

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JUNE 2019**

Application Number	FUL/MAL/18/01390
Location	Winterdale Manor Burnham Road, Althorne
Proposal	Demolition of the existing buildings and erection of 14 dwellings with associated infrastructure
Applicant	Bardwell Plant & Agricultural Services Ltd
Agent	Mrs Lisa Skinner – Phase 2 Planning
Target Decision Date	21.06.2019
Case Officer	Devan Lawson
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application Member Call In: Cllr. Acevedo Reason: Public Interest and Local Knowledge

1. RECOMMENDATION

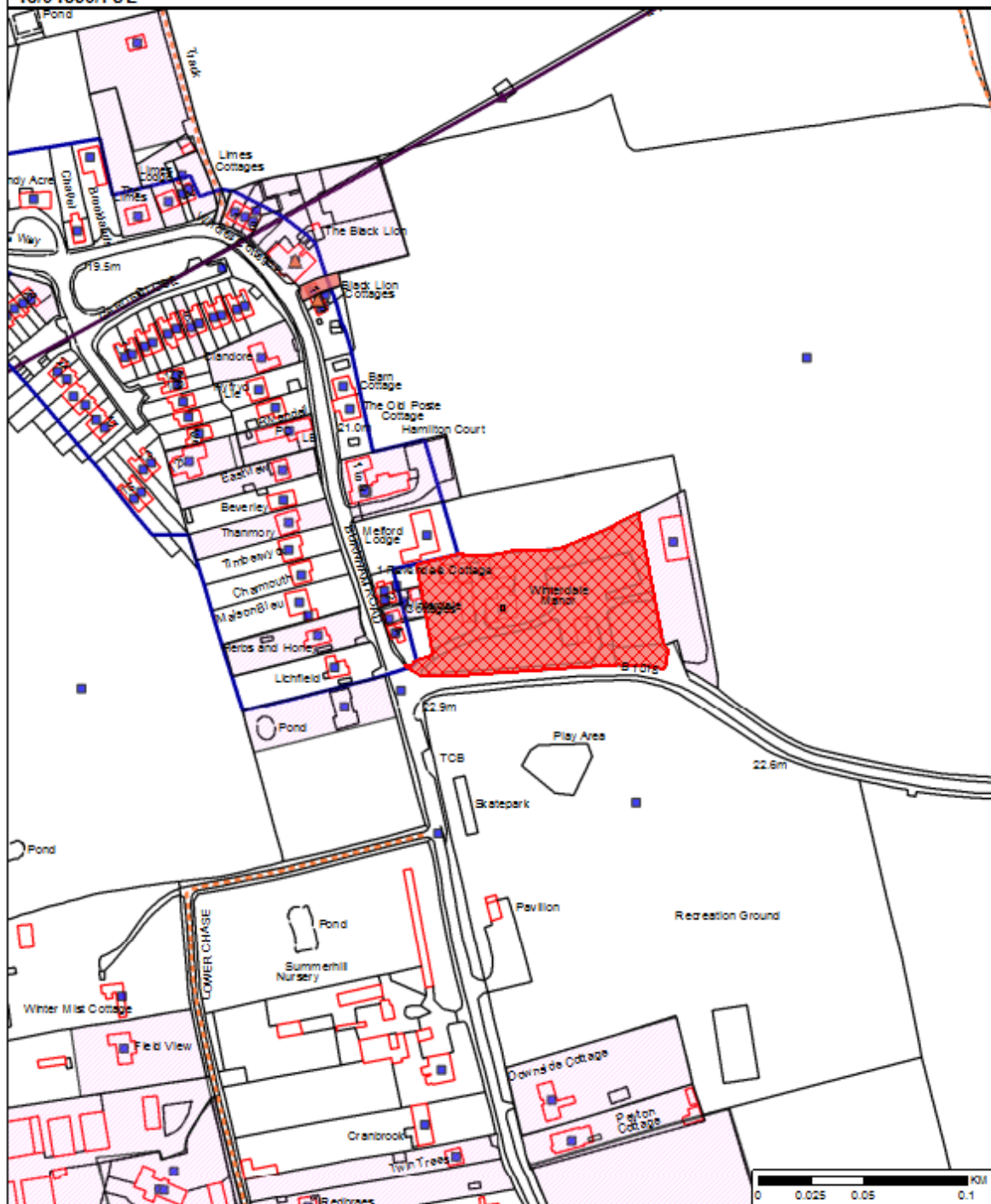
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Winterdale Manor Burnham Road, Althorne

18/01390/FUL



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Maldon District Council 10/01/2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SEAC

Date: 18/02/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises a parcel of land sited on the northeast corner of the junction of Southminster Road (B1018) with Burnham Road. To the south of the site is Althorne village green, to the north and west of the site are residential units that front onto Burnham Road. To the east of the application site is a commercial unit, which appears to be used for car storage and repair purposes.
- 3.1.2 The application site currently comprises a number of office and light industrial use buildings that were used in connection with Global Invacom. The use of the buildings is restricted to a personal permission for Global Invacom and to be used for purposes relating to office use only and for no other purposes.
- 3.1.3 Associated hardstanding used for car parking purposes is located mainly to the east of the site, but also between buildings no's 1, 2 and 3. The site has two accesses, one taken from the junction of Southminster Road with Burnham Road and one to the south of the site from Southminster Road.

The Proposal

- 3.1.4 Planning permission is sought for the demolition of the existing buildings and the erection of fourteen dwellings with associated infrastructure. The proposal consists of six no. two bedroom houses, set within terraces of three within the western part of the site, five no. three bedroom detached dwellings spaced across the northern central parcel of the site and three detached four bedroom dwellings proposed within the eastern part of the site.
- 3.1.5 The proposed terraces of two bedroom dwellings will have a maximum width of 14.4m and a depth of 11.6m. Each individual dwelling will have a width of 4.8m. They would have an eaves height of 3.9m and a ridge height of 7.1m. To the rear would be a single storey projection measuring 2.2m to the eaves and 3.5m to the top of the mono-pitched roof. The dwellings would each have a flat roof dormer to the front and one to the rear, with velux windows situated on the mono-pitch roof. The proposed roofs are unusual in that they appear as two separate gambrel roofs. The two bed dwellings will be clad in timber weatherboard and will have slate roof tiles.
- 3.1.6 The proposed three bedroom dwellings will measure 6.4m in width and 11.1m in depth. They will have an eaves height of 3.9m and a height of 7.5m to the top of the pitched roof. The dwellings will be constructed from brick and timber weatherboard and will feature slate roof tiles. There will be two flat roof dormers to the front and two to the rear. Three of the five, three bedroom dwellings will feature a 2.7m tall Glass Reinforced Plastic dormer.
- 3.1.7 The proposed four bedroom dwellings will have a width of 8.9m and a depth of 9.6m. In terms of height the proposed four bedroom properties, they would have a maximum eaves height of 4.7m and a maximum height of 8m to the top of the pitched roof. There are also other differing roof heights on the proposed four bedroom dwellings, a two storey side projection measuring 4.7m to the eaves and 7.3m to the ridge, a single storey front projection with a velux window in the mono-pitch roof measuring a

maximum height of 3.7m, a front porch with a maximum height of 3m which projects from the side of the mono-pitch front extension. Two of the four beds will also feature an attached garage measuring 3.2m in width and 6.5m in depth. The garages will not be accessible integrally from the host dwelling and would be set back 5.4m from the principal elevation. In contrast plot 13 will have a car port. The four bedroom dwellings will be constructed from brick at ground floor, weatherboard at first floor and slate roof tiles and one of the properties will have glass reinforced plastic detailing around the ground and first floor windows on the front elevation.

- 3.1.8 The proposed amenity areas for the two bedroom dwellings range in size from 47m² to 100m². The proposed three bedroom dwellings have amenity areas ranging in size from 154m² to 177m² and the four beds 107m² to 435m².
- 3.1.9 Off- street parking will be provided for each dwelling, consisting of two spaces per two bedroom property, two spaces per three bedrooomed dwelling and three to four spaces for the four bedrooomed houses. Four visitor bays will also be provided within parking bays situated within the front of the site. Access would be from the east of the site and would utilise an existing access.
- 3.1.10 The submitted plans also shows illustrative landscaping details which shows tree planting within the site. There is an area of open space along the front (southern) boundary of the site.

Background

- 3.1.11 The most relevant planning history to the current proposal is application OUT/MAL/15/00734 which proposed the redevelopment of the site to provide up to 9 no. dwellings. The application was refused in October 2015 for the reason of the loss of employment land, the inadequate provision for affordable housing, the urbanising and the unwelcome visual intrusion into the open countryside and the potential impact on the future residential occupiers from the noise generating sources contained within the adjoining site to the east. The reasons for refusal were as follows:
 - 1 *'The proposed development would result in the loss of employment land. No justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been marketed for sale and that there is a confirmed lack of interest. The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E6 of the Adopted Maldon District Replacement Local Plan, policy E1 of the Maldon District Submission Local Development Plan and Core Planning Principles and guidance contained in 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.*

- 3 *The proposed development would result in an intensified form of linear development that would fail to protect and enhance to the character and appearance of the rural locality. Furthermore, the development would have an urbanising effect on the rural character of the area and 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, D1 and H4 of the emerging Local Plan and core planning principles and guidance contained in the National Planning Policy Framework.*
- 4 *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 Adopted Maldon District Replacement Local Plan, policies D1 and D2 of the Maldon District Submission Local Development Plan, guidance contained in the Essex Design Guide and core planning principles and guidance contained in the National Planning Policy Framework.'*

3.2 Conclusion

- 3.2.1 The proposed dwellings would be sited outside of the defined development boundary, contrary to policy S8. Furthermore, the proposal as a result of the scale, bulk and design of the dwellings and the layout of the site would result in a contrived form of development that results in material harm to the character and appearance of the area. The proposed development would therefore represent the unjustified sprawl of built form into the countryside and an unnecessary visual intrusion. Furthermore, one of the proposed dwellinghouses would not be provided with adequate amenity space provision and there would be a shortfall in vehicle parking requirement. The cumulative impact of these factors are considered to result in the over development of the site.
- 3.2.2 In addition to the above it has not been demonstrated that there would not be an unacceptable loss of employment as a result of the development. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (MDLDP) (2017) and Government advice contained within the National Planning Policy Framework (NPPF) (2019).
- 3.2.3 The proposed development also makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved MDLDP and the NPPF (2019). Furthermore, in the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured.
- 3.2.4 Whilst it is noted that there are some limited benefits arising from the scheme, it is not considered that those benefits would be sufficient to outweigh objections highlighted above.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 64 Affordable Housing Requirements
- 79 Avoiding Isolated Homes in the Countryside
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards SPD
- Althorne Village Design Statement (2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

- 5.1.2 Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 Policy S8 of the Local Development Plan (LDP) indicates that outside defined settlements housing will not normally be allowed and that the landscape will be protected for its own sake. The site is outside the development boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the approved policies. Policy S8 also includes a list of acceptable forms of development within the countryside which does not include open-market housing.
- 5.1.4 It is noted that the site is adjacent to the development boundary, but as a matter of fact it is outside of the settlement boundary. The boundaries have only recently been confirmed as a result of the approval of the Local Development Plan in 2017 and therefore, it must be deemed that the boundary was deemed to be in the appropriate location, balancing the needs of housing provision and environmental/landscape protection.
- 5.1.5 Within appeal APP/X1545/W/18/218535, which was for two dwellings within Mangapp Chase, Burnham-on-Crouch, The Inspector stated
- ‘policy S8 of the Local Plan defines the site as being outside of the settlement boundary of Burnham-on-Crouch. The site is therefore within the countryside, which policy S8 seeks to protect for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Consequently, the development within the countryside is restricted to those types identified within policy S8 of the Local Plan, none of which has been advanced by the appellants’*
- 5.1.6 The Inspector then goes on to discuss how the NPPF at paragraph 68 states that windfall sites should be suitable and within existing settlements for homes and therefore they were not persuaded that the site was suitable for development.
- 5.1.7 Although the characteristics of the abovementioned appeal are different to this application and that is acknowledged, the matter of fact is that the Inspector notes the importance of policy S8 and that residential development should not be permitted outside of the defined settlement boundaries.
- 5.1.8 Further in relation to the above full history search of the surrounding area from 2013 to the present day has also been conducted (see **APPENDIX 1**) and it must be noted that no comparable (in terms of policies position) planning applications for new dwellings have been granted by the Council or at appeal in recent years. This weighs heavily against this application and demonstrates that sites outside the defined settlement boundaries of Althorne are not considered suitable locations for housing.
- 5.1.9 The proposal will also result in the loss of an employment site. Although the site is currently vacant, it was previously used by a communications company for office and

light industrial purposes. On that basis, the redevelopment of the site to provide residential accommodation would result in the loss of employment land and therefore, the development would need to be assessed against policy E1.

5.1.10 Policy E1 of the MDLDP states that *“Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*

- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated the at the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.*

5.1.11 In relation to criterion 1, it is noted that the exiting use of the site is not considered to cause harm to the character of the locality, given that the majority of the buildings are single storey and reflect the rural nature of the surrounding area.

5.1.12 It is also noted that the Manor House historically had a residential use, which was then converted into an office building along with the outbuildings at the application site. The permission to use the site as an office building was a personal permission (FUL/MAL/89/01060 and FULF/MAL/91/00565). The applicant suggests that the reason for the personal permission may have been because the Council did not consider that an open office use would have been acceptable in this area and if the use had not been restricted then the applicant could have converted the buildings to residential under permitted development rights. However, the decision notices relating to the above mentioned applications state that the personal permissions were granted for the following reasons:

- FUL/MAL89/01060 - *‘in view of the personal circumstances of the applicant only and to ensure that the use remains within the class specifically applied for having regard to the need to protect the amenities of adjacent residential properties and to ensure that the highway implications of any proposed changes are considered’*
- FUL/MAL/91/00565 - *‘in view of the personal circumstances of the applicant only’*

5.1.13 Given that the reason for the personal condition was altered as part of the 1991 application, omitting matters relating to neighbouring amenity and highway implications, it is not considered that the applicant’s assumption that the personal permission was granted because an office use would be acceptable in this area is incorrect. Therefore, this does not demonstrate that the existing use harms the amenity of the surrounding area.

5.1.14 In addition to the above, given that there is no established fall-back position in relation to permitted development rights it is not considered that the conversion of the

buildings under the prior approval process can be attributed any weight in determining this application.

- 5.1.15 In relation to the second consideration, it is noted that although the proposed development would result in the provision of fourteen dwellings, the Council has an up-to-date development plan and is able to demonstrate a 6.34 year housing land supply against its adopted targets and therefore, can meet the requirements of the NPPF in terms of housing delivery. Thus, the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. It is therefore considered that although the development would have some benefit towards providing housing accommodation; that would be limited and also it has not been demonstrated that the proposed housing would support the need for small scale units, other than the provision of six, two bedroom dwellings, as stated in Policy H2, or would contribute towards affordable housing provision. Therefore, it is considered the existing lawful use has a greater community benefit than that proposed.
- 5.1.16 Regarding the third criterion, three letters have been provided, one dated July 2014, the other September 2015, along with the supporting statement, which state that the site was marketed during this period. The applicant considers that the letters provide evidence that the site was marketed and that there was no interest. However, there has been no evidence submitted with the letters to demonstrate that the marketing discussed has occurred or indeed how long for. Furthermore, if any marketing did occur at this time then it is now considered the findings of that marketing would be outdated given the letters are dated over three to four years ago. Therefore, it has not been demonstrated that a commercial use on the site is no longer viable and an objection is raised in relation to the loss of the existing commercial floorspace.
- 5.1.17 Of further relevance to the third criterion is the personal permission discussed above. The applicant has made no attempt to remove the personal permission and therefore, any commercial interest in the site is likely to be limited whilst the restriction on the site exists. This is highlighted within Fenn Wright's letter dated 8th March 2019, which discusses the commercial offering at the site. Whilst it is not possible to comment on the acceptability of an open B1 use, as there have been no applications to remove the personal permission, given that the reasoning for the personal permission was due to personal circumstances, it is considered this is an avenue which could be explored prior to carrying out the required marketing at the site. Therefore, it is considered that there are further opportunities to market the site effectively in relation to the third criterion, to explore the potential long-term market demand for the site, which the applicant has failed to do.
- 5.1.18 The application site represents previously developed land. To make effective use of land, paragraph 118 of the NPPF requires that policies and decisions should '*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*' This is also supported by policy S1(3) of the LDP which promotes the effective use of land and prioritises development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations. It should be noted that although the site can be considered as previously developed land, it should be highlighted that paragraph 118(c) of the NPPF refers to suitable brownfield land within settlements for homes and other

identified needs. As discussed above, the development is outside the defined settlement boundaries. It is also important to note that the Council can demonstrate a housing supply in excess of 5 years and although this should not work as a ceiling to housing provision, it is clear that the Council is not in a position that would be required to allow development which would otherwise be unacceptable and that the Council can give full weight to the content of the development plan.

- 5.1.19 In light of the above assessment it is considered that the development would be in conflict with the policies of the development plan and the guidance contained in the NPPF (2019) as it would result in unjustified residential development outside of the settlement boundary and the unjustified loss of employment land.
- 5.1.20 Other material planning consideration including the impact of the development on the character of the area and the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

5.2 Housing Need and Supply

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.4 The proposal would provide the following dwelling mix:
- 6 No. 2-bedroom dwellings
 - 5 No. 3 bed dwellings
 - 3 No. 4 bed dwellings

On the basis of the above, the proposal, when assessed in its totality, the development would provide 43% smaller (one and two-bedroom) dwellings, and 57% of larger (three and four-bedroom) dwellings. None of the dwellings are affordable. It is therefore considered that the development would be well below the required percentage of smaller dwellings (60%) to meet the District's housing need. Therefore, the proposal would fail to meet the Council's indented needs for smaller dwelling and it would not support the provision of mixed and balanced communities are required by the NPPF.

- 5.2.5 Of relevance to this is an appeal (APP/X1545/W/17/3182361) at Whitecap Mushroom Farm, Mill Road, Mayland, which was for the demolition of a former Mushroom Farm and the erection of up to 35 dwellings. The Inspector notes at paragraph 26 that an 11.4% affordable housing contribution would assume a housing mix on site that is clearly unacceptable to the Council. He then went on to state '*It is plain from evidence*

that such a mix would be refused at reserved matters stage as being contrary to LDP policy H2.'

- 5.2.6 Although the matter was revisited within the planning balance section of the decision where the Inspector noted that any affordable housing provision would be welcomed and so that factor weighed in favour of the planning balance, he acknowledged that the failure to provide a policy compliant housing mix was contrary to policy and should, subject to other considerations, be refused. Given that this application fails to provide any affordable housing provision, it is not considered that there are the same benefits to this scheme and therefore, the failure to provide a suitable housing mix weighs against the application.

5.3 Affordable Housing Provision

- 5.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site falls within the sub-area of Rural South and therefore, the requirement towards affordable housing has been set at 40% of the total amount of housing provided.
- 5.3.2 Any relaxation in the abovementioned requirement will only be considered where the Council is satisfied, on a site by site basis, that such requirement will render any development proposals unviable. Affordable housing should be provided on-site, the contribution from developers should comprise of free serviced land to provide the number, size, type and tenure of affordable homes required by the Council's policies in accordance with the Strategic Housing Market Assessment (SHMA), the Council's adopted Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) 2018 and relevant housing strategies of the Council. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site. The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing SPD.
- 5.3.3 Originally the application was for 17 dwellings and the proposal was supported by a Financial Viability Assessment (October 2018), which concluded that the site would not be viable if any affordable housing contribution was made. Therefore, the scheme proposes no affordable housing.
- 5.3.4 The Financial Viability Assessment was reviewed by an independent consultant who did not agree with all of the points and assumptions made within the appraisal. The independent consultant produced a Viability Report (February 2019) in response to the applicants assessment and concluded that the scheme for 17 dwellings would be viable for a 40% affordable housing contribution. Following this the scheme was then reduced to 14 dwellings and the applicant then produced a rebuttal statement for both the 17 (6th March 2019) and 14 dwellings (10th March 2019). The independent consultant provided a further rebuttal on the 17 units (15th April 2019) and then the 14 units (May 2019), which both still concluded that the scheme would be viable for a

40% contribution. The main points of contention raised by the independent viability consultant were:

- Sales Values
- Build Cost Assumptions
- Land Value Benchmarks

- 5.3.5 Despite the comments and concerns raised by the independent viability consultant, the applicant has remained firm in their stance that the site would not be able to be viably developed if any affordable housing was provided and there were no significant changes to the applicants approach to viability.
- 5.3.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, regardless of whether it can be demonstrated or not that the development is unviable and it cannot support any provision towards affordable housing, it is the Council's view that a development that provides less than a minimum 40% affordable housing in this location, in accordance with the policy requirement, would not be considered acceptable.
- 5.3.7 In relation to the above, it is therefore necessary to consider the planning balance of this proposal; this application does not comply with the Council's policy (H1) for affordable housing. The updated five year housing statement (March 2019) shows that the Council can demonstrate 6.34 years' worth of housing land supply against its identified housing targets therefore there is no demand for the development. Furthermore, the housing mix is not in accordance with the District's need for smaller housing units. Therefore, the significant shortfall in affordable housing weighs heavily against the application. Consequently there is not a pressing need to allow the development of the site with such a significant shortfall and the minimal benefits of the scheme do not outweigh the harm from the development.
- 5.3.8 Generally, there are not considered to be any material considerations that weigh heavily in favour of the development. It must be noted that the site is not a strategically allocated site, is not a site highlighted by the Council for redevelopment and the Council is able to demonstrate in excess of five years' worth of housing supply; so there are no obvious or clear material considerations that weigh in favour of the application. The shortfall in affordable housing would not meet the social strand of the NPPF and therefore, when taking into account the tripartite definition of sustainability provided by the NPPF, the scheme cannot be considered sustainable development.
- 5.3.9 Appeal APP/X1545/W/17/3182361, which was mentioned above, is also relevant in relation to this. As part of the appeal the applicant proposed an affordable housing contribution of 11.4%, which is far greater than the 0% proposed as part of this application. However, in the planning balance the Inspector considered that the material considerations that weighed in favour of the proposal did not clearly and demonstrably outweigh the conflict with the development plan. It is considered that the benefits of the appeal which were the limited affordable housing provision, the boost to the supply of homes and the very modest and short term economic benefits of the scheme, were greater than the benefits of this scheme. Therefore, given that the Inspector did not feel that the benefits of the appeal scheme outweighed the identified

harm and those benefits were greater than those as part of this application, it is not considered that a different stance should be reached in relation to this application.

- 5.3.10 In an appeal decision (APP/X1545/W/15/3139154 Nipsells Farm Lodge, Nipsells Chase, Mayland, Essex) for an application to erect 150 dwellings outside the development boundary, including the required 40% affordable housing provision, the Inspector concluded that although the development would have some social benefits through the provision of additional dwellings and affordable housing units, these together with some economic benefits that have been identified, were not considered to weigh in favour of the proposed development.
- 5.3.11 On the basis of the abovementioned appeal, it is considered that the benefits of an unacceptable development outside the development boundary, which would also result in harm from the loss of employment and the impacts on the character and appearance of the area and does not meet the minimum requirement towards affordable housing provision cannot weight in its favour.
- 5.3.12 Furthermore, the development does not propose any other contributions in order to mitigate the impacts of the development. Therefore, it is considered that the lack of contributions together with the lack of affordable housing provision would result in a form of development that does not comply with the development plan as a whole and does not constitute sustainable development in terms of the Framework.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.*
- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- 5.4.4 Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate:

- Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.6 The Althorne Village Design Statement discussed Buildings of Special Interest and states, wherever possible buildings should be saved rather than demolished and replaced. However, it is noted that Winterdale Manor is not one of the buildings listed.
- 5.4.7 The application site lies outside the defined settlement boundaries of Althorne. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.8 The proposal would result in a spread of built form across the majority of the application site. Whilst there are existing buildings within the application site, their floor area coverage is very limited, leaving large areas open and undeveloped. Furthermore, all buildings are set well back from the boundaries of the application site the highway and also, except for the Winterdale Manor property, which is a two storey building, the rest of the structures within the application site are single storey and of a rural nature.
- 5.4.9 The proposed development, in contrast to this, by reasons of its layout and built area would represent a more suburban style of residential development, which would be out of keeping with the current appearance of the application site. Furthermore, whilst it is noted that there is some existing built form within the site, as noted above those buildings are of a rural nature and are concentrated largely to the northwest of the site. Therefore, the density of development proposed would appear as a ‘bolt on’ of residential development to the adjacent settlement, which would result in the intensification of the site and the countryside for residential purposes. Although it is accepted that the existing site comprises a high level of hardstanding, the increase in the amount of built form on the site and the encroachment of the development to the east of the site, which is currently undeveloped, is not considered to protect or enhance the rural character and appearance of the locality.
- 5.4.10 Further, in relation to the layout of the site, it is noted that the dwellings appear to be positioned within the site with a consideration to meeting policy requirements such as amenity space provision rather than following principles of good layout. For example

the dwellings have no active participation with the street frontage. The side elevations of the two and four bedroom dwellings front the highway, opposed to the principal elevations and the three bedroom dwellings are set 34m from the highway. Furthermore, the scheme fails to follow a set building pattern, which results in the two bedroom terraces to the north facing onto the side elevation of plot 7 and plot 13 being set further forward than plot 14, which will appear contrived from Southminster Road.

- 5.4.11 It is also noted that there is a commercial business to the east of the application site. However, this is an isolated occurrence, characterised by single storey commercial buildings and therefore is not comparable to this scheme and does not provide rational reasoning for increasing the level of built form within the application site.
- 5.4.12 In terms of the scale and bulk of the individual terraces and dwellings it is considered that the significant depth of each house type results in ill-proportioned properties. This is particularly apparent with the two and four bedroom properties where their side elevations would be highly visible from within Southminster Road.
- 5.4.13 In relation to the design of the scheme it is considered that there are a number of unresolved design elements. These include but are not limited to, the convoluted roof forms upon the two and four bedroom properties, which as stated would be highly visible from within the streetscene and would appear as a contrived form of development, the number of differing projections on the four bedroom properties, the inconsistent fenestration patterns proposed, particularly in relation to the four bedroom dwellings and also the extensive roof pitches which are exacerbated by the small scale of the dormer windows, which are not considered to be a good design feature. Although it is noted that flat roof dormer windows are a characteristic feature of more modern dwellings within the Althorne village and therefore, it would not be reasonable to object on the basis of the dormer windows alone, it is considered that they contribute to the harm resulting from the design of the scheme, which is not reflective of the character and appearance of the surrounding area and considered to be contrived in design.
- 5.4.14 The proposed level of hardstanding resulting from driveways and the access road alone are not considered to result in demonstrable harm to the character and appearance of the area. However, the combined impact of the hardstanding and the increase of other built form at the site and the fact that there will be ten vehicle parking bays to the front of the site, which due to their positioning would result in a car dominated frontage, it is considered that the hardstanding and parking areas within the site only further exacerbates the suburbanising impacts of the development.
- 5.4.15 It should also be noted that the Environmental Health department have requested a 2.4m close boarded fence along the entire eastern boundary of the site. Although it is noted that the fence would run north to south and so would not directly front the streetscene, a fence of this height is likely to have a demonstrable impact on the character and the site, especially when approaching the site from the east. The necessity for the fence is discussed in section 5.5 of this report. However, it is worth noting that the requirement for the fence in terms of residential amenity further increases the harm on the impact on the character and appearance of the area.

- 5.4.16 In terms of soft landscaping, the MDDG at section C05 states that streets and spaces should include trees and soft landscaping that reflect the order of the street. The species provided should be appropriate to the environment and their location, both at the time of planting and maturity.’
- 5.4.17 It is noted that there is a large area of open greenspace to the front of the site, which is a welcomed addition, as the extensive level of tree and other planting proposed. However, it is noted that the proposed landscaping is indicative and therefore, if the application were to be approved a condition would be required in order to secure an acceptable level of soft landscaping.
- 5.4.18 Having regard to the above assessment it is considered that the proposal would result in a contrived form of development, which fails to maintain the rural character of the locality and would represent the encroachment of built form into the site to the detriment of the character and appearance of the site and the surrounding area contrary to policies S1, S8, H4 and D1 of the approved MDLDP.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 Having regard to the above assessment it is not considered that the development would be detrimental to neighbouring amenity and is therefore, in accordance with policy D1 of the LDP.
- 5.5.3 The application site has five neighbouring residential properties to the west/northwest (Winterdale Cottages, 1 Ravendale Cottage and Melford Lodge) and one neighbouring commercial site (Bush Grove Farm) to the east.
- 5.5.4 Section C 07 of the MDDG requires that where new development backs on to the rear gardens of existing housing, the distances between the buildings should be 25m. The second floor of the two storey terraces would be located approximately 25m from the rear elevations of Winterdale Cottages. Therefore, given that a suitable separation distance has been achieved between the first floor windows and the neighbouring properties, to the west it is not considered that the proposal would result in undue harm by way of overlooking, loss of privacy or by being overbearing.
- 5.5.5 In relation to Melford Lodge to the northwest, which would be located 2.3m from the shared boundary, approximately 3.9m from the carport proposed within the northwest corner of the site and 10.9m from the nearest proposed dwelling to the south, given that there is only one window in the first floor northern elevation of the closest dwelling to Melford Lodge, which would serve a bathroom and would be conditioned to be obscure glazed, it is not considered that the proposal would result in a loss of privacy to the occupiers of Melford Lodge. Furthermore, it is not considered that the development would result in a loss of light to, or have an overbearing impact on the occupiers of Melford Lodge due to the separation distance between the proposed dwellings and neighbouring boundary and also because the proposed cart lodge is of a limited height (5.3m).

- 5.5.6 Whilst the proposed driveway to the north of the site would result in an increase number of vehicle movements in close proximity to the boundary of Melford Lodge, given that the cart lodge will only provide parking provision for one dwelling and would be located a minimum of 3.9m from the neighbouring property, it is not considered that the proposal would result in unacceptable noise or light impacts by way of increased vehicle movements.
- 5.5.7 The four bedroom dwellings to the east of the site would be located a minimum of 5.2m from the eastern boundary shared with the neighbouring commercial site. The Environmental Health Team has been consulted and have requested conditions including the erection of a 2.4m close boarded fence along the eastern boundary to protect the future occupiers of the proposed dwellings from the noise impacts arising from the neighbouring site. Whilst this would be sufficient in overcoming the potential harm resulting from unacceptable noise, along with a condition requiring all window glazing to be provided in accordance with the detail outlined in the submitted Sharps Gayler acoustic report dated 30th November 2018, it is considered that a 2.4m high metre fence to the rear of plot 13, combined with the garage serving plot 14 and the car port serving plot 13 would create a sense of enclosure for the occupiers of plot 13. However, given that plot 13 would be served by adequate amenity space provision as discussed at section 5.7, it is not considered that the harm on the amenity of the future occupiers would be so significant as to warrant refusal of the application.
- 5.5.8 In terms of the inter-relationship between the proposed dwellings, it is not considered that any of the proposed occupiers would be subject to undue harm by way of overlooking because any first floor windows in the side elevations would serve bathrooms and would therefore likely be obscure glazed, which could be secured via a condition.
- 5.5.9 The proposed garage at plot 12 would extend approximately 4m further than the rear of plot 11. However, given the separation distance between the two proposed dwellings (3.1m) and the limited height of the garage (4.6m) it is not considered that the siting of the garage would create a sense of enclosure within the rear amenity space of plot 11.
- 5.5.10 Having regard to the above assessment, subject to conditions, it is not considered that the proposal would result in demonstrable harm to residential amenity which would warrant refusal of the application.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government

guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.6.3 The proposed two and three bedrooms have a vehicle parking requirement of two parking spaces per dwelling and the four bedrooms properties have a vehicle parking requirement for three spaces. Furthermore, the vehicle parking standards require that one visitor space is provided per four dwellings. Therefore, there is a vehicle parking requirement for 31 allocated spaces at the site and four visitor spaces. The parking standards also state that a vehicle parking bay should measure 2.9m x 5.5m and a carport/garage for one vehicle should measure 3m x 7m.
- 5.6.4 31 vehicle parking spaces will be provided for the fourteen dwellings along with four visitor bays. This is not including the garages as they are not shown on the block plan as allocated vehicle spaces. Of the 31 spaces there are two parking bays within the site (plots 12 and 13) that do not meet the required standards and the proposed car ports fall below the required standard at 6.4mx5.7m (plan WM-P-08 A), as would the proposed garages at 6.5mx3.2m. Whilst it is noted that the car ports appear to measure to scale on the proposed block plan, the plans are not consistent and therefore, it is not possible to ascertain whether the car ports and garages would provide sufficient vehicle parking spaces.
- 5.6.5 The adopted parking standards state that '*smaller bays will not be considered a useable parking space.*' This means that only 26 of the allocated spaces can be considered as vehicle parking bays. Furthermore, even if the car ports were provided to the correct standards, the two parking bays at plots 12 and 13 do not meet the required standards and therefore, there would still be a shortfall of two spaces. It is noted that the car ports could be omitted and two of the visitor bays could be allocated to dwellings, which would provide another five vehicle parking spaces, providing the requirement of 31 spaces amongst the dwellings. However, this would leave a shortfall of two visitor spaces. When considering the cumulative impact of the harm identified, by way of design, a lack of amenity space provision, which will be discussed below, and the lack of sufficient car parking provision, it is clear that the proposed development would result in overdevelopment of the site.
- 5.6.6 The development will take access from the east of the site, from the north of Southminster Road. It is considered that the access is suitably located in terms of visibility. Furthermore, upon consultation with the Local Highway Authority it is considered that the predicted number of trips to the development is likely to be slightly higher than suggested in the Transport Statement. However, it is not considered that the proposal would exceed the number of trips generated by the

existing permitted use of the site when fully operational. Having regard to these points it is considered that the proposal would be acceptable in terms of highway safety.

- 5.6.7 It is noted that the proposal would not provide sufficient vehicle parking provision. Therefore, although the proposed access is considered acceptable and the development would not result in a significant increase in vehicle movements, as discussed above, the cumulative impact of the insufficient amenity space provision, the design and layout of the proposal and the insufficient parking provision is considered to result in overdevelopment of the site.

5.7 Private Amenity Space

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.7.2 Each of the dwellings are provided with suitable amenity spaces in terms of their size, with the exception of plot 2 which has useable amenity area measuring 47m². The provision of 50m² for a dwelling is not considered to be particularly onerous and a shortfall in amenity space is not considered acceptable, particularly in relation to a two bedroomed property, which is likely to be a family unit. Whilst it is noted that there is a public play area and skate park to the south of the application site, this does not offer an area of private amenity space and is located on the opposite side of a national speed limited road. Therefore, it would not be safe for young children to access the playground alone. Consequently, the provision of the neighbouring park does not make up for the deficit in rear amenity space provision.
- 5.7.3 When considering the shortfall in amenity space alone, it may be considered that a shortfall of 3m² of amenity space for one dwelling would not result in demonstrable harm. However, as noted in the previous section, the cumulative impact of the insufficient amenity space provision, the design and layout of the proposal and the insufficient parking provision is considered to clearly indicate the proposal is overdevelopment of the site.
- 5.7.4 Having regard to the above it is considered that the application should be refused on the basis that the proposal would result in the overdevelopment of the site.

5.8 Contamination

- 5.8.1 Policy D2 of the Approved MDLDP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.8.2 Given the site represents previously developed land and the length of time that this and the surrounding land has been developed for mainly commercial enterprises, it is

possible that there may be contamination present at the site. The application was supported by JP Chick and Partners Phase 1 Contaminated Land Assessment issue 1.0 (26th September 2018), which identified that further intrusive investigation is required in order to confirm whether or not contamination is present at the site, to what extent it may be present and what works for remediation (if any) are necessary. Therefore, if the application were to be approved conditions in relation to those points would be necessary. The Environmental Health Team has been consulted and supports this stance.

5.9 Sustainability

- 5.9.1 Althorne is described under policy S8 as being a smaller village, with little or no services and facilities and very limited or no employment opportunities.
- 5.9.2 By being in close proximity to the development boundary, it is noted that the site is in reasonably close proximity to the services, facilities and public transport connections of Althorne, particularly in relation to the nearest bus stops which are located at Althorne Post Office and Althorne Fords Corner, which are sited 0.1 miles and 0.6 miles from the application site, respectively.
- 5.9.3 Therefore, having regard to the content of policy T2, although the proposal would be accessible by public transport, it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that was discussed in the above sections.
- 5.9.4 The supporting statement suggests that the proposal would bring long term benefits to the community and that the construction would lead to local employment. The applicant is a local developer who has lived in the village for over 20 years and lives within 200m of the site (as the crow flies) and therefore, seeks to ensure that the homes provided would assist local people and would ensure that the development is of high quality.
- 5.9.5 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 of fourteen dwellings. Equally, whilst the applicant's intentions are noted there is no guarantee that the construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Furthermore, whilst the residents of the proposed dwellings would bring some economic benefits to the village, which may provide some support to existing services, it is not considered that the benefits would be substantial. Additionally, despite the supporting statement suggesting that the shop/post office in the village, which is permanently closed, is set to be re-opened by new tenants shortly, there is nothing before the Council to suggest that this is true or that the shop will remain open and be successful in the future. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.9.6 In social terms, development should assist in supporting a strong vibrant and healthy community, but local services are very limited. Given that there is no evidence of

the local shop re-opening, for the purposes of this application, it must be noted that there is no local convenience store or post office within the village and therefore, residents are required to travel further afield with the closest amenities being in the nearby village of Latchingdon, which is located approximately 2,200m from the application site (as the crow flies). Whilst it is noted that there is a Village Hall and an active Parish Council, these facilities alone are not considered sufficient in ensuring social sustainability. As such, the site is considered remote from services needed for day to day living and any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP. Therefore, it is not considered that the social and economic benefits of the development would outweigh the harm in terms of environmental unsustainability, which will be discussed further below.

5.10 Nature Conservation and Biodiversity

- 5.10.1 Paragraph 170 of the NPPF states that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.’*
- 5.10.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.10.3 In terms of off-site impacts, Natural England have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council (MDC) must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.10.4 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.10.5 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on

the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

- 5.10.6 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.7 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.10.8 To accord with Natural England’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the previously listed sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

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

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

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account Natural England’s advice, it is considered that mitigation, in the form of a financial contribution of £ 1712.2 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

5.10.9 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

5.11 Pre-Commencement Conditions

5.11.1 No pre-commencement conditions are proposed at this stage.

6. ANY RELEVANT SITE HISTORY

- **MAL/MAL/89/01060** – Retention of use of building as offices and formation of a new access. **Approved** subject to a personal condition.
- **FULF/MAL/91/00565** – Retention of consent ref. MAL/1060/89 for use of building as offices without compliance with condition 6 – (sole benefit of Powell Creative Design). **Approved** subject to a personal condition.
- **FUL/MAL/98/00942** - Change of use of existing coach house to annexed office accommodation. **Approved**
- **FUL/MAL/98/00943** - Change of use of existing outbuilding/workshop for light industrial. **Approved.**
- **FUL/MAL/04/00769** - Change of use of existing coach house to annexed office accommodation. Renewal of expired planning approval FUL/MAL/98/0942. **Approved.**
- **FUL/MAL/04/01196** - Extension to existing Coach House for annexed office accommodation. **Approved**
- **FUL/MAL/05/00172**- Demolition and rebuilding of Coach House due to structural failure for office accommodation. **Approved.**
- **FUL/MAL/05/01033** - Provision of Temporary Offices to facilitate relocation of office employees for duration of remedial structural work to Winterdale Manor. **Approved**
- **FUL/MAL/06/00874** - **Provision of meeting rooms and commercial conservatory.** Demolition of existing Nissan Hut. **Approved**
- **FUL/MAL/15/00734** - The conversion of Winterdale Manor and redevelopment of the site to provide up to 9 x dwellings. **Refused**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne Parish Council	Object: - Unsustainable location - Outside the village envelope - Poor infrastructure, concerns of flooding	- Addressed at section 5.9 - Addressed at section 5.1 - Drainage can be addressed via a

Name of Parish / Town Council	Comment	Officer Response
	<p>and poor drainage</p> <ul style="list-style-type: none"> - Highway concerns of increased traffic and accidents - Urban sprawl in a rural location 	<p>condition. It is not considered that 14 dwellings requires contributions towards infrastructure.</p> <ul style="list-style-type: none"> - Addressed at section 5.6 - Addressed at section 5.4

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	A Habitats Regulation Assessment should be undertaken	Addressed at section 5.10
Archaeology	There is no record of any archaeological remains in the immediate vicinity of the site. There has also been a degree of disturbance from previous occupation at the site. Therefore, no archaeological conditions are being made.	Noted.
Anglian Water Services	<p>The foul drainage from this development is in the catchment of Maylandsea Water Recycling Centre that will have capacity for these flows.</p> <p>The development will lead to an unacceptable risk of flooding downstream. A condition is requested requiring a phasing plan and/or on-site drainage strategy.</p> <p>The surface water</p>	The comments are noted and if the application were to be approved the conditions should be imposed to prevent any unacceptable risk of flooding downstream.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>strategy/flood risk assessment which has been submitted is unacceptable.</p> <p>However, we will require infiltration logs in accordance with the Building Regulations, Part H and the proposed rate of 2.0l/s as per FRA 5.04.2 is considered below Anglian Water's self-cleansing rate. The application needs to consult with Anglian Water and the agreed strategy should be reflected in the planning approval.</p> <p>Conditions are proposed.</p>	
Cadent Gas Network	No response received at the time of writing this report.	Noted
UK Power Network	No response received at the time of writing this report.	Noted
Essex and Suffolk Water	No objection subject to compliance with their requirements and on the condition that a water connection for the new dwelling is made onto their company network for revenue purposes.	This is not something that can be enforced by planning legislation
Sustainable Drainage Team Essex County Council	No objection subject to conditions.	If the application were to be approved then the conditions should be imposed to ensure that there is not an unacceptable increase in surface water flooding.
Education at Essex County Council	Application is under the current threshold for requesting education contributions.	Noted.
Essex Wildlife Trust	No response received at the time of writing this report.	This is noted. However, the site is largely consists of hardstanding and

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		existing buildings and so it is unlikely that there are any protected species within the site.
Essex Bat Group	No response received at the time of writing this report.	This is noted. However, the site is mainly laid to lawn and so it is unlikely that there are any protected species within the site.
Local Highway Authority	The predicted number of trips to the development is likely to be slightly higher than what's stated in the Transport Statement. However, the number of trips would not exceed the number of trips generated by the existing permitted use of the site when fully operations. Therefore, there is no objection subject to conditions.	Addressed at section 5.6
Environment Agency	No objection subject to land contamination and surface water drainage conditions.	Noted and addressed at section 5.8.
Fire and Rescue	<p>Access for Fire Service purposes is satisfactory in accordance with the Essex Act 1987 Section 13.</p> <p>Additional water supplies for firefighting may be necessary for the development. The applicant should contact the Water Technical Officer at the Service Headquarters.</p> <p>Would recommend a risk based approach to the inclusion of Automatic Water Suppression Systems which can substantially reduce the risk to life and property loss.</p>	This information could be included via an informative if the application were to be approved.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Public Rights of Way	No response received at the time of writing this report.	There are no public footpaths within the site that would be affected by the development.

7.3 Internal Consultees

Name of consultee	Comment	Officer Response
Housing	This Application is not proposing any Affordable Housing contribution and as such does not comply with Policy H1 of the Maldon District Local Development Plan 2014 – 2029. Strategic Housing Services therefore does not support this Application.	Addressed at section 5.3
Environmental Health	<p>JP Chick and Partners Phase 1 Contaminated Land Assessment 1.0 (26th September 2018) has been reviewed and identifies that further intrusive investigation is required in relation to contamination.</p> <p>The Sharps Gayler report (Nov 2018) has been reviewed and is satisfactory. In order to safeguard the nearest properties from potential noise impacts from the adjacent workshop, a suitable barrier fence along the eastern boundary should be installed.</p> <p>Conditions in relation to these matters have been suggested.</p>	Addressed at sections 5.5 and 5.8
Economic Development	Proposal would result in a loss of employment land and there is insufficient evidence to justify that the loss of employment land	Addressed at section 5.1

Name of consultee	Comment	Officer Response
	would be acceptable. The Council has an up-to-date development plan and can demonstrate a 5 year supply of housing without allowing development which would be otherwise unacceptable. There is also insufficient evidence to suggest any significant economic contribution that this development would make to the Maldon District or a housing need in this locality.	
Conservation Officer	As this application would not affect any heritage assets, I have no comments to make on it.	Noted
Emergency Planner	No comment as the development is not in a flood zone	Noted

7.4 Representations received from Interested Parties

- 7.4.1 19 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Traffic is already a problem in the village and the roads are dangerous with excessive speeding. There is a double bend at the site entrance	Addressed at sections 5.6 and 5.9
The village has no facilities and you need to drive to get the essentials	Addressed at sections 5.6 and 5.9
The sewage system cannot cope	This can be addressed via conditions
There is a lack of infrastructure including, doctors, shops and school places. Maylandsea medical centre is only open in the mornings and so afternoon appointments have to be in Tillingham	The proposal of 14 dwellings does not require a contribution to these services.
Station Parking is limited	This is not something that can be dealt with through this application
Single dwelling applications have been refused in the area.	Each application must be assessed on its own merits

Objecting Comment	Officer Response
<p>Winterdale Manor is a landmark within the village and new build dwellings would affect the village's character. The Manor should be repaired and renovated.</p>	<p>The proposal must be assessed in relation to what is proposed. However, the impacts on the character and appearance of the area are discussed at section 5.4</p>
<p>The site is in the 'old' part of Althorne and new housing wouldn't blend well.</p>	<p>Impacts on the character and appearance of the area are discussed at section 5.4</p>
<p>Proposal will overlook the cottages on Burnham Road.</p>	<p>Addressed at section 5.5</p>
<p>The trees and hedgerows around the site have been removed.</p>	<p>The trees and hedgerows were not subject to tree preservation orders and therefore could be removed without consent.</p>
<p>New dwellings should be located adjacent to the car 'wrecking' site to the east.</p>	<p>Addressed at section 5.5</p>
<p>There are no buses which go to Althorne station which is at least a 25 minute walk from the site.</p>	<p>Addressed at section 5.9</p>
<p>The road to the station is dark, unlit and hazardous to pedestrians so requires a car to get there.</p>	<p>Addressed at section 5.6</p>
<p>There are no buses on Sundays</p>	<p>Accessibility is addressed at section 5.9</p>
<p>There are not enough visitors parking spaces</p>	<p>Addressed at section 5.6</p>
<p>The site is in an unsustainable location. Application FUL/MAL/17/01010 presented to the SEAC demonstrated that since 2013 17 proposals for new dwellings were refused and 10 were appealed and dismissed, with all but one being refused due to being sited within an unsustainable location.</p>	<p>Application FUL/MAL/17/01010 was a slightly different proposal to this application as it was located further outside the settlement boundary. However, the sustainability of the site is discussed at section 5.9</p>
<p>SHLAA site S19 Land South of Button's Hill produced no positives for sustainability as part of the sustainability assessment. This site is located close to Winterdale Manor.</p>	<p>The sustainability of the site is discussed at section 5.9</p>
<p>Page 23 of the Althorne Village Design Statement states that <i>'wherever possible old buildings should be saved rather than</i></p>	<p>Impacts on the character and appearance of the area are discussed at section 5.4. Given that Winterdale</p>

Objecting Comment	Officer Response
<p><i>demolished and replaced.</i> ' This approach should be adopted for Winterdale Manor.</p> <p>Allowing permission for these dwellings would contravene the intention of the LDP as the housing trajectory allocates a total of 100 dwellings to Neighbourhood Plans/ rural locations up to 2028/29.</p> <p>The Althorne parishioners in the development of the Neighbourhood Plan indicate little enthusiasm for any large scale development and wish to maintain a small village with open views of the landscape and river.</p> <p>A nature reserve would be a better proposal, protecting Great Crested Newts that live at this end of the village and would teach environmental friendliness.</p> <p>Proposal would set a precedent for future developments.</p> <p>Inappropriate noise levels</p> <p>Reduce other property values</p> <p>Increased pollution</p>	<p>Manor is not a locally listed heritage asset its retention worth is limited.</p> <p>This is not a maximum figure. However, as discussed at sections 5.1 and 5.2, the presence of a five year housing land supply does give the Local Planning Authority to ability to resist inappropriate development.</p> <p>This is noted and the impacts of the large scale addition to the village on its character and appearance are addressed at section 5.3</p> <p>The application must be assessed on what is proposed.</p> <p>The application must be assessed on what is currently proposed. It is not possible to speculate on future intentions.</p> <p>Addressed at section 5.5</p> <p>This is not a planning consideration</p> <p>It is not considered a housing development would produce any greater pollution, including through vehicle movements, than the existing use of the site if it were fully functional.</p>

7.4.2 7 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<p>The space is used well whilst the site is enhanced with planting.</p> <p>The housing mix will ensure a mix of people and families to allow the village to thrive.</p>	<p>Addressed at section 5.4</p> <p>Addressed at section 5.2</p>

Supporting Comment	Officer Response
The village is suitable due to the bus service and train station which is walkable for some. Routes are provided to Burnham-on-Crouch, Maldon and Chelmsford. There is also a playground, tennis courts and a wooded walk opposite.	Addressed at section 5.9
The village shop is a minute walk away. Although close at the moment, a couple hopes to re-open it and there is a tea room in walking distance. Also there is the Marina, Fords Coaches who run days out, a church and a village hall.	Addressed at section 5.9
Current site is an eyesore and will continue to worsen.	The existing state of the site does not provide reasoning to approve inappropriate development.
Site is brownfield and not farmland.	Addressed at section 5.1
The site in its current form will attract attention from unlawful occupancy.	The existing state of the site does not provide reasoning to approve inappropriate development and the point raised is not a planning consideration.
Village needs development on its brown field sites as there are a number of disused areas within the village that makes it appear as though it's in decline.	Whilst government guidance encourages the effective use of land, this does not provide reasoning to approve inappropriate development
It would provide an opportunity to improve the junction.	No contributions towards infrastructure improvements have been proposed.
Scheme adds value to the village by providing affordable homes for the younger generation who work within the local economy and whose employment supports local services.	No affordable housing is proposed.
It would increase community spirit and make use of the park opposite the site.	Social sustainability is addressed at section 5.9. The proposal does not include any affordable housing or any community services. Therefore, the local benefits are limited.
Site has its own space and style due to its small degree of separation form the village.	Addressed at section 5.4

8. REASONS FOR REFUSAL

1. The proposed development would result in the loss of employment land. No justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been marketed for sale and that there is a confirmed lack of interest. The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E1 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).
2. The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
3. The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2019).
4. The proposed development as a result of its unacceptable visual impacts and urbanisation and domestication of the site, the failure to provide sufficient car parking provision and the lack of sufficient amenity space provision at plot 2 will result in the overdevelopment of the site. The proposal is therefore contrary to policies S1, S8 D1, H4 and T2 of the Maldon District Local Development Plan, the Maldon District Design Guidance and the National Planning Policy Framework.

5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.