



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

Application Number	FUL/MAL/19/00506
Location	The Bell Public House The Street Purleigh
Proposal	Replacement sewerage treatment plant within boundary of extended public house.
Applicant	Mr & Mrs Julian Webb - The Bell PH
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	29.07.2019
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Call in: Councillor Miss S White Reason: Public Interest

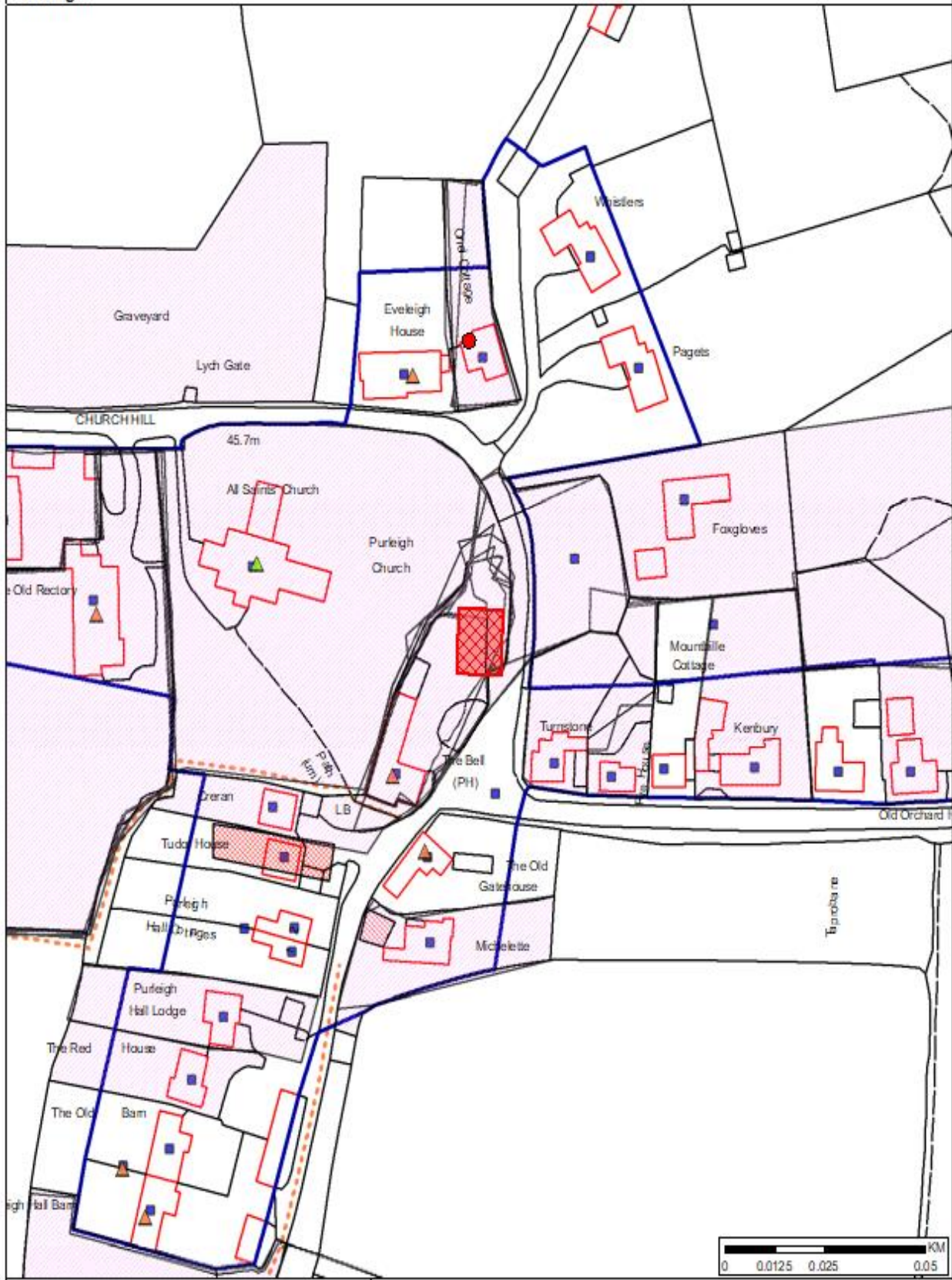
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

The Bell Public House The Street **Purleigh**



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the heart of the Purleigh Conservation Area and within the Purleigh settlement boundary. It is situated on top of the hill and to the east of the Parish Church of All Saints and to the north of The Bell. The larger site, as outlined in blue, includes the Grade II listed public house and a piece of land opposite the site, which has recently gained permission to be converted into a temporary car park.
- 3.1.2 Planning permission is sought for the replacement of an existing sewage treatment plant and its relocation from the piece of land opposite the site, to within the curtilage of The Bell Public House.
- 3.1.3 The proposed sewage treatment plant would be sited to the north of The Bell Public House. The majority of the development would be located below ground level and would not be visible except for a removable deck which would be placed over the sewage treatment plant and screened by proposed hedging.

3.2 Conclusion

- 3.2.1 The replacement and relocation of the sewerage treatment plant is not considered to have a detrimental impact on the character and appearance of the conservation area or listed building nor would it unduly impact the occupiers of the neighbouring dwellings. Therefore, it is considered that the proposed development is in compliance with the policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP).

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
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E3 Community Services and Facilities
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide (EDG)
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for a replacement sewerage treatment plant to serve The Bell Public House. The existing sewerage treatment plant is currently located on the opposite side of the road to the Public House, and it is proposed to site the replacement sewerage treatment plant to the north east of The Bell. Given the nature of the development, it is considered that the proposal is acceptable in principle, other material considerations are discussed below.

5.2 Design and Impact on the Character of the Area and Listed Building

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- 5.2.3 *“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”.*
- 5.2.4 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

- 5.2.5 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.8 The proposed development, due to its location below ground level would not be visible with the exception of a removable deck, which would be screened by proposed hedging. Therefore, it is considered that the impact on the character and appearance of the area would be extremely limited.
- 5.2.9 The site is located within the conservation area of Purleigh and within the setting of the Grade II listed building The Bell Public House. The Council's Conservation Officer has been consulted and confirmed, due to the visually discreet development, that the proposal would cause no harm to the surrounding heritage assets. Therefore, no concerns in respect to the visual impact of the development are raised.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The proposed development is mainly located below ground level, it is therefore considered that issues relating to overlooking, a loss of light or domination would not occur. The Environmental Health department have been consulted and raised no

objection to the proposal in terms of odour and noise. Further, it is noted that the current sewerage treatment plant is located within closer proximity to residential dwellings, than the proposed location and is sited above ground level. Therefore, the proposal improves the current situation in terms of impact on the neighbouring occupiers and no concerns in this respect are raised.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed development is not considered to impact the car parking provision at the site or highway safety. Therefore, no concerns are raised in this respect.

5.5 Other Material Considerations

- 5.5.1 Concerns in relation to the suitability of this type of sewerage treatment plant have been raised by the Parish Council, specifically the permeability of the soil has been questioned. The Council's Building Control department were consulted for their specialist advice and confirmed that when applying and conforming to building regulations the applicant will be required to do a permeability test showing that the soil is suitable for a soakaway, as well as a design showing the soakaway is suitable for the imposed loads and that the soakaway is suitably sited. In addition, the Environmental Health department have confirmed that a permit from the Environment Agency would need to be obtained separately to any grant of planning permission and there is no guarantee that this would be granted.
- 5.5.2 At paragraph 55 of the NPPF, it states '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other*

respects. It is not considered necessary to implement a condition with regards to the above concerns, to make the development acceptable in planning terms, the issues raised are controlled under separate legislation. Therefore, whilst it is noted that the Environmental Health department have stated that they would want to ensure the permit is in place before the development becomes operational, it is not considered to meet the six tests required to implement a planning condition.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/12/00445** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Withdrawn 23rd August 2012.
- **LBC/MAL/12/00446** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Withdrawn 23rd August 2012.
- **LBC/MAL/12/00821** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Permission refused 11th January 2013.
- **FUL/MAL/12/00835** – Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building – Permission refused 11th January 2013.
- **TCA/MAL/13/00375** – Remove trees T1-T4 Monetary Cypress T5-T6 Lawson Cypress – Permission granted 10th July 2013
- **LBC/MAL/13/00390** – Proposed internal door of 1.2 metres from existing commercial kitchen, 1 metre wide hatch in kitchen area and removal of partially derelict wall – Permission granted 13th July 2013.
- **LBC/MAL/13/00814** – Remove an internal wall and create a new entrance into an en-suite bathroom. A further partition wall will be removed between existing bathroom and office and new partition wall erected – Permission refused 24th October 2013.
- **APP/X1545/A/13/2193735** – Planning appeal reference A (FUL/MAL/12/00835) – Appeal granted 11th November 2013.
- **APP/X1545/E/13/2196902** – Planning appeal reference B (LBC/MAL/12/00821) – Appeal granted 11th November 2013.
- **LBC/MAL/14/00257** – Remove an internal wall and create a new entrance into an en-suite bathroom. A further partition wall will be removed between existing bathroom and office and new partition wall erected – Permission granted 30th April 2014.
- **DET/MAL/15/05084** – Compliance with conditions notification of FUL/MAL/12/00835 - Allowed on Appeal APP/X1545/A/13/2193735 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 3 - Construction details and materials, Condition 4 - Hard and soft landscaping, Condition 7 - External lighting, Condition 8 - Foul and surface water drainage, Condition 9 - Air extraction and ventilation, Condition 10 - Foundation design

and construction method statement. Condition 11 - Archaeological work– Conditions discharged 23rd May 2016.

- **DET/MAL/15/05093** – Compliance with conditions notification of LBC/MAL/12/00821 - Allowed on appeal APP/X1545/E/13/2196902 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 3 - Construction details and materials. – Conditions discharged 23rd May 2016.
- **NMA/MAL/16/00484** – Application for non-material amendment following grant of Planning Permission of FUL/MAL/12/00835 allowed on appeal (APP/X1545/A/13/2193735) amendment to install the Calor Gas tank underground. – Permission granted 18th May 2016.
- **DET/MAL/16/05156** – Compliance with conditions notification of FUL/MAL/12/00835 - Allowed on Appeal APP/ X1545/A/13/2193735 (Proposed internal alterations to main building and extension to provide additional accommodation. Proposed external works and re-siting of car park together with construction of general purpose storage building). Condition 4 - Hard and soft landscaping, Condition 8 - Foul and surface water drainage, Condition 9 - Air extraction and ventilation. – Conditions discharged 23rd September 2016.
- **NMA/MAL/16/00484** – Application for non-material amendment following grant of Planning Permission of FUL/MAL/12/00835 allowed on appeal (APP/X1545/A/13/2193735) amendment to install the Calor Gas tank underground. Approved 18th May 2016.
- **FUL/MAL/18/00145/FUL** – Proposed extension to existing public house with internal alterations and replacement doors and windows. – Approved 3rd April 2018
- **FUL/MAL/18/00146/LBC** – Proposed extension to existing public house with internal alterations and replacement doors and windows. – Approved 3rd April 2018
- **DET/MAL/18/05203** – Compliance with conditions notification of approved application FUL/MAL/18/00145 (Proposed extension to existing public house with internal alterations and replacement doors and windows). Condition 3 - Materials. Condition 4 - Archaeological Assessment. Condition 5 - Programme of Archaeological work. Condition 6 - Landscaping Scheme. Condition 8 - Surface Water Drainage Scheme. Condition 9 - Foul Water Drainage Scheme. Condition 11 - Arboricultural Method Statement. Condition 12 - Trial Trench. – Conditions discharged 8th March 2019.
- **DET/MAL/18/05204** – Compliance with conditions notification of approved application LBC/MAL/18/00146 (Proposed extension to existing public house with internal alterations and replacement doors and windows). Condition 3 - Materials. Condition 4 - Joinery details. – Part cleared part refused 11th February 2019.
- **FUL/MAL/19/00117** – Application for permission for a 14 space temporary car park to allow building work at the bell public house. – Approved 28th March 2019.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Based on the application before it, and with extensive local knowledge and expertise, the Parish Council has no confidence in the suitability or efficiency of the proposed treatment plant in this location. Members do not believe that a crated soak away on clay soil underneath the permeable surface of the existing car park can adequately cope with the volume of waste that will be required of it. In addition, the lack of detail, design, calculations and test result data contained within the application does little to dispel these concerns. Members understand that it is well known that this type of system doesn't work very well on clay and performs poorly in winter. Members consequently have serious concerns about where the inevitable	Please see section 5.5 of this report.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Obtaining planning permission for the sewage treatment plant does not negate the need to apply for a permit. Whilst the permitting requirements are separate to the planning permission this Service would want to ensure	Please see section 5.5 of this report.

Name of Internal Consultee	Comment	Officer Response
	that the permit was in place prior to the plant being operational.	
Conservation Officer	No objection	Noted
Building Control	<p>A properly carried out permeability test is the only way to really establish if the soil conditions are suitable for a soakaway or not. Soil conditions vary from site to site and can vary vastly within the same site.</p> <p>It is possible to construct a soakaway under a carpark. These would usually be constructed from perforated concrete rings or honeycombed brickwork on a foundation with a reinforced concrete biscuit over. However the crate manufacture or a structural engineer would be able to confirm if this type of soakaway is suitable for the imposed loads or not.</p> <p>As you know they may or may not come to us for the Building Regulations application. If they did and provided a permeability test showing the soil is suitable for a soakaway, a design showing the soakaway is suitable for the imposed loads and the soakaway was suitably sited, we could not refuse to accept the design.</p>	Please see section 5.5 of this report.

7.3 Representations received from Interested Parties

- 7.3.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns about the suitability of the	Please see section 5.5 of this report.

Objection Comment	Officer Response
<p>current proposal. There is no evidence that the surface water system and the foul water system have been considered as a single issue, whereas the two are of course inextricably linked.</p> <p>Concerns regarding overflow of water onto the street, worsening current situation.</p> <p>Impermeability of the subsoil which consists entirely of clay, will put the foundations of dwellings within vicinity of the site at risk from excess water.</p> <p>The mains sewerage access should be used not a treatment plant.</p>	

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 885278 Issue 1, 540/01, 540/09 Rev H.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Within the first available planting season (October to March inclusive) the landscaping works as shown on 540/09 Rev H and forming part of this permission shall be fully implemented and retained as such thereafter.
REASON: To protect the visual amenity of the area in compliance policy D1 of the Maldon District Local Development Plan.