saved policies' still form the statutory Development Plan for the District. However, as the RLP was prepared prior to the Planning and Compulsory Purchase Act 2004, in accordance with paragraph 215 of the National Planning Policy Framework, due weight should only be given to relevant 'saved policies' according to their degree of consistency with the NPPF.

- S2 Development outside development boundaries
- CON5 Pollution Prevention
- CC6 Landscape Protection
- BE1 Design of new development and landscaping

(ii) Maldon District Local Development Plan

The Local Development Plan (LDP) is the emerging Plan for the District and will constitute the new up-to-date statutory Development Plan once adopted. The LDP was submitted to the Secretary of State for Examination-in-Public (EiP) in April 2014. Following public hearings on Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2 and the publication of the Inspector's Interim Findings, the Secretary of State intervened and 'called-in' the LDP for his determination citing that there is a need 'to test whether the planning inspector has taken a proportionate and balanced view on the local plan as a whole in the light of national planning policy.' DCLG is currently reviewing and considering the Plan thoroughly and will issue its decision as soon as possible.

The following emerging policies are considered relevant to this application:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- N2 Natural Environment and Biodiversity
- T2 Accessibility

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 The application site has a complex planning history with various uses proposed and rejected. In 2011, a lawful development certificate was granted for the use of part of a building for residential purposes. In 2013 planning permission was granted for a replacement dwelling (Ref FUL/MAL/13/00350) to be erected within the western part of the site. The new dwelling would replace the unit the subject of the lawful development certificate and a condition was imposed requiring that unit to be vacated. Temporary planning permission was also given for the standing of a mobile home to provide accommodation for a period of 3 years pending the construction of the new dwelling. This consent expires in August 2016.

7.1.2 In 2014, planning permission was granted for the erection of two further dwellings within the central and eastern part of the site (Ref FUL/MAL/14/00360). The scheme also included the formation of a paddock to the south of the replacement bungalow. The permission is the subject of a number of pre-commencement conditions.

7.1.3 An additional 2 mobile homes in the south east corner of the site are occupied by the applicant's family. It is argued that this is permitted development under the terms of Class A of Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) which allows for the provision of temporary structures, plant etc required temporarily in connection with and for the duration of the works. On occasions it has been accepted that a mobile home may be stood on the development site if there is required to be supervision or security during construction. In this case it is questionable whether the terms of the permitted development have been met. It is stated that one of the mobile homes is being occupied in connection with the construction of FUL/MAL/13/00350. However for it to be permitted development it needs to be located within the application site for that dwelling. It is located 50 metres away from the application site.

7.1.4 To date no submissions to discharge pre-commencement conditions of FUL/MAL14/00360 have been made and condition 8 requires that before any development commences the whole site shall be cleared of all remaining "buildings, goods, materials, plant, machinery, skips, containers, packing, vehicles and cessation of activities". According to the Council's records no submissions have been made to discharge any of the pre-commencement conditions and until these conditions have been satisfied a lawful commencement cannot be made. No lawful construction can

yet take place and so the permitted development allowed under the GDPO does not apply.

7.2 The Proposal

7.2.1 However, none of the above matters fall within the remit of the application that has been submitted, but nevertheless provide a context for the application that is before the Council. The application is for the storage of 3 mobile homes. Discounting the 3 mobile homes that are used for residential purposes there is one other that it is said is used for storage. Therefore there will be an additional 2 mobile homes stored on the site but presumably not used for any purpose. There are also 4 touring caravans stored on the site.

7.2.2 It is also proposed that 3 HGV's will be stored on a designated area within the southern part of the site. The vehicles form part of the applicant's ground works and road laying business and will therefore be based on the site. The site has a complex planning history since the original nursery use ceased, however throughout the establishment of commercial uses has been resisted. There are no employment policies that would support this use in this location. The development would not be regarded as agricultural diversification as there is no agricultural holding.

7.3 Impact on Landscape

7.3.1 The site is within open countryside with a scattering of dwelling around it. The area is rural in nature. Apart from the old nursery buildings, mobile home, caravans the site is subject to open storage of plant, materials and various vehicles. In its present state it is a visually intrusive element within the rural landscape and the addition of more mobile homes and HGV's will exacerbate the position.

7.4 Impact on Residential Amenity

7.4.1 The introduction of the storage of HGV's associated with a commercial use will introduce a source of noise and disturbance for the occupiers of the existing and new dwellings contrary to the requirements of RLP policy BE1. The application form states that 10 car parking spaces will be required for the new development and the traffic using these spaces will give rise to additional noise and disturbance.

7.5 Conclusion

7.5.1 The proposed development will give raise to additionally intrusive elements to the detriment and appearance of the rural landscape as well as adversely affect the amenities of the occupiers of nearby homes.

Recommendation

REFUSE for the following reasons:

1 The proposed development would introduce the open storage of mobile homes and large commercial vehicles into a rural setting. At such it would lead to a form of development that would be visually intrusive to the detriment of the amenities of the area and of local residents as well as adversely affecting the character and appearance of the local rural landscape contrary to the requirements of policies BE1 and CC6 of

the Maldon District Replacement Local Plan and policies D1 and N2 of the Maldon District Local Development Plan.

2 The proposed storage of Heavy Goods Vehicles and the associated vehicle movements would adversely affect the amenities of local residents by reason of noise and disturbance contrary to the requirements of policy BE 1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Pixies Folly 14 Mountview Crescent, St Lawrence
FUL/MAL/15/00947



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE6	**Application Number**	**FUL/MAL/15/00947**
	Location	Pixies Folly 14 Mountview Crescent St Lawrence Essex
	Proposal	Demolition of existing bungalow and erection of two detached bungalows including two car parking space per plot.
	Applicant	Mr R Tonks - Rianda Properties Ltd
	Agent	Terence Wynn
	Date Valid	26 August 2015
	Target Date	21 October 2015
	Case Officer	Kara Elliott, TEL: 01621 875860
	Parish	**ST LAWRENCE**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee as the officer recommendation is contrary to that of the Parish Council.

2. Site Description

2.1 The site is located off the eastern side of Mountview Crescent, a residential street located within the settlement boundary of St Lawrence.

2.2 The site comprises a detached, unoccupied, single-storey dwelling. The location comprises a variety of dwelling types, including mostly detached properties of one and two storeys.

3. The Proposal

3.1 Full planning permission is sought for the demolition of the existing dwelling and the construction two single storey two/three-bedroom dwellings.

3.2 The handed dwellings would be detached and would total 5 metres in height, 2.5 metres to eaves. The design is predominately a long pitched roof building with a side hipped roof element and a gable-ended front projection.

3.3 Materials proposed for the development consist of red facing brickwork, concrete roof tiles and uPVC windows and doors.

4. Relevant Planning History

- **15/00601/FUL -** Demolition of existing bungalow & erection of two detached bungalows. WITHDRAWN 11.08.2015.

5. Consultation Replies

Parish Council

St Lawrence Parish Council – Support the application.

Internal

Environmental Health – No objection subject to a condition relating to surface water drainage.

External

Environment Agency – The application is outside of the remit of the Environment Agency's and they raise no objection. However, the consultation response highlights matters for the Council's consideration.

Essex County Council Highways – No objection subject to conditions relating to highways safety.

6. Letters of Representation

6.1 No letters received at time of writing.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 - Development Outside Development Boundaries
- CC6 – Landscape Protection
- CC21 – Re-use of Rural Buildings for Residential Purposes
- BE1 – Design of New Development and Landscaping
- H1 – Location of New Housing
- T1 – Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the

next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following policies are considered relevant to this application:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- T2 Accessibility

(iii) Government Guidance

- National Planning Policy Framework (NPPF).

7.1 History and principal of development

7.1.1 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)).

7.1.2 Policy S1 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Any proposal should be assessed in accordance with policy BE1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.

7.1.3 The LDP, as submitted, has been produced in light of the NPPF's emphasis on sustainable development and preferred policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.

7.1.4 The Council has recently undertaken a full assessment of the Five Year Housing Land Supply in the District which forms a material consideration of considerable weight and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.

7.1.5 Paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". This is reflected in policy T1 of the Local Plan. The proposal would comply with this requirement.

7.1.6 The principle of a dwelling in this location is in accordance with policies S1 and S2 of the adopted Local Plan and S1 and S8 of the emerging Local Development Plan as the

site lies within a defined settlement boundary. It is also in accordance with the core principles of the NPPF which directs new dwellings to the defined development boundaries in order to protect the countryside.

7.2 Flood Risk

7.2.1 The site lies within Flood Zone 3a which is the highest risk flood zone. The proposal is for two dwellings, the site is currently occupied by one dwelling.

7.2.2 New dwellings and residential uses are considered as being more vulnerable based on the Flood Risk Vulnerability Classification and requires the Exception Test to be applied in addition to the Sequential Test, as confirmed by the Environment Agency.

7.2.3 In accordance with the National Planning Policy Framework (which supersedes yet embodies the previous principles of flood risk set out in Planning Policy Statement 25: Development and Flood Risk), the application should pass both the sequential and exceptional tests as set out by the guidance.

7.2.4 The Sequential Test seeks to steer new development to areas at the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available appropriate sites in an area with a lower risk. The availability of such land, in accordance with the NPPF should be provided in the minimum of a "5 year land supply". The Council can now demonstrate a five year housing land supply since publication of the latest report in July 2015 and therefore this site is not needed for development at this current time, as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. The LDP allocated sites were Sequentially Tested during the LDP preparation.

7.2.5 Whilst the site is occupied by a single dwelling the proposal seeks to intensify the site by doubling the number of residential units within the site. On this basis an objection to the development is raised in respect of the failure of the Sequential Test and the as a result of intensification of the site for residential purposes.

7.2.6 For these reasons the site is considered to fail the Sequential Test. Paragraph 102 of the NPPF sets out that if it is not possible, or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. In this instance it is considered that it is possible and consistent with wider sustainability objectives for residential development to be located in zones with a lower probability of flooding and the proposal is considered to fail the Sequential Test.

7.2.7 In respect of the Exception Test, paragraph 102 sets out that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

7.2.8 A site-specific flood risk assessment has been submitted to accompany the planning application. The site-specific flood risk assessment states that as the proposal is for the redevelopment of a specific site it cannot be located elsewhere. Whilst this may be the case, as highlighted previously the Council can demonstrate a five year housing land supply since publication of the latest report in July 2015 and therefore this site is not needed for residential development at this current time, as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. There are sustainability benefits in terms of bringing an existing site back into use however, these benefits are not considered to provide wider sustainability benefits to the community that outweigh the harmful flood risk. Furthermore, the site could be brought back into use without the need to intensify the provision of residential units.

7.2.9 The site-specific flood risk assessment sets out that the finish floor level of the ground floor will be below the present day 200 year tidal flood event and the site could be flooded to a depth of 1.57 metres and the dwellings to 1.27 metres, with safe refuge in an upper roof space. The site-specific flood risk assessment also states that it is likely that the site and road would be under water in the present day 200 year tidal flood event. The proposed residential use is considered as being more vulnerable based on the Flood Risk Vulnerability Classification and it is not considered that the proposed development will be be safe for its lifetime taking account of the vulnerability of its users and the proposed safe refuge is not considered to be a sufficient arrangement.

7.2.10 In addition, the proposed development would increase the 100 year 30 minute peak flow due to the increase in impermeable surfaces without any SUDS schemes. If the scheme were to be considered favourably it is considered reasonable for a condition to be imposed in relation to surface water management and drainage.

7.2.11 The proposed development is not considered to satisfy the Exception Test as the wider sustainability benefits to the community are not considered to outweigh the flood risk and because it is not considered that that the proposed development will be be safe for its lifetime taking account of the vulnerability of its users and the proposed safe refuge is not considered to be a sufficient arrangement.

7.2.12 The proposed development is considered to fail the Sequential Test and Exception Test contrary to paragraphs 101 and 102 of the National Planning Policy Framework

7.3 Housing Land Supply and Need

7.3.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.

7.3.2 The proposal would provide two, two/three bedroomed dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

7.3.3 Policy H2 of Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which, read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, with around 71% of all owner occupied properties having three or more bedrooms.

7.3.4 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands in which this development would carry some weight in assisting towards.

7.4 Design of New Development and Character and Appearance

7.4.1 Policy BE1 (a) relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale/bulk/height, materials and visual impact (among other factors).

7.4.2 Furthermore, paragraph 58 of the NPPF states that decisions should aim to ensure that developments, amongst other considerations;

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and;

- are visually attractive as a result of good architecture and appropriate landscaping.

7.4.3 The application site is currently occupied by a deteriorating, unoccupied dwelling. Vegetation can be viewed from the streetscene. The contribution to the character and appearance of the streetscene is limited due to the tired and abandoned nature of the current situation. There would be a noticeable increase in the amount of built development on site due to the proposal of two dwellings. However, in considering the character and appearance of the surrounding area, the area is predominantly residential in character and varies in height, scale and design. The proposed development would not be at odds with this. It is considered that the bulk and scale of the development is comparable to that of other dwellings in the vicinity.

7.4.4 Distances of approximately 1.5 metres are proposed between each of the properties to the boundaries. The proposal would represent relatively narrow plots in comparison to development in the immediate area. However, the distance of the dwellings to boundaries would be comparable to other development in the immediate vicinity and on balance, would not been seen wholly out of context in this location.

7.4.5 The simplistic design and appearance of the dwellings, whilst of little architectural merit, are reflective of the surroundings and given the diverse character of the area, would not be considered out of keeping or dominant in the street scene.

7.4.6 The layout of development with parking to the front of the site, and the proposed set back of the dwellings would reflect neighbouring plots.

7.5 Effect upon Neighbouring Properties

7.5.1 Adopted policy BE6 seeks to protect neighbouring occupiers from development which would be detrimental to their amenities by reason of overlooking, overpowering and loss of light.

7.5.2 No.12 Mountview Crescent is located approximately 8 metres east of the proposed side elevation of the proposed dwelling at the east of the application site and has a number of windows facing the application site. Due to the only opening on the side elevation of the property dwelling being a side entrance door and therefore no habitable accommodation, no direct overlooking would occur to this property. Similarly, there is some 8 metres between the side elevation of the proposed property to the west of the site and no.16 Mountview Crescent and no windows which would directly overlook the development. Furthermore, the single storey nature of the development and the boundary fences provide adequate screening and mitigation from any potential overlooking or loss of privacy as well as dominance or overshadowing.

7.5.3 No significant concerns therefore arise in relation to loss of amenity to the neighbouring occupiers.

7.6 Access, Parking and Highway Safety

7.6.1 Policy T2 of the local plan aims to ensure that access arrangements are suitable for new development, with T8 seeking appropriate parking provision in accordance with the Adopted Vehicle Parking Standards. Access to the proposed dwellings would be taken from Mountview Crescent to the front of the site. The existing unmade road with no kerb is currently open and with the removal of vegetation will allow for appropriate vehicular egress to the site. It is not considered that the proposed vehicular accesses would be to the detriment of highway safety or the free flow of traffic.

7.6.2 The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport. In order to comply with policy T8 (Vehicle Parking Standards), for dwellings of this size the provision of two parking spaces should be provided. The development proposes two parking spaces to the front of the new dwellings and it is therefore considered to comply with adopted policy T8.

7.6.3 In terms of landscaping, the dwellings would share a gravelled driveway leading to an area for the parking of two vehicles per dwelling. The remaining land will feature existing trees which are proposed to be retained as well as a laid lawn. The landscaping proposed to the application site is considered to be in accordance with the open and relaxed character of the frontages within Mountview Crescent, which vary in materials but are commonly large areas with no front boundary treatment and feature off-street parking.

7.7 Private Amenity Space

7.7.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size is commonly recognised as 100m².

7.7.2 Each dwelling would accommodate a rear amenity area in excess of the recommended size as set out in the Essex Design Guide to meet the needs of the future occupiers.

7.8 Conclusions

7.8.1 Whilst the proposal complies with many of the Council's adopted and submitted policies the proposal directly conflicts with the National Planning Policy Framework at paragraphs 101 and 102 as it seeks to direct and intensify residential development, classified as "more vulnerable" based on the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the aspirations of the Maldon District Replacement Local Plan and submitted Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed development will be be safe for its lifetime taking account of the vulnerability of its users and the proposed safe refuge is not considered to be a sufficient arrangement.

Recommendation

REFUSE for the following reasons:

1 The proposed development is located within Flood Zone 3 and seeks to direct and intensify residential development, classified as "more vulnerable" based on the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the aspirations of the Maldon District Replacement Local Plan and submitted Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed development will be be safe for its lifetime taking account of the vulnerability of its users and the proposed safe refuge is not considered to be a sufficient arrangement.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining

to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Land Adjacent to St Anns, Southminster Road, Asheldham

OUT/MAL/15/00984



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE7	**Application Number**	**OUT/MAL/15/00984**
	Location	Land Adjacent To St Anns Southminster Road Asheldham Essex
	Proposal	Proposed 2no. two bedroom bungalows
	Applicant	Mr & Mrs R Pond
	Agent	Mr Raymond Stemp Associates
	Date Valid	18 September 2015
	Target Date	13 November 2015
	Case Officer	Ernest Addae-Bosompra, TEL: 01621 876274
	Parish	**ASHELDHAM**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee as the Officer recommendation is at variance to the views of the Parish Council.

2. Site Description

2.1 The application site known as St Ann's comprises a detached dwelling located within a large garden to the south of Southminster Road. To the south of the private garden is further land within the ownership of the applicant. To the rear of the dwelling and within the garden are various existing outbuildings and there is a detached garage to the east of the site. Vehicular access is to the north of the dwelling house with the remainder of the northern boundary adjacent to the highway comprising a mature hedgerow. The land subject to this application comprises part of the residential garden to the west of the dwelling. This area is laid to grass and has mature boundary hedgerows to the west with the common boundary of The Elms and with the highway to the north.

2.2 The area is outside of any defined settlement boundary and within the designated Coastal Zone. Asheldham does not benefit from a settlement boundary and there is no recognizable village centre. The nearest retail outlets, education facilities and community support services are located within the settlements of Tillingham and Southminster.

3. The Proposal

3.1 The proposal seeks outline permission with all matters reserved for 2 no. two bedroom bungalows. No indicative drawings were attached to the application except a site location plan. However, the applicant made reference to an appeal decision letter dated 9 December 2014 for a proposed detached bungalow at the same site. Appeal Ref; APP/X1545/A/14/2224528 was allowed, and planning permission granted for the proposed detached bungalow. The dwelling would comprise two bedrooms, kitchen, dining area and living room, bathroom and entrance hall with a small external porch.

3.2 The applicant states in his supporting statement that the appeal scheme complies with the need for smaller units of accommodation. The Council has recently granted planning permission for a total of 10 dwellings in Asheldham, the majority of which have been small single storey 2 bedroom bungalows. It is stated that this demonstrates the sustainable nature of the area and the Council must adopt the same approach in determining the application for two dwellings as being acceptable.

4. Relevant Planning History

- **FUL/MAL/98/00848** - First floor rear extension porch extensions and garage/implement store extension. Approved 07.12.1998.
- **FUL/02/00183** - Proposed detached swimming pool building with fitness/games room. Refused 04.04.2002.
- **FUL/02/00878** - Proposed detached swimming pool enclosure with fitness/games rooms. Approved 16.09.2002.
- **HOUSE/MAL/11/01033** - New games room annex & replacement outbuilding. Refused 10.04/2012.
- **HOUSE/MAL/12/00312** - Revised games room and replacement outbuilding. Refused 13.06.12.
- **HOUSE/MAL/13/00213** - Reduced & revised games room & replacement outbuilding. Approved 02.05.2013.
- **FUL/MAL/13/00593** – Proposed detached bungalow. Refused 19.08.2013.

Reasons for refusal:

1 The site lies within an area where rural planning policies of restraint apply, as set out in policy S2 of the Maldon District Replacement Local Plan. A new dwelling remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development and would therefore be contrary to policies S2, CC6, H1 and T1 of the adopted Maldon District Replacement Local Plan and Government Guidance as contained in the National Planning Policy Framework.

2 The proposal would intensify the use of a substandard access onto a highway where the main function is that of carrying traffic freely and safely between centers of population. This intensification would lead to deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety. This proposal would therefore be contrary to policy T2 of the adopted Maldon District Replacement Local Plan.

3. From the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 215m x 2. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. This proposal would therefore be contrary to policy T2 of the adopted Maldon District Replacement Local Plan.

- ***FUL/MAL/14/00234** – Proposed detached bungalow. Approved at appeal on 9th December 2014.* The Inspector states in paragraph 12 ;

"Overall therefore, I conclude that the appeal site is a sustainable location for a new single small dwelling. There is nothing to suggest that the proposal would lead to any other harms or that it would not be sustainable in other respects. As such, it would meet the sustainability principles and the presumption in favor of sustainable development set out in the Framework. Nor would the proposal materially conflict with RLP Policy T1 or LDP Policy S1"

5. Consultation Replies

Parish Council

Asheldham and Dengie Parish Council – No Objection**.** Support the application provided that a clear and safe ingress/egress is established as detailed in the previously approved appeal scheme.

External

Essex County Council Highways - No objection. The Highway Authority would not wish to raise an objection to the above application subject to conditions for the means to prevent surface water discharge onto the highway, that the vehicle access is constructed at right angles to the highway boundary, that there is no obstruction above 2.4m wide across the entire site frontage, there is no unbound material in the surface treatment of the driveway and that any gates are inward opening only and set back 6m from the highway.

An Informative is also advising the applicant that works are to be carried out by prior arrangement with the Highway Authority.

Internal

Archeology – The proposed development site is sited in the midst of a number of known sites of archeological interest including the scheduled Monument of Asheldham Camp. Any approved development should be preceded by a programme of archeological investigation which should be secured by an appropriate condition attached to the forthcoming planning consent. If the proposal is approved, full architectural condition will be requested in line with the NPPF paragraphs 139 – 141.

Countryside and Coast Officer – No objection

Environmental Health - No objection. The applicant should ensure that ground conditions are suitable to discharge surface water to soakaways and therefore a condition is recommended that details of the surface water drainage scheme is appended to any grant of permission in addition to Informatives for contaminated land and advice regarding the use of soakaways.

Leisure and Livability – No objection.

6. Letters of Representation

6.1 None received at the time of writing this report.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 - Development Outside Development Boundaries.
- H1 – Location of New Housing.
- CON5 - Pollution Prevention.
- CC6 – Landscape Protection.
- CC11 - The Coastal Zone.
- BE1 - Design of New Development and Landscaping.
- T1 – Sustainable Transport and Location of New Development.
- T2 – Transport Infrastructure in New Development.
- T8 – Vehicle Parking.

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following policies are considered relevant to this application:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside

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

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 Policy S2 seeks to strategically guide development to sites within the existing defined development boundaries for villages and towns in the District (as defined through Policy S1) for the sake of protecting the rural countryside and coastal landscapes from new development. Policy S2 has been assessed against the NPPF and is now considered to be fully compliant with the NPPF. This is because the Council can demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF.

7.1.2 Policy S2 of the Development Plan as well as Policies CC6, CC11 and H1 indicate that outside defined settlements housing will not normally be allowed and the landscape should be protected for its own sake. Any proposal should be assessed in accordance with policy BE1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.

7.1.3 According to the Inspector decision letter dated 9th December 2014, the appeal site is not considered isolated in terms of distances from and the accessibility of services and facilities. Southminster provides a reasonable range of retail, healthcare, education, leisure and social facilities as well as a railway station. Overall the appeal site is a sustainable location for a new single small dwelling. As such it meets the sustainability principles and the presumption in favour of sustainable development set out in the Framework.

7.1.4 However, the situation has changed. The Council can now demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years. The current application must therefore be weighed against the backdrop of 6.95 years of housing land supply. These were figures that the previous Inspector did not have at his disposal when he stated that paragraphs 14 and 49 have been engaged.

7.1.5 The current application seeks outline application with all matters reserved for 2 dwellings. Paragraph 7 of the NPPF sets out what the Government means by sustainability and this includes three specific roles; economic, social and environmental. All three roles needs to be considered together and not in isolation.

7.1.6 The Council agrees with the applicant that the provision of additional market housing in Asheldham is capable of being a benefit to which weight should be given. That said, since it has now been concluded that the Council has a sufficient five year housing land supply, the weight attached to that benefit diminishes significantly, and the weight to be attached to the conflict with existing and emerging housing and countryside protection policies increases. The site is outside of the defined settlement boundaries where policy S2 of the Maldon District Replacement Local Plan (RLP) seeks to restrain new development.

7.1.7 Two dwellings will be more intrusive and have an urbanising effect on this rural area. There would therefore be conflict with a range of planning policies. Paragraph 8 of the NPPF makes it clear that the dimensions to sustainable development are not to be undertaken in isolation as they are mutually dependent. Having regard to the policies of the Framework as a whole, the significant shortcomings of the scheme in terms of the environmental dimension leads firmly to the view that an additional dwelling on the site cannot be considered as sustainable development.

7.1.8 The adverse impacts and harm on the countryside outside the settlement boundary when taken as a whole would significantly and demonstrably outweigh the benefits of a proposal when assessed against the recent Inspector's decision and the complaint policies of the Local Plan guidance contained within the NPPF and emerging policies of the Local development Plan.

7.1.9 The LDP, as submitted, has been produced in light of the NPPF's emphasis on sustainable development and preferred policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF. Emerging Policy S8 seeks to direct development to settlement boundaries in order to protect the intrinsic beauty of the countryside.

7.1.10 This application has to be considered in the light of the recent appeal decision ref APP/X1545/A/14/2224528 which is a material consideration and the proposal has to be assessed under the same consideration in terms of the presumption in favour of sustainable development. As such it is considered that the outline application with all matters reserved for 2 dwellings would not represent sustainable development and would therefore be contrary to the guidance within the NPPF.

7.2 Other Considerations

7.2.1 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

7.2.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the submission LDP which emphasises the need for sustainable development.

7.2.3 In terms of the economic role, there would be a short term benefit from employment during the construction phase, but that would be created as part of any housing development. Whether the application site is the optimum location for residential

development in terms of economic benefits to the District is unknown. There is, however, no evidence that the proposals are in any way necessary for the continued viability of local shops and services which in any case are still a distance away. The economic role, whilst relevant, should not, therefore, be overstated, and is clearly not at a level which would outweigh the environmental harm.

7.2.4 As to the planning system's environmental role, the appellant contends that in the absence of a five year supply of housing land, Policy S2 and H1 of the Local Plan and draft Policy S8 of the LDP cannot be regarded as up to date as they relate to the supply and distribution of housing. Accordingly, the presumption in favour of sustainable development is engaged. However, even if there is a shortfall in housing land supply, this does not justify the site's approval when there are strong environmental arguments against the proposal. The Inspector's pronouncement at paragraph 12 in the recent appeal decision concluded that the "appeal site is a sustainable location for a new single small dwelling" with emphasis on 'small'. An additional dwelling on this site would have adverse visual effects and give insufficient weight and consideration to the value of the Countryside outside the settlement boundary.

7.2.5 In social terms the proposal would fail to support a strong vibrant and healthy community, failing to provide a high quality development in the right place where it can meet housing need and offer choice for access to essential support facilities by a variety of reliable means of transport, other than private car. Although the dwellings would help to meet housing need, they would not be in a location where social inclusion would be supported or encouraged as required by the NPPF.

7.2.6 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF.

7.3 Conclusion

7.3.1 The application site lies outside a defined settlement boundary, wherein both Development Plan Policies and Government Guidance points toward the continued restraint of new development in the countryside. The provision of two dwellings on site would urbanise the site to the detriment of the character and appearance of the area contrary to both adopted local plan policies, policies within the submitted Local Development Plan and the principles of the NPPF.

Recommendation

REFUSE for the following reasons:

1 The site lies within an area where rural planning policies of restraint apply as set out in Policy S2 of the Maldon District Replacement Local Plan. The proposed development for 2 new dwellings would represent an unsustainable form of development and would therefore be contrary to Policies S2, CC6, CC11 and H1 of the adopted Maldon District Replacement Local Plan which seeks to guide development to sites within the defined settlements for the sake of protecting the appearance and character of the rural countryside and coastal landscapes from new development.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal.

14 The Brambles. Foxhall Road, Steeple

FUL/MAL/15/01027



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	30/11/2015
MSA Number:	100018588

SE8	**Application Number**	**FUL/MAL/15/01027**
	Location	14 The Brambles Foxhall Road Steeple Essex
	Proposal	Erection of detached bungalow
	Applicant	Mr & Mrs A Watts
	Agent	Mr Chris Tivey - Chris Tivey Associates
	Date Valid	7 October 2015
	Target Date	2 December 2015
	Case Officer	Emily Hall, TEL: 01621 875744
	Parish	**SOUTHMINSTER**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee as is has been called in by the Ward Member.

2. Site Description

2.1 The site is situated beyond the defined settlement boundaries for Mayland and Southminster. Access is via a track leading south from Foxhall Road. The land surrounding the site is agricultural in character with residential dwellings to the north of the site fronting Foxhall Road. To the east of the site is the yard of R. J. Anderson & Sons Ltd., an on-site advertisement states that they do road and surfacing contracting, road planings sold on site and spoil disposal.

2.2 The application site is located over 150 metres south of Foxhall Road. The application site is open in character, with an informal northern and southern boundary and immature planting to the eastern and western boundaries.

2.3 Work has commenced on the construction of the proposed dwelling and therefore the application is partially retrospective in nature.

3. The Proposal

3.1 Planning permission is sought to erect a single storey dwelling. The dwelling is located approximately 160 metres south of Foxhall Road. Construction of the dwelling has commenced within the site and the proposal is therefore partially retrospective in nature. The dwelling is single storey in nature with a shallow dual pitched roof with gables to the north and south elevations. A small projection is located on the west elevation which has a shallow dual pitched roof with a gable on the west elevation. The finish materials are weatherboard cladding and an interlocking tiled roof.

4. Relevant Planning History

- No previous planning history.

Wider Site

- 15/00867/LDE - Claim for Lawful Development Certificate for existing use: Permanent residential (class C3) use. Refused: 27.10.2015

5. Consultation Replies

Parish Council
Southminster Parish Council – Object to the application

External
Essex County Council Highways – No objection.

Internal
Environmental Health – Some concern in relation to potentially adverse environmental conditions from noise and to a lesser extent dust, and the proposed foul drainage arrangements.

6. Letters of Representation

6.1 No letters received.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 Development Outside Development Boundaries.
- H1 Location of New Housing.
- BE1 Design of New development and Landscaping.
- CC6 Landscape Protection.
- T1 Sustainable Transport and Location of New Development.
- T2 Transport Infrastructure in New Development.
- T8 Vehicle Parking Standards.

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following policies are considered relevant to this application:

- S1 Sustainable Development.
- S8 Settlement Boundaries and the Countryside.
- D1 Design Quality and Built Environment.
- H4 Effective use of Land.
- T1 Sustainable Transport.

(iii) Government Guidance

- National Planning Policy Framework (NPPF).

7.1 Principal of development

7.1.1 The proposal is for a new dwelling outside of the settlement boundary as defined by the adopted RLP and the submitted LDP and is therefore considered contrary to policy in principle.

7.1.2 The preamble to policies S1 and S2 of the RLP requires development to be concentrated within defined settlement development boundaries to ensure that the best use is made of existing public services and infrastructure as well as protecting the countryside. Policy S2 of the adopted RLP provides the strategic position for the development of the District through defined development boundaries for villages/urban areas and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District and to ensure that the best use is made of existing public services and infrastructure. This principle is brought forward within Policies S1 and S8 of the submitted LDP.

7.1.3 Policy CC6 seeks to protect the rural and coastal landscape in the District and is considered to be compliant with NPPF which seeks to protect the 'intrinsic character and beauty of the countryside'.

7.1.4 The site is considered to be in an inaccessible location. It is located a considerable distance away from any village settlement, any local services, shops, or facilities such

as schools and medical centres and is not within walking distance of a local bus services that may otherwise provide options for alternative transport means. The site is not well served by bus or other public transport facilities and walking or cycling from the site to the surrounding area would be considered unsafe and undesirable, particularly for older members of the community, as there are no public footpaths or cycle routes offering safe alternatives. There is also no lighting along the highway meaning that in winter months or late evenings, walking and cycling in the locality would be even less desirable to future occupiers of the proposed dwellings.

7.1.5 The application site is located 2km (as the crow flies) from the settlement boundary of Mayland and over 1km (as the crow flies) from the settlement boundary of Southminster. The site is accessed from a fairly fast road with no public footpath or street lighting. Given the nature of the walking environment and the distance to bus stops and railway stations, sustainable modes of transport would not be a viable option for many journeys. The lack of transport choice from the site would result in future occupiers being heavily reliant on the use of private cars for accessibility purposes.

7.1.6 A site in a location closer to Mayland, for comparable development has been refused on the grounds that it is remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development, contrary to the Council's policies and the National Planning Policy Framework (applications reference 13/00370/FUL, 13/00822/FUL and 15/00976). An appeal was lodged against one decision, which was dismissed, with the inspector concluding:

"The appeal site is relatively isolated and is well beyond the built limits of Mayland. The majority of the facilities are not within a convenient walking distance of the site and are accessed along a fairly fast road with no public footpath until the outskirts of Mayland is reached… The proposed dwelling would be relatively isolated from most facilities, schools and support services. Given the nature of the walking environment and the location of the bus stop and railway stations, sustainable modes of transport would not be a viable option for many journeys. The majority of trips are therefore likely to be undertaken by private vehicles to access most everyday services and facilities... I conclude that the location of the proposal would not accord with Policy T1 of the LP or with Submission Draft Policy S8 of the LDP. Neither would it comply with the Framework, which encourages development to be located where priority can be given to pedestrian and cycle movements and where there is access to high quality public transport".

7.1.7 Furthermore, the Maldon District, outside of the defined settlement boundaries, is predominantly rural in nature and the provision of a dwelling on the site would introduce residential paraphernalia to the rural landscape it and urbanise it to the detriment of the character of the area.

7.1.8 The location of the proposed development therefore conflicts with the general principle of the NPPF which states that Local Planning Authorities should avoid isolated homes in the countryside (paragraph 55). In addition, the location of the application site, outside of an identified development boundary in a rural setting is contrary to policies S1, S2 and CC6 of the RLP and policies S1 and S8 of the submitted LDP.

7.2 Housing Land Supply and Need

7.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. In addition, through the progression of the LDP the Council is making sufficient provision for the future objectively assessed needs for the District (policy S2) and the Council continues to work pro-actively to plan, deliver and implement the identified Garden Suburbs and Strategic Allocations, together with associated infrastructure requirements (Policies S3, S4 and S6).

7.2.2 In relation to decision making for sites not allocated for growth within LDP policy S2, relevant strategic and housing policies, in particular LDP Policies S1 (Sustainable Development) and S8 (Settlement Boundaries and the Countryside), are considered up-to-date and consistent with the NPPF, and should be applied significant material weight.

7.2.3 This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2.4 The application form states that the proposal would provide one three bedroom dwelling. However, it is considered that the proposed dwelling, according to the submitted drawings is capable of accommodating four bedrooms.

7.2.5 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change within the district.

7.2.6 The preamble to Policy H2 of submitted LDP, paragraph 5.15, sets out that the district has a good supply of larger dwellings, and that, in order to create a more balanced stock which meets the changing needs of the district smaller dwellings, a higher proportion of smaller dwellings will need to be delivered.

7.2.7 The Council is encouraged, in submitted policy H2, to provide a greater proportion of smaller units to meet the identified needs and demands of the district. This proposal conflicts with the requirements of submitted policy H2 of the LDP.

7.3 Scale, design and impact of the proposal

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

7.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the

Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

7.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

7.3.4 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".

"that 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."

7.3.5 Planning permission is sought to erect a single storey dwelling. The dwelling is located approximately 160 metres south of Foxhall Road. Construction of the dwelling has commenced within the site and the proposal is therefore partially retrospective in nature. The dwelling is single storey in nature with a shallow dual pitched roof with gables to the north and south elevations. A small projection is located on the west elevation which has a shallow dual pitched roof with a gable on the west elevation. The finish materials are weatherboard cladding and an interlocking tiled roof.

7.3.6 The design of the dwelling itself is considered to be typical of residential development and to be of limited architectural merit.

7.3.7 The application site is accessed from Foxhall Road to the north along an informal track. There is linear development along Foxhall Road, although many of the dwellings are currently, or were at one point, linked to farms in the area. There are also commercial activities taking place in the locality.

7.3.8 The application site is open in character, with an informal northern and southern boundary and immature planting to the eastern and western boundaries.

7.3.9 The proposed dwelling, which would be located towards the southern end of the site, would be isolated from the established built up area. It would, therefore, extend built development into an area which has a rural character. The proposed building is modest in scale and there is no substantive evidence to suggest that its appearance would be objectionable. Nevertheless, the new dwelling, together with the associated domestic paraphernalia, would lead to the urbanisation of an open area. Recent appeal decisions have confirmed that development which is isolated from the established built up area and would introduce built development into an area which has a rural character is not acceptable (appeal decisions: APP/X1545/W/14/3001714 date 11th June 2015 and APP/X1545/W/15/3051122 date 24th November 2015).

7.3.10 As such, the proposal would have a harmful effect on the character of the area and would conflict with RLP policies BE1 and CC6, LDP policies D1 and S8 as well as guidance contained within the NPPF, notably paragraphs 17 and 109.

7.4 Impact on residential amenity

7.4.1 Policy BE6 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of the adjacent property. Policy D1 of the emerging LDP seeks to protect the amenity of surrounding areas and local context.

7.4.2 The proposed dwelling is located over 100 metres from the south elevation of The Brambles to the north of the application site, the dwelling fronts Foxhall Road. No. 10 The Brambles is located closer to the application site, approximately 75 metres to the north of the proposed dwelling. However, the use of this structure as a residential dwelling has not been formalised (15/00867/LDE refused).

7.4.3 To the east of the application site is the yard of R. J. Anderson & Sons Ltd., an on-site advertisement states that they do road and surfacing contracting, road planings sold on site and spoil disposal. This type of business is often noisy and will involve a number of lorry movements and depending on procedures may also lead to dust. There also appears to be a commercial yard related to 10 The Brambles just to the south of the application site. The application has not been accompanied by a noise and (if relevant) dust assessment and the Council cannot fully assess the suitability of the site for residential purposes from an environmental viewpoint. The National Planning Practice Guidance states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

7.4.4 In response to Environmental Health's consultation response the applicant has sent correspondence stating that neighbouring activities are not a problem at the site in terms of dust or noise and note that there are other residential properties in the area which are not impacted by the activities. The content of the correspondence is noted but, as there has been no formal evidence to demonstrate that there would not be adverse impacts on the amenity of the future occupiers, the letter does not change the officers recommendation.

7.4.5 Whilst it is considered that the distance from the neighbouring properties and the modest scale of the dwelling would not result in harm to existing residents, it is considered that insufficient information has been provided to comment on the likely noise and dust impacts of the existing operations to the east of the site on the amenity of any future occupiers of the proposed dwelling.

7.5 Access, Parking and Highway Safety

7.5.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as

maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

7.5.2 The existing track from Foxhall Road to the north would be utilised for access to the dwelling. Within the site there would be adequate facilities for vehicular access and parking. The Highway Authority has been consulted and no objection has been raised.

7.5.3 The development is, therefore, in accordance with the stipulations of Policy T8 of the RLP.

7.6 Private Amenity Space

7.6.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².

7.6.2 The conversion will provide a dwelling with at least three bedrooms. The private amenity space proposed is in excess of 600m^2 and satisfies the standard contained within the Essex Design Guide.

7.6.3 Therefore, there is no objection to the proposal in relation to amenity space.

7.7 Other Considerations

7.7.1 The National Planning Practice Guidance sets out that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

7.7.2 This is because there are often environmental, amenity and public health problems associated with existing non-mains sewerage systems (e.g. because they are poorly sited, overloaded, badly maintained, or used beyond their effective life). Relying on these systems may, either individually or cumulatively, increase the risk of pollution, which can adversely affect the ecology and chemical quality of the water environment.

7.7.3 Non-mains drainage systems are not considered environmentally acceptable in areas where public sewers are readily available and will not be approved. Non-mains systems depend on their proper operation and regular maintenance if they are to function effectively (even if they have been appropriately sited, designed and installed). Where this is not the case, they can give rise to pollution of land and the water environment with associated environmental, amenity and/or public health problems. The most common problems with on-site sewage treatment systems are associated with drainage field failure.

7.7.4 Septic tanks are the traditional method of sewage treatment in rural areas, but they provide only a basic level of sewage treatment, far below that of package treatment plants.

7.7.5 It is because there is a high pollution risk to surface waters or groundwater resources from the liquid effluent discharge, that there is a general presumption against the use of septic tanks for new developments.

7.7.6 The National Planning Practice Guidance goes on to state that septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). The application site is served by a mains sewer and it is considered, in this instance, that the applicant has not provided sufficient information, or any justification, that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible.

7.7.7 The Council's adopted and submitted policies (CON5 and D2 respectively) state that development having an adverse impact on the environment by means of pollution release to water (including groundwater) will be refused. The proposed development is considered to be contrary to the above policies, as well as the guidance set out in the NPPG.

7.7.8 In response to Environmental Health's consultation response the applicant has sent correspondence stating that other residential properties in the area rely on septic tanks which have been operated responsibly and not had any environmental impacts. The content of the correspondence is noted but as highlighted the proposal is contrary to the National Planning Practice Guidance and no evidence has been submitted to demonstrate that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability) and the letter does not change the officers recommendation.

7.8 Conclusions

7.8.1 The application site is remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development, contrary to the Council's policies and the National Planning Policy Framework. Furthermore, the location of the site, being isolated from the established built up area fronting Foxhall Road, would introduce residential paraphernalia to the rural landscape it and urbanise it to the detriment of the character of the area, contrary to policies S1, S2 and CC6 of the RLP and policies S1 and S8 of the submitted LDP as well as guidance set out in the National Planning Policy Framework, notably paragraphs 17 and 109.

7.8.2 Insufficient information has been submitted to demonstrate that neighbouring activities will not have a demonstrable impact on the residential amenity of the future occupiers of the dwelling. Insufficient information has been submitted to justify that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability), contrary to Policy CON5 of the Replacement Local Plan and Policy D2 of the emerging Local Development Plan and guidance contained within the National Planning Practice Guidance.

Recommendation

REFUSE for the following reasons:

1 The building is located outside of a defined settlement boundary, remote from community facilities and is not located adjacent to, or is closely related to an existing town, village or public transport infrastructure, which would result in the residents being reliant on the private vehicle for day to day living and would result in the introduction of an isolated dwelling and associated residential paraphernalia which would urbanise the area to the detriment of its character and appearance, contrary to policies S1, S2 and CC6 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework, notably paragraphs 17 and 109.

2 Insufficient information has been submitted as part of the planning application to demonstrate that there would be no demonstrable impact on the amenity of the future occupiers of the proposed residential units from of the noise generating sources contained within the adjoining site to the east. The council is therefore unable to fully assess whether the proposal would represent an appropriate form of development for this site, contrary to policies CON5 and BE1 of the Maldon District Replacement Local Plan, policies D1 and D2 of the submitted Maldon District Local Development Plan, guidance contained in the Essex Design Guide and core planning principles and guidance contained in the National Planning Policy Framework.

3 The proposed development is considered to have an adverse impact on the environment given its reliance on a non-mains drainage system which poses an increased risk of pollution to the environment. In addition, insufficient information has been submitted to justify that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability), contrary to policy CON5 of the Maldon District Replacement Local Plan and policy D2 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Practice Guidance.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal approval has not been possible, and the harm has been clearly identified within the reason(s) for the refusal.

Land South West Of High House, Green Lane, Burnham-On-Crouch

FUL/MAL/15/01046



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE9	**Application Number**	**FUL/MAL/15/01046**
	Location	Land South West Of High House Green Lane Burnham-On-Crouch Essex
	Proposal	Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216
	Applicant	Mr S Latif
	Agent	Mr Raymond Stemp - Raymond Stemp Associates
	Date Valid	9 October 2015
	Target Date	4 December 2015
	Case Officer	Ernest Addae-Bosompra, TEL: 01621 876274
	Parish	**BURNHAM NORTH**

1. Introduction

1.1 This application has been brought to the South Eastern Area Planning Committee as the Officer recommendation is contrary to that of the Parish Council.

2. Site Description

2.1 The application site measuring 0.48 Ha is located on the southern side of Green Lane, Burnham-on-Crouch. It has a frontage of 50 meters and a depth of 96 meters. The site comprises an area of agricultural land.

2.2 To the north of the site is Green Lane, with agricultural land located beyond. To the west of the site is woodland, to the east and south of the site is agricultural land.

3. The Proposal

3.1 Full planning permission is now sought for the construction of a 4 bedroom dwelling and garage on the site. The ground floor of the new dwelling will comprise a large hallway, a kitchen with utility room, a dining area, family room, sitting room, study, a double bedroom, toilet and shower. The first floor will comprise of two large bedrooms, a family bathroom and an open landing area.

3.2 The floor space of the proposed ground floor will amount to 140.1sq.m and the first floor will amount to 93.5 sq. m. The new dwelling will be smaller in size than the previous dwelling which had a floor space of 165 sq. m for the ground floor and 160 sq. m for the first floor.

3.3 Two car parking spaces are proposed to the frontage of the new dwelling. The existing site access from Green Lane would be utilised and retained as part of the proposal.

4. Relevant Planning History

- Application ref; 14/01216 refers to the erection of a 5 bedroom dwelling and a detached double garage. The application was refused on two grounds;

  1 The proposed development as a result of its unacceptable design and bulk would have a detrimental impact upon the character and appearance of the area contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, submitted policies D1 and H4 of the Pre-Submission Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

  2 The proposed development would result in an isolated residential development that would not respect the existing pattern of development. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan, D1 and H4 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework

5. Consultation Replies

Town Council

Burnham-on-Crouch Town Council - Objects on the ground that the proposed development is outside the development envelope and the districts development land supply now exceeds the required five year supply.

External

Essex County Council Highways – No objection, subject to conditions.

Internal

Environmental Health- No objection, subject to conditions (surface water, foul water).

6. Letters of Representation

Letters of Objection:

Wendy Stamp 62 Maldon Road Burnham-on-Crouch
Barrie Stamp 62 Maldon Road Burnham-on-Crouch
Ian Sisterson 87 Maldon Road Burnham-on-Crouch

Main reasons for Objection:

- Proposed development is outside the development envelope
- District's land supply now exceeds 5 year
- Unacceptable design and bulk
- Outside emerging LDP submitted policies D1 & H4

- Legacy of existing access needs checking

Letters of Support:
N and M Bridge, Borchardts, Green Lane
Ian Parsons, 58 Maldon Road
P D Howarth, 106 Maldon Road

Main reasons for Support:
- The applicant is a local man.
- The applicant's parents are ageing and if permission was granted he would be at hand to provide support and care.
- The proposal would not be out of place.
- Access to the plot is ideal with clear views of the road in both directions.
- The family support the local community.
- Other large houses in the vicinity.
- The need for new housing.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

The Maldon District Replacement Local Plan (RLP) was adopted in November 2005 and the 'saved policies' still form the statutory Development Plan for the District. However, the RLP was prepared in accordance with Part II of the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991. As the RLP was produced using national planning policy prior to the 2004 Act, in accordance with the requirements of the NPPF Para 215, due weight should only be given to relevant saved policies according to their degree of consistency with the NPPF. The greater the consistency with the NPPF, the greater the weight that can be given to the existing saved policies in the RLP. The Council has undertaken an assessment of the consistency of key RLP policies with the NPPF, which was endorsed by Planning and Licensing Committee on the 3 October 2013 (Item 9, Appendix 2).

The following policies are considered relevant to this application:

- S2 Development Outside Development Boundaries
- H1 Location of New Housing
- B1 Design of New development and Landscaping
- CC6 Landscape Protection
- CC7 Special Landscape Area
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Development
- T8 Vehicle Parking Standards

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47.

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following policies are considered relevant to this application:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective use of Land
- T1 Sustainable Transport

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development

7.1.1 The proposal is for a new dwelling outside of the settlement boundary of Burnham-On-Crouch as defined by the adopted Local Plan and the Pre-submission Draft Local Plan and is therefore considered contrary to policy in principle.

7.1.2 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new

development in the interests of protecting the countryside and coastal landscapes of the District. This principle is brought forward within Policy S8 of the LDP.

7.1.3 Policies CC6 and CC7 seek to protect the rural and coastal landscape in the District and is considered to be compliant with NPPF which seeks to protect the 'intrinsic character and beauty of the countryside'.

7.1.4 The site is considered to be in an inaccessible location. It is located a considerable distance away from any village settlement, any local services, shops, or facilities such as schools and medical centres and is not within walking distance of a local bus services that may otherwise provide options for alternative transport means. The site is not well served by bus or other public transport facilities and walking or cycling from the site to the surrounding area would be considered unsafe and undesirable, particularly for older members of the community, as there are no public footpaths or cycle routes offering safe alternatives. There is also no lighting along the highway meaning that in winter months or late evenings, walking and cycling in the locality would be even less desirable to future occupiers of the proposed dwellings.

7.1.5 The lack of transport choice from the site would result in future occupiers being heavily reliant on the use of private cars for accessibility purposes.

7.1.6 Furthermore, the Maldon District, outside of the defined settlement boundaries, is predominantly rural in nature and the provision of a dwelling on the site would urbanise it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.

7.1.7 The site is therefore considered unsustainable and is contrary with the general principles of the NPPF and adopted and emerging local plan policies.

7.1.8 Within the immediate locality, there is a vast history of applications for residential development. These applications are a material consideration in determining the sustainability of the application site. The applicant refers to Borchardts Green Lane Ref; 13/00528, Land east of High House Green Lane ref; 15/00663, Corner Cottage Green Lane ref 14/00222, Land South West of High House, Green Lane Burnham on Crouch, Corner Swatchings Mangapp Close, and Land west of High House, Green Lane . All these sites lie beyond the settlement boundary.

7.1.9 In reviewing relevant planning decisions on the grounds of sustainability, both made by the Council and at appeal, it is clear that there is inconsistency. Some of this is due to the changing status of the submitted Maldon Local Development Plan (LDP) in the context of the lack of a five year supply of housing in the district. Many of those decisions can now be seen as historic and of limited weight when considered alongside the emerging policy in the newly submitted LDP, because the plan's status has changed and the Council can now demonstrate a 5 year Housing Land Supply (HLS).

7.1.10 It is also recognised that in a recent appeal decision at The Former Stables, Mangapp Chase, Burnham-on-Crouch (decision date 18 July 2014), the application was not dismissed on the grounds of sustainability. Whilst this site is not considered to be directly comparable to the current application site, the appeal site is located at a similar distance from the everyday facilities to that of the current application site.

7.1.11 The current application site is located a further 535m (0.3 miles) from Mangapp Chase. The current application site is located 0.8 miles from a secondary school, 0.6 miles from the bus stops at Eves Corner and 0.3 miles from the bus stop along Maldon Road. The nearest supermarket and doctors are 1.2 miles from the site. There are no footpaths or street lighting along Green Lane.

7.1.12 On balance, whilst the site is not considered to be located in the most sustainable location, weight must be given the appeal decision at The Former Stables, and the applications approved at committee in the immediate vicinity. The determining factor would therefore be the impact of the proposal on the character and appearance of the locality.

7.2 Scale, Design and Impact on the Character and Appearance of the Area

7.2.1 Policy BE1 of the adopted Local Plan states that development proposals will be permitted if they are a) compatible with their surroundings in terms of factors including i) layout, iv) scale/bulk/height, v) external materials, vi) visual impact and vii) effect on the safety and or amenity of neighbouring properties or the occupiers therein, and b) make a positive contribution to the landscape and open countryside.

7.2.2 Further, paragraph 55 of the NPPF states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities" and that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst others:

- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area".

7.2.3 The application site currently contributes to the rural character and appearance of the streetscene. Although, the scale and size and the extent of hardstanding coverage of the new dwelling has been reduced, the proposed dwelling is still considered to result in a top heavy form of development which would result in an incongruous addition to the streetscene, failing to provide any visual enhancement to the rural character of the area.

7.2.4 The open nature of the area would result in the side elevations being clearly visible from the public realm. The side elevations are deep expanses of limited architectural merit which would further detract from the character and appearance of the area.

7.2.5 The proposed car parking spaces and garage reinforces the urbanising effect and constitutes an unwelcome visual intrusion on the rural character. In this respect, the development would be out of character with the rural locality contrary to Policy BE1 of the adopted Local Plan and would not meet the exceptional criteria as set out in paragraph 55 of the NPPF.

7.2.6 Due to the location of the application site in a rural area, Policy CC6 of the adopted Local Plan is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquillity, amenity and traditional quality of the District's Landscape, and identifies that the local authority could permit development providing the following three criteria are met:

a) No harm is caused to the landscape character in the locality, and
b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed

7.2.7 The application site currently contributes to the rural character and appearance of the streetscene. Green Lane is characterised by sporadic development along the northern side of the road. The application site represents an important gap in built form between No.1 Little John Cottage and Brickfield Farm. Any development on this site and associated residential paraphernalia would be noticeably more prominent in the landscape. In this respect, the development would be out of character with the rural locality contrary to Policy BE1 of the adopted Local Plan and would not meet the exceptional criteria as set out in paragraph 55 of the NPPF.

7.2.8 The proposed residential scheme although reduced in scale and size, still proposes a form of development that would be out of character with the prevailing pattern of development along Green Lane. The proposal would result in an intrusion into the countryside and detracting from its scenic qualities. The proposal would nevertheless fail to comply with policies CC6 and BE1 of the Local Plan due to its encroachment on the rural landscape.

7.2.9 The existing gap between Maldon Road and Green Lane provides an important rural gap, ensuring a countryside setting and character is maintained. It is therefore evident that the formation of a new residential development in this locality and resultant loss of this important space will cause significant harm to the countryside and its intrinsic characteristics as a result of intensification of built form in the street scene.

7.2.10 Furthermore, the application would set a precedent for further encroachment along Green Lane, this would not be supported due to the impact on the character and appearance of the locality.

7.2.11 Paragraph 64 of the NPPF advises that development that fails to take the opportunities for improving the character and quality of an area should be refused. It is considered that residential development on this site would visually encroach on the open character of the predominantly undeveloped countryside. Therefore, it is concluded that the proposed development would visually and adversely harm the character of the rural locality, thus causing material harm to the rural qualities of the surroundings, contrary to Local Plan Policies and paragraph 55 of the NPPF.

7.3 Effect on Neighbouring Residential Occupiers

7.3.1 The nearest neighbour to the proposed new dwelling is High House which would be located at a distance of 35m from the proposal. The new dwelling would be separated

from High House by Green Lane, as such concerns regarding overlooking and overshadowing are not considered to be a concern.

7.3.2 Scale and design are not matters for determination in this application in order to fully assess any opportunities of material overlooking to or loss of privacy to this neighbouring property against the criterion of adopted LP policy BE1, emerging policy D1 of the LDP or the guidance and provision as contained within the NPPF. However, it is considered that at this distance, limited overlooking or loss or privacy would result.

7.3.3 The scheme is therefore considered to comply with the criteria of adopted LP policies BE1 and emerging policies D1 and H4 of the submitted LDP.

7.4 Access, Parking and Highway Safety

7.4.1 Access to the site is to be gained from existing access to the northern part of the site. The site is considered to be capable of providing vehicular access that would not be to the detriment of highway safety or the free flow of traffic. Furthermore, Essex County Highways have not raised an objection to the application.

7.4.2 In terms of parking, in order to comply with Policy T8, for a 4 bedroom dwelling a maximum of 3 spaces is required. The proposal shows a formal parking arrangement for two parking spaces. However, the site is considered to be large enough to accommodate one additional parking space to meet the requirement of a four bedroom dwelling.

7.5 Provision of Amenity Space and Landscaping

7.5.1 The amenity space provision would increase slightly given the reduction in floor space. As such, the proposal is considered to provide sufficient amenity space to meet the criteria as set out in the Essex Design Guide. If the application was to be approved, it is considered that a condition restricting the curtilage of the site would be reasonable.

7.6 Other Considerations

7.6.1 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.

7.6.2 Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development.

7.6.3 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the submission LDP which emphasises the need for sustainable development.

7.6.4 In relation to this proposal, and in economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses or that materials would be locally sourced. There are no local shops or services that would benefit from increased footfall as a result of this scheme. Any economic benefits are therefore minimal.

7.6.5 In social terms the proposal would fail to support a strong vibrant and healthy community, failing to provide a high quality development in the right place where it can meet housing need and offer choice for access to essential support facilities by a variety of reliable means of transport, other than private car. Although the dwellings would help to meet housing need, they would not be in a location where social inclusion would be supported or encouraged as required by the NPPF.

7.6.6 In environmental terms the development would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the rural area. Furthermore, providing new development in an area where use of sustainable transport modes of transport is not an option, would directly conflict with this environmental strand of sustainability as it would fail to minimise pollution in the move towards a low carbon community.

7.6.7 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF.

7.7 Conclusion

7.7.1 On the basis of the above and the details provided in the application, the proposal for a new dwelling on the site would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF.

Recommendation

REFUSE for the following reasons:

1 The proposed development would appear visually intrusive within the rural countryside in this location, which is recognised for its landscape value in the adopted Local Plan. The proposed development would result in the urbanisation of the site and therefore have a detrimental impact upon the character and appearance of the area contrary to policies S2, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, guidance contained within the National Planning Policy Framework and policies S1, S8 and D1 of the Maldon District Pre-Submission Local Development Plan.

2 The proposed development would result in an isolated residential development that would not respect the existing pattern of development and is comparatively remote from community support facilities. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the open and undeveloped countryside, to the

detriment of the character and appearance of the area contrary to policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan, S1, S8, D1 and H4 of the Maldon District Pre-Submission Local Development Plan. and core planning principles and guidance contained in the National Planning Policy Framework.

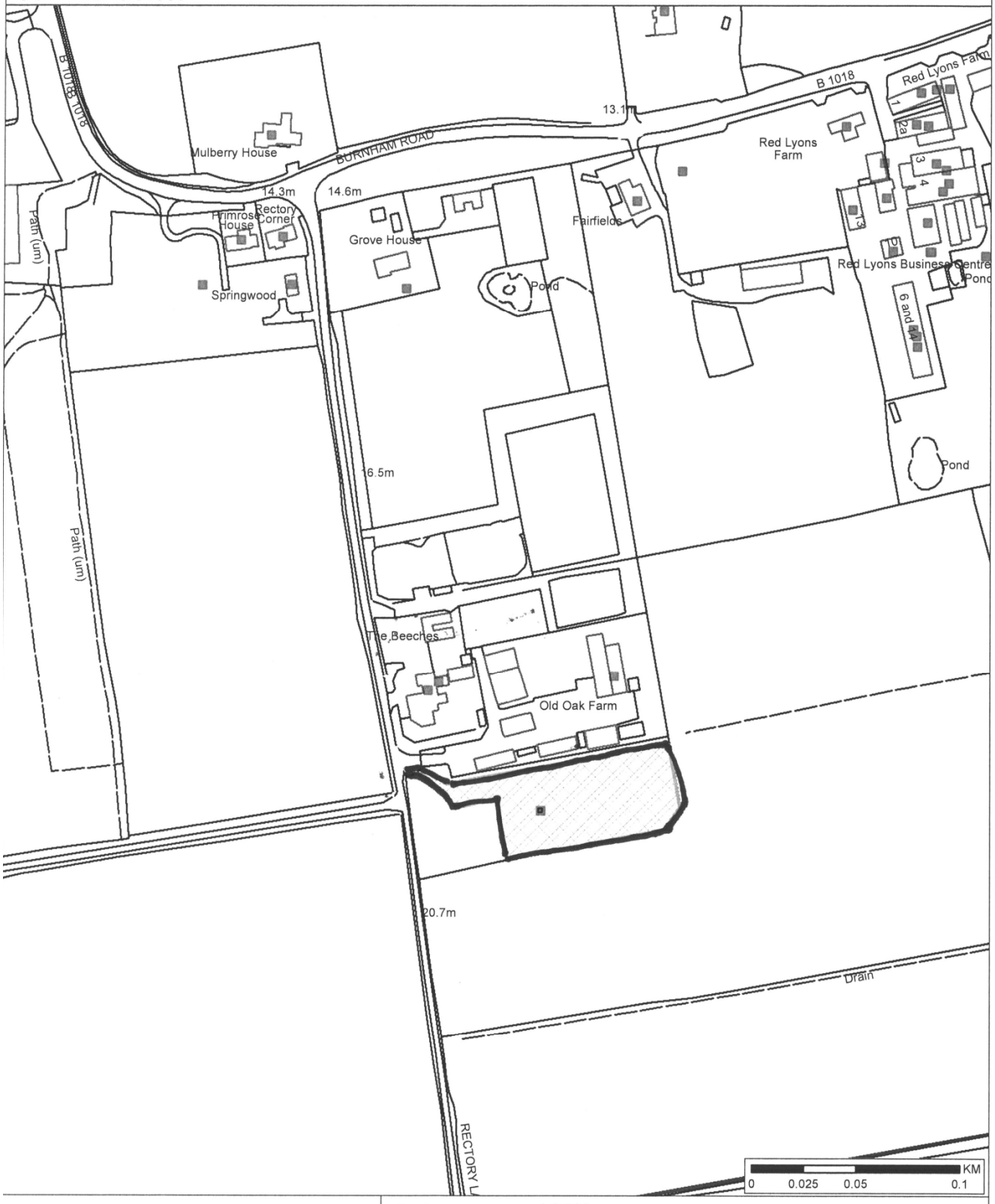
POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Land South Of Old Oak Farm, Recorty Lane, Latchingdon

OUT/MAL/15/01066



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	27/11/2015
MSA Number:	100018588

SE10	**Application Number**	**OUT/MAL/15/01066**
	Location	Land South Of Old Oak Farm Rectory Lane Latchingdon Essex
	Proposal	Outline application for the erection of 8No. dwellings to enable investment into and business development of Essex Breeding Centre including determination of access and layout.
	Applicant	Mr & Mrs P Gibbs
	Agent	Mr Chris Tivey - Chris Tivey Associates
	Date Valid	6 October 2015
	Target Date	1 December 2015
	Case Officer	Nigel Hebden, TEL: 01621 875741
	Parish	**LATCHINGDON**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee for determination as the officer recommendation does not accord with the view of the Parish Council.

2. Site Description

2.1 The application site of 0.38 ha is on the east side of Rectory Lane 150 metres to the south of the junction with the Burnham Road. The site is presently a grassed paddock enclosed by hedging and trees. There is an access to the site in the North West corner which joins the access to Old Oak Farm which lies to the north. An arable field wraps around the south and east sides of the site. Opposite the site there is open countryside and a track leading to Snoreham Hall. Rectory Road is a narrow lane with no footpaths and the site is just outside a Special Landscape Area.

2.2 Old Oak Farm itself is to the north and comprises a collection of ex farm and other buildings occupied by Essex Breeding Centre (EBC) which breeds and supplies small animals such as hamsters, guinea pigs etc. to the pet trade. An unrelated dwelling, "The Beeches" fronts Rectory Road. The application is supported by a statement setting out the planning merits of the proposal. In addition it is stated that the development is necessary in order to support the Essex Breeding Centre which employs 17 animal care staff, 3 office staff and 4 drivers. New investment is required and the proposed development would provide this.

2.3 A separate application (Ref FUL/MAL/15/01067) has been submitted for the formation of visibility splays of 2.4 metres by 90 metres.

3. The Proposal

3.1 The application is in outline with access and layout for determination at this stage. It is proposed that there be 8 dwellings comprising;

- 4 x 2 bed semi-detached houses
- 2 x 3 bed semi-detached houses
- 1 x 4 bed detached chalet bungalow
- 1 x 3 bed bungalow

3.2 The submitted plan indicates an access road from the entrance to Old Oak Farm running along the northern boundary with the dwellings to the south and east. The plan indicates the further plot to the west of the application site which is the site of a dwelling (subject to an occupation condition) approved in 1989. It is claimed that development of this dwelling was commenced in 1994 and supporting documentation has been submitted. There is no evidence apparent on site, however it is stated that the works are now below ground.

4. Relevant Planning History

- **MAL/1227/88** New detached dwelling, garage and garden store - APPROVED subject to occupation condition: 17/04/89.
- **OUT/MAL/14/01017** Erection of 8 dwellings: REFUSED 16/12/14.
- **FUL/MAL/15/01067** Formation of visibility splays PENDING.

5. Consultation Replies

Parish Council

Latchingdon Parish Council - Support as the potential income from this development will ensure continuation of established employment in Latchingdon and there do not appear to be any objections from neighbouring properties.

External

Essex County Council Highways Authority – No response received.

Internal

Archaeology - There is the potential for archaeological remains to be on the site which is opposite the access to the manor/church complex of Snoreham. Request a condition requiring an archaeological assessment.

Strategic Housing - Do not support application. LDP policy H1 requires that sites of more than 5 new housing units should include provision for affordable housing in this case it would be 3.2 dwellings.

6. Letters of Representation

Letters of Objection:
Pamela and Michael McMahon: Tiptoes, Lower Burnham Road, Latchingdon

Main reasons for Objection:

- Contrary to development plan
- Too many houses for site
- Rectory Lane is a single track "rat run" with no pavements. Extra traffic would be dangerous. It floods in winter and there is often ice at the junction with Burnham Rd.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 Development outside development boundaries.
- H1 Location of new housing
- BE1 Design of new development and landscaping.
- CC6 Landscape protection.
- T1 Sustainable Transport and location of new development.
- T2 Transport infrastructure in new developments.
- T8 Vehicle Parking Standards.

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give according to the stage of preparation, the extent of unresolved objections to relevant preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The lead to project manage the process.

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the

next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

At a recent public inquiry the Council's Land Supply Statement was the subject of considerable scrutiny. In dismissing the appeal the Planning Inspector determined that Council had demonstrated that there was a 5 year supply of housing land in the District.

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following emerging policies are considered relevant to this application:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

(iii) Government Guidance

- **The National Planning Policy Framework (NPPF) - s**eeks to boost the supply of high quality homes. Councils should ensure that there is an adequate supply of housing land for sustainable developments. The natural environment should be conserved and enhanced.

7.1 Principle of Development

7.1.1 The application is a re-submission of an application refused permission in December 2014. RLP policies S2 and H1 seek to direct new development to within established settlements or allocations made in the local plan. The application site is located 0.5 km from the settlement boundary of Latchingdon which is classed as a "smaller village" in policy S8 of the LDP. It has shops and other facilities, but no school. The Burnham Road lies 150 metres to the north and is served by a number of bus routes (31/B/C/D/X) as well as the 510 and Dengie DaRT. However, Rectory Road itself is narrow, unlit and has no dedicated footway. It is not a safe route for pedestrians and cyclists and the application site is therefore not considered to be in a sustainable location. This formed a reason for refusal at the time of the last application. No substantive argument has been submitted as part of this application to overcome the original reason for refusal or to indicate that the site is sustainable.

7.1.2 Up until recently the Council had not been able to demonstrate that there was a 5 year supply of housing land in the District. In July 2015 the council issued a Housing Land Supply Statement and more recently this was the subject of detailed scrutiny at a planning appeal. In dismissing the appeal the Planning Inspector concluded that the assessment in the statement was sounds and that the council had successfully demonstrated that there was a 5 year supply of housing land. This means that greater weight may now be given to RLP policies S2 and H1 and LDP policy S1.

7.2 Design and Impact on Landscape

7.2.1 The application site forms an open paddock adjacent to EBC. The application is in outline but the layout is not reserved for future consideration. The submitted plan indicates dwellings arranged in a regular layout adjacent to a straight estate road. The overall layout together with the dwelling which is claimed to have been implemented would result in a suburban type of development totally at odds with this rural location. It would therefore be out of character with the area and so have an adverse impact of the local landscape. The surrounding landscape is fairly flat and although it is indicated that there will be peripheral landscaping the development is likely to be intrusive adversely affecting the character and appearance of the local landscape. In principle there is therefore considered to be a policy objection.

7.3 Enabling Development

7.3.1 The applicant has argued that this is "enabling development" in respect of the business that has been established to the north of the site. In such cases it is argued that usual planning policies should be set aside or afforded less weight. The applicant states that "a fixed amount of the profits would be ploughed back into the business in the form of providing essential infrastructure". The proceeds from the sale of the land with planning permission would be used to.

- install solar panels and so save on power bills
- replace an asbestos work building
- install an industrial cage washing machine
- upgrade computers
- repayment of bank borrowings
- new delivery vehicle

7.3.2 A business plan document has been prepared which states that the company was established in 1998 and supplies small animals to independent pet shops throughout the UK. In 2015 a commercial decision was taken to stop supplying the largest pet shop chain in the country which represented 40% of their business. EBC wish to expand their sales in the independent sector and they need to update office equipment. Costs need to be cut and heating and air circulation is an essential part of animal welfare so solar heating is being considered. There is also a proposal to replace an outdated building and provide washing and cleaning facilities for staff. The applicant states that the enterprise employs 14 local people and 5 drivers.

7.3.3 The applicant is prepared to enter into a Section 106 planning obligation to ensure that the proceeds of the land sale go into the business. The exact mechanism for this has not been explained other than a statement that "the planning obligation would prevent the occupation of any of the new dwellings until the new building is available for use and the solar panels are in place.

7.3.4 Enabling development is not a statutory term but is generally defined as development which would normally be considered unacceptable in policy terms but nevertheless provides a public benefit which would in some way outweigh the harm to policy considerations. The most usual examples relate to heritage assets that are in a poor condition or have an uncertain future and remedial action is not financially viable. A development that is contrary to policy may be contemplated if it directly provides resources to secure the future of the heritage asset which would be to the public good. In some cases the principle has been extended to large regeneration schemes where

derelict brown field sites have been redeveloped and areas of public realm created or improved.

7.3.5 This particular proposal does not fall within the accepted definition of enabling development. The financial benefits from the proposed development will be directed to a private company to finance its commercial operations. Para 7 of the NPPF requires that the planning system supports a competitive economy. The proposal would be favouring a particular commercial enterprise potentially to the disadvantage of others. Whilst local employment might be secured this is not a benefit to the general public and unsustainable development which would adversely affect the local landscape would result.

7.3.6 There can be no guarantee that that even if the funding is provided by the development that the level of employment will be maintained or that the business will continue to trade. Furthermore, the proposed mechanism in the section 106 states that if the money realised is not expended on items that will support the business then the new houses will not be occupied. This means that if the applicant does not comply with the terms of the section 106 the dwellings would have been built and completed and the harm to achieving policy objectives would have been done. The applicant's financial information suggests that the only receipt would be from the sale of the site and that the development itself would be carried out by a third party. There is no clear mechanism for delivering any benefit to the public good.

7.4 Impact on Neighbours

7.4.1 Due to the remote location of the application site and in the absence of surrounding properties, it is considered that as a result of the development, there would be no impact upon neighbouring occupiers.

7.5 Highways and Access

7.5.1 It is proposed that the access to the proposed development would be taken from the existing access into EBC. The County Highway authority has raised an objection to the original application on the grounds that it has not been demonstrated that there is sufficient visibility to the north of the access point. A separate application Ref FUL/MAL/15/01067 has been submitted which indicates the required visibility splays and the Highway Authority now has no objection.

7.6 Car Parking

7.6.1 The development proposed makes provision for a minimum of 2 no. car parking spaces per dwelling. This is considered to be in accordance with the adopted vehicle parking standards.

7.7 Conclusion

7.7.1 The proposed development would be contrary to the requirements of policies S2 and H1 in that it comprises residential development in open countryside in an unsustainable location. The applicant has advanced a proposition as to why established planning policy should be set aside in this case. However this relates to private interests and there is no secure mechanism being proposed that would deliver

public benefits that would offset harm to adopted planning policy imperatives. Furthermore, the proposal would not deliver affordable housing as required by RLP policy H9 and LDP policy H1.

Recommendation

REFUSE for the following reasons:

1 Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted 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. In July 2015 the local planning authority published a Five Year Housing Supply Statement 2014/15 which demonstrated that there was a 6.95 year supply of housing land in the District which gives significant weight to the above policies. In addition policies BE1 and CC6 of the Maldon District Replacement Local Plan and policies D1 and N2 of the submitted Maldon District Local Development Plan require new developments in rural locations do not adversely affect the character of the rural landscape. In this case the location, form and design of the proposal would result in an urban form of development out of character with, and detrimental to, the appearance of this rural location and would have an urbanising impact on the rural area to the detriment of the character and appearance of the area contrary to the requirements of the above policies. In coming to this view the local planning authority has taken account of the applicant's proposition that the proposal would support his business nearby but has concluded that this proposal does not amount to "enabling development", that there is no means of procedurally securing the stated benefit and that the harm to achieving planning policy objectives outweighs any claimed benefit.

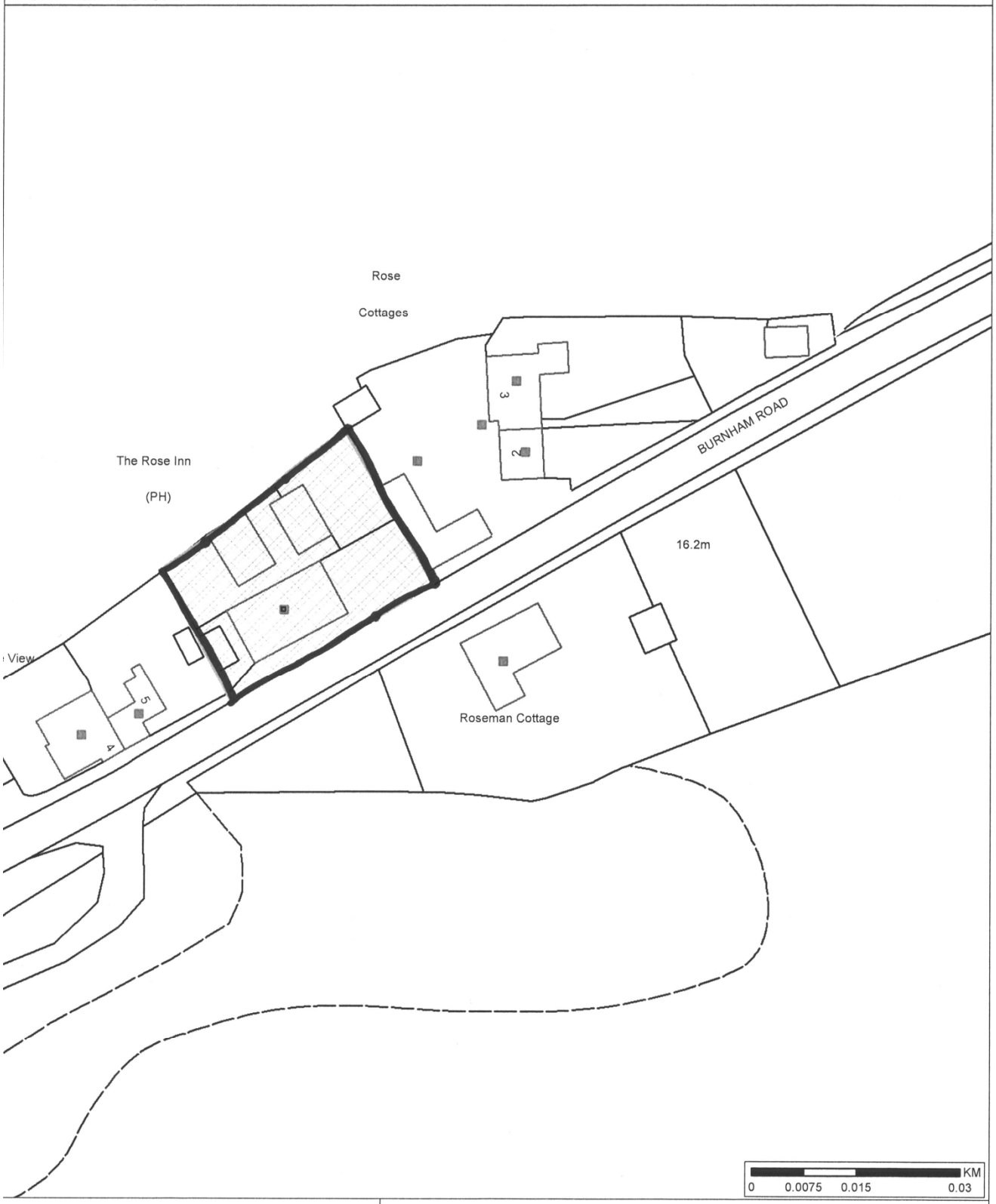
2 Policy H1 of the Maldon District Local Development Plan requires that where a proposed housing development exceeds 5 dwellings there should be provision of affordable housing. No such provision has been offered and so the requirements of the policy and para 47 of the NPPF are not met. The proposal is therefore contrary to policy H1 of the Maldon District Local Development Plan and guidance contained within the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Rose Inn, Burnham Road, Southminster
FUL/MAL/15/01072



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:750
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	30/11/2015
MSA Number:	100018588

SE11	**Application Number**	**FUL/MAL/15/01072**
	Location	Rose Inn Burnham Road Southminster Essex
	Proposal	Retrospective planning for Timber built covered area on patio to the rear of the property.
	Applicant	Mrs Liz Meer - Gray & Sons (Chelmsford) Ltd
	Date Valid	19 October 2015
	Target Date	14 December 2015
	Case Officer	Nicola Ward, TEL: 01621 875864
	Parish	**SOUTHMINSTER**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee as the Officer's recommendation is contrary to that of the Parish Council. Further, the application is also being considered at committee at the request of Councillor A Fluker.

2. Site Description

2.1 The site currently contains a detached public house with associated garden and a parking area that is located on the adjacent to the public house. There is also a small grassed area to the rear for the publican's personal use.

2.2 The public house has a small conservatory to the rear that is used as additional dining space for customers.

3. The Proposal

3.1 Retrospective planning permission is sought to regularise a timber framed shelter, located to the north of the public house and within a courtyard / garden area. The timber structure is attached to a larger marquee to the rear of the site.

3.2 The shelter measures 7.9 metres wide, 5.9 metres deep with an overall height of 2.8 metres. The materials used for the construction of the shelter are timber stud walls coloured white with a trapezoidal corrugated steel roof.

3.3 It is stated within the application that the building was erected in 2012 and is used as a weather shelter for customers of the public house.

4. Relevant Planning History

- None.

5. Consultation Replies

Parish Council

Southminster Parish Council - Recommend approval of this application as it enhances the prospect of continued local employment and business.

6. Letters of Representation

Letters of Support:

Chris Harvey – The Campaign for Real Ale, Maldon and Dengie Branch.

Main reasons for Support:

- Development provides an essential role in allowing the owners to cater for a variety of events
- Generates income
- If refused the commercial sustainability of the public house would be put at risk
- The development was installed by the previous tenants and the current tenants took on the public house on the understanding that the facility would allow them to expand the business.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

The Maldon District Replacement Local Plan (RLP) was adopted in November 2005 and the 'saved policies' still form the statutory Development Plan for the District. However, the RLP was prepared in accordance with Part II of the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991. As the RLP was produced using national planning policy prior to the 2004 Act, in accordance with the requirements of the NPPF Para 215, due weight should only be given to relevant saved policies according to their degree of consistency with the NPPF. The greater the consistency with the NPPF, the greater the weight that can be given to the existing saved policies in the RLP. The Council has undertaken an assessment of the consistency of key RLP policies with the NPPF, which was endorsed by Planning and Licensing Committee on the 3 October 2013 (Item 9, Appendix 2).

The following policies are considered relevant to this application:-

- BE1 – Design of New Development and Landscaping

(ii) Maldon District Local Development Plan

The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the

greater the weight that can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.

In terms of the progress of the LDP, the Plan has been published and submitted for Examination-in-Public. It has been the subject of extensive consultation at each stage of the Plan's preparation. Public hearing sessions for the housing and infrastructure related policies (LDP Policy S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2) took place between 20th January and 4th February 2015. The LDP, and in particular the policies which have been subject to public hearings, are therefore at a very advanced stage in their preparation.

With regards to compliance with the NPPF, the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation. The Inspector's Interim Findings made no comments in relation to the soundness or legal compliance of any aspects of the LDP other than the Gypsy and Travellers' provision. Therefore it is reasonable for the Council to assume that the relevant LDP policies (as amended) with the exception of Policy H6 can be attributed weight in decision making.

A number of concerns were raised by the Inspector during the examination on a variety of issues surrounding the soundness and legal compliance of the LDP policies, and there are other objections made to the LDP. Additional information has been produced during and after the hearing sessions by the Council and other participants to address these concerns and objections. This includes further clarification on the extent of the Maldon Housing Market Area, additional viability information in relation to the Garden Suburbs and Strategic Allocations. A number of these objections have also been resolved through recent progress on strategic allocations including the granting of permission on a number of strategic sites.

Based on the above considerations the Council is satisfied that material weight should be given to LDP Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, I1 and I2 in decision making.

The following policies are considered relevant to this application:-

- D1 Design Quality and the Built Environment.

(iii) Government Guidance

- The National Planning Policy Framework (NPPF).

7.1 Principle of Development and Sustainability

7.1.1 The principle of providing additional facilities in association with the lawful use of the site as a public house is considered acceptable, in compliance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.

7.2 Scale and Design

7.2.1 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

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.'

'That 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.'

7.2.2 The proposal relates to the erection of a timber framed shelter to enclose the patio area of the garden. The shelter is of a large dominant scale and is open fronted in nature.

7.2.3 The structure is of a rudimentary design, whilst it is noted that it can be seen from the highway, views are restricted due to existing buildings. The size, scale and design of the building is considered to be of limited architectural merit. The development is visually intrusive and dominant in relation to the relationship of the site and to the detriment of the character of the area therefore the development is contrary to policy BE1 of the RLP, policy D1 of the emerging LDP and guidance contained within the NPPF.

7.2.4 Overall, it is considered that the development is detrimental to the character and appearance of the existing public house and local area therefore, contrary to policy BE1 of the RLP and policy D1 of the emerging LDP.

7.3 Effect upon Neighbouring Properties

7.3.1 The structure relates to the existing use of the site and the area on which it is sited is likely to have previously served as an outside congregation area. Whilst it is possible that the development may result in a intensification of the use this is not considered to be of such a degree as to warrant a reason for refusal. Furthermore the shelter is not within close proximity to the neighbouring occupiers and is therefore not considered to have an impact on residential amenity or result in any greater harm through noise or disturbance.

7.4 Other Considerations

7.4.1 Whist it is noted from the letter of support, that the development is used for functions and events which generate income and the development was installed by the current owner's predecessors these are not of such a weight as to outweigh the harm highlighted above.

7.5 Conclusion

7.5.1 It is considered that the development by reason of its scale, bulk, and design is out of character and has a detrimental impact on the public house and the surrounding area. The materials are unsympathetic in appearance and it is therefore it is considered the development is contrary to policy BE1 of the LRP, policy D1 of the emerging LDP and Government guidance contained within the NPPF.

Recommendation

REFUSED for the following reason:

1 The development, by reason of its scale, bulk and design is considered to be detrimental to the general character and appearance of the public house and the local area contrary to policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government guidance contained within the National Planning Policy Framework.

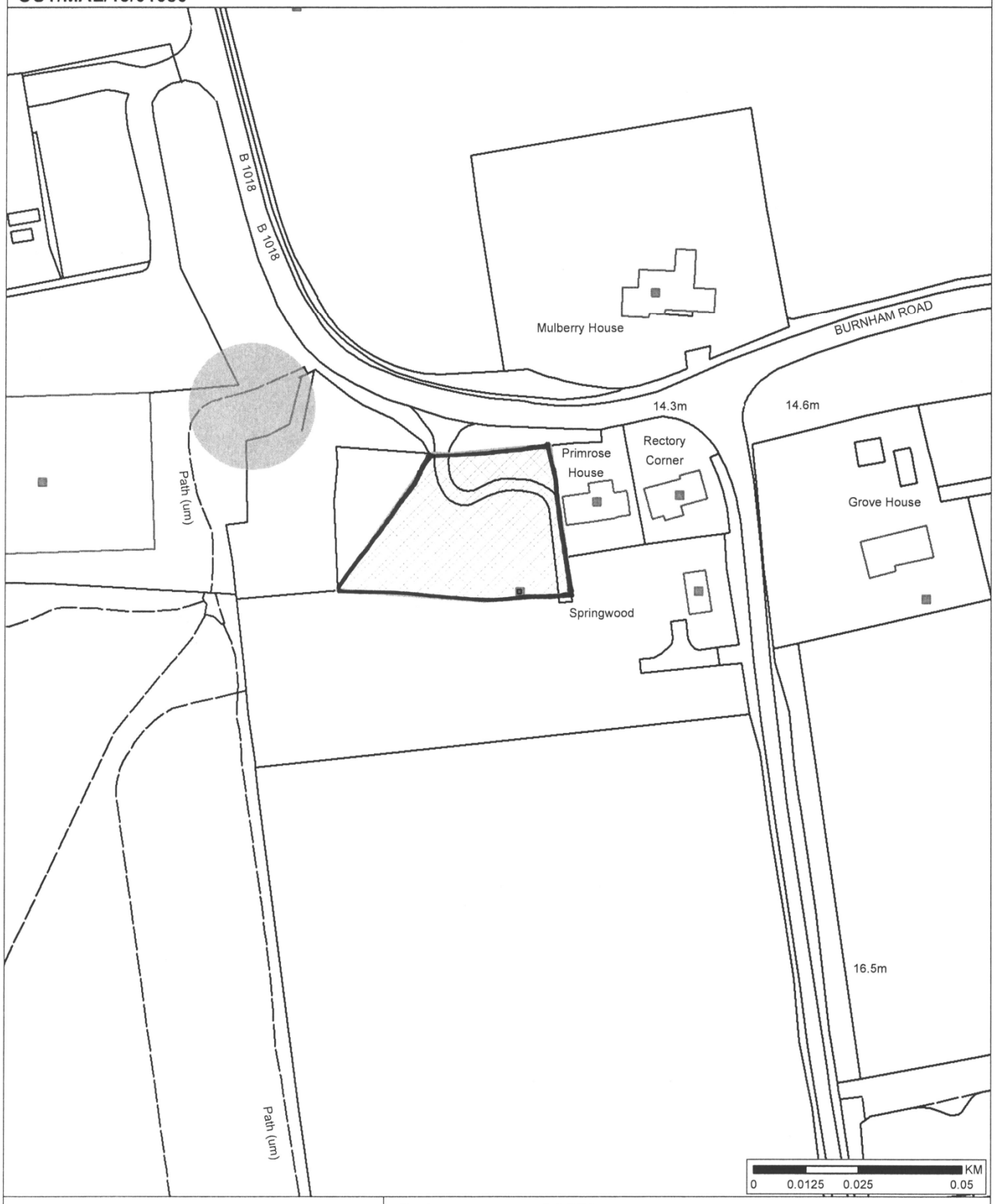
POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Land Adjacent Sringwood, Rectory Lane, Latchingdon

OUT/MAL/15/01080



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Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	30/11/2015
MSA Number:	100018588

SE12	**Application Number**	**OUT/MAL/15/01080**
	Location	Land Adjacent Springwood Rectory Lane Latchingdon Essex
	Proposal	Erect 2No. two storey detached dwelling houses with garages, parking and amenity areas. Stop-up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Burnham Road (amended proposal)
	Applicant	John Plumb
	Agent	Stewart Rowe - The Planning & Design Bureau Ltd
	Date Valid	22 October 2015
	Target Date	17 December 2015
	Case Officer	Nigel Hebden, TEL: 01621 875741
	Parish	**LATCHINGDON**

1. Introduction

1.1 This application is presented to the South Eastern Area Planning Committee for determination as an earlier application for a similar development was refused by the committee, the development is also contrary to policy and the officer recommendation does not accord with the view of the Parish Council.

2. Site Description

2.1 The site of 0.14ha forms part of the curtilage of "Springwood" which fronts onto Rectory Lane. The site itself has a frontage of 28 metres to Burnham Road (B1018) close to a bend. The site is presently grassland with open views to the south and trees/hedging along the frontage. There is an existing vehicular access from Burnham Road which follows the northern and eastern boundaries. To the east are two recently constructed detached dwellings (Primrose House and Rectory Corner) with a further dwelling Mulberry House to the north east on the opposite side of the B1018.

3. The Proposal

3.1 Outline planning permission is sought for the erection of 2 detached dwellings; only access and layout are for determination at this stage. The layout plan indicates two detached two storey properties with attached single garages to the side. The dwellings are set back from the frontage by 9 metres and the building line accords with that of the two properties to the east. The gap between the western house and the boundary is 1.5 metres and the eastern house and the boundary, 3 metres. The gap between the dwellings is 10 metres (the garages are shown to be 6 metres apart.

3.2 It is also proposed to stop up the existing field access and form a new one 25 metres to the east; this would lead onto a common drive serving both properties.

4. Relevant Planning History

- **OUT/MAL/15/00297:** Erection of 2 two storey dwellings; WITHDRAWN 17/06/15.
- **OUT/MAL/15/00635:** Erection of 2 two storey dwellings: REFUSED 28/08/15.

5. Consultation Replies

Parish Council

Latchingdon Parish Council - Object: The access/egress onto Burnham Road, on a bend, where traffic has to stop to allow HGV's and/or buses to pass should be reconsidered as it is dangerous

External

Essex County Council Highways Authority: The proposal is acceptable subject to conditions.

Internal

Environmental Health: No objection subject to conditions regarding drainage.

6. Letters of Representation

Letters of Objection:

James and Maxine Antony, Primrose House, Burnham Road, Latchingdon

Main reasons for Objection:

- Previous concerns regarding the location of the houses have to some extent been overcome but still concerned about possible loss of light especially from trees.
- Do not agree that this is infilling development.
- Local facilities will be put under greater pressure.
- Concerned that the ditch is to be used as outfall for foul sewage as this is already causing problems.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S2 Development outside Development Boundaries
- H1 Location of New Housing
- BE1 Design of new development and landscaping
- CC6 Landscape Protection
- T1 Sustainable Transport and location of new development

- T2 Transport infrastructure in new developments
- T8 Vehicle Parking Standards

(ii) Maldon District Local Development Plan

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has now formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004. The Department for Communities and Local Government (DCLG) has now appointed a project lead to project manage the process.

However, the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. According to the Council's latest Five Year Land Supply Statement (July 2015), 2,468 dwellings are deemed to be deliverable over the next five years (including allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.95 years' worth of housing land supply against an identified housing target of 1,776 dwellings over the next five years (including allowance for a 5% buffer which has also been applied to the five year requirement in accordance with NPPF paragraph 47).

As a result, the Council maintains that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage.

The following emerging policies are considered relevant to this application:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

(iii) Government Guidance

- **The National Planning Policy Framework (NPPF) -** Aims to significantly boost the supply of new housing and deliver a wide range of high quality homes.

7.1 Principle of Development

7.1.1 The application lies about 150 metres outside the settlement boundary for Latchingdon so the application would normally be considered in the light of RLP policies S2 and H1. However this is a re-submission of application ref OUT/MAL/15/00635 which was refused by Committee in August 2015. The officer

recommendation had been to refuse on strategic policy grounds (i.e. in respect of policies S2 and H1) but the committee resolved to refuse on following grounds:-

"The proposed development as a result of the layout and width of built form within the proposed plots, would result in a cramped and contrived form of development that would urbanise the area and cause harm to the character and appearance of the area and have a prominent visual impact on the street scene contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, policy D1 of the submission Local Development Plan and guidance contained in the National Planning Policy Framework relating to good design."

7.1.2 It is therefore necessary to consider whether the previous reasons for refusal have been overcome. The previous scheme showed the two dwellings with double garages to the side extending close to the side boundaries and each other. The current proposal shows an overall reduction in building footprint with single garages to the side giving a gap of 2 metres to the western boundary (previously less than 1 metre) and 3 metres to the east (previous 1.5 metres). The dwellings have also been swung through 90^0 which reduces the frontage that the dwelling will present to the street. The gap between the dwellings is now 10 metres. The detailed design will be the subject of reserved matters submissions and so the height and elevations of the dwellings would be determined at that stage.

7.1.3 The development as now proposed will appear less cramped on the site with a better degree of separation between the dwellings and the side boundaries. The building footprint has been reduced although this could be increased if permitted development rights were used to extend to the side; this can be controlled by condition. It is considered that the requirements of policies BE1 and CC6 are now met.

7.2 Residential Amenity

7.2.1 The private amenity space available to each dwelling is well in excess of the required standard. The dwelling on plot 2 would be 3.5 metres from the flank wall of the "Primrose House" which lies to the east. It is unlikely that there would be any issues of overshadowing and overlooking but in any event these would be considered at the reserved matter submission. The occupiers of the neighbouring property recognize that some of their earlier concerns have been addressed and their outstanding issues are important matter of detail that can be addressed by condition or at reserved matters stage.

7.3 Highways and Parking

7.3.1 The highway authority has not raised an objection to the revised point of access which further east away from the bend in the road. The existing access would be closed. This arrangement was shown in the previous application and no objection was raised to the access then; indeed the Parish Council supported the application on that occasion.

7.4 Conclusion

7.4.1 In refusing the previous application the council accepted the principle of the development of two dwellings on this site. The proposal has been modified to address the concerns expressed by the committee and is now considered to be acceptable.

Recommendation

APPROVE subject to the following conditions

1 The development shall be carried out in accordance with plans and particulars relating to the layout and the means of access to the site and the landscaping, appearance, scale and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.

2 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

4 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy BE1 of the Maldon District Replacement Local Plan.

5 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy BE1 of the Maldon District Replacement Local Plan.

6 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed,

dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy BE1 of the Maldon District Replacement Local Plan.

7 Prior to the first occupation of the proposed dwellings the proposed vehicular access shall be reconstructed to a width of 5.5 metres straight for at least the first 6 metres within the site and shall be provided with a dropped kerb vehicular crossing of the highway verge to the specifications of the Highway Authority.
REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access. In accordance with policy T8 of the adopted Maldon District Replacement Local Plan, emerging policy T2 of the Submission version of the Local Development Plan and the guidance and principles of the NPPF.

8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the public highway boundary.
REASON: In the interests of highway safety and to ensure that loose material does not migrate onto the public highway in accordance with policy T8 of the adopted Maldon District Replacement Local Plan, emerging policy T2 of the Submission version of the Local Development Plan and the guidance and principles of the NPPF.

9 Prior to the commencement of development a scheme for the permanent stopping up of the existing access and associated works shall be submitted to and approved by the local planning authority. These works shall be completed in accordance with the details so approved within 1 month of the date that the new access is available for use.
REASON: In the interests of highway safety in accordance with policy T8 of the adopted Maldon District Replacement Local Plan, emerging policy T2 of the Submission version of the Local Development Plan and the guidance and principles of the NPPF.

10 The reserved matters shall indicate the areas to be used for the parking and manoeuvring of vehicles and such areas as agreed shall be made available for use prior to the first occupation of the dwellings hereby approved and shall be retained for that purpose thereafter.
REASON: To ensure that all parking associated with the development is contained on site to ensure the safe free flow of traffic on the highway in accordance with policy T8 of the adopted Maldon District Replacement Local Plan, emerging policy T2 of the Submission version of the Local Development Plan and the guidance and principles of the NPPF.

11 Prior to the commencement of the development details of the finished floor levels of all new buildings shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

12 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure the details of the proposed development are acceptable and to prevent pollution in accordance with policy CON5 of the Maldon District Replacement Local Plan.

13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: In the interests of the amenity of the area in accordance with policies BE1 and CC6 of the Maldon District Replacement Local Plan.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.