



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2019**

Application Number	FUL/MAL/19/00656
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue.
Applicant	Mr Mark Sadleir
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	19.09.2019
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

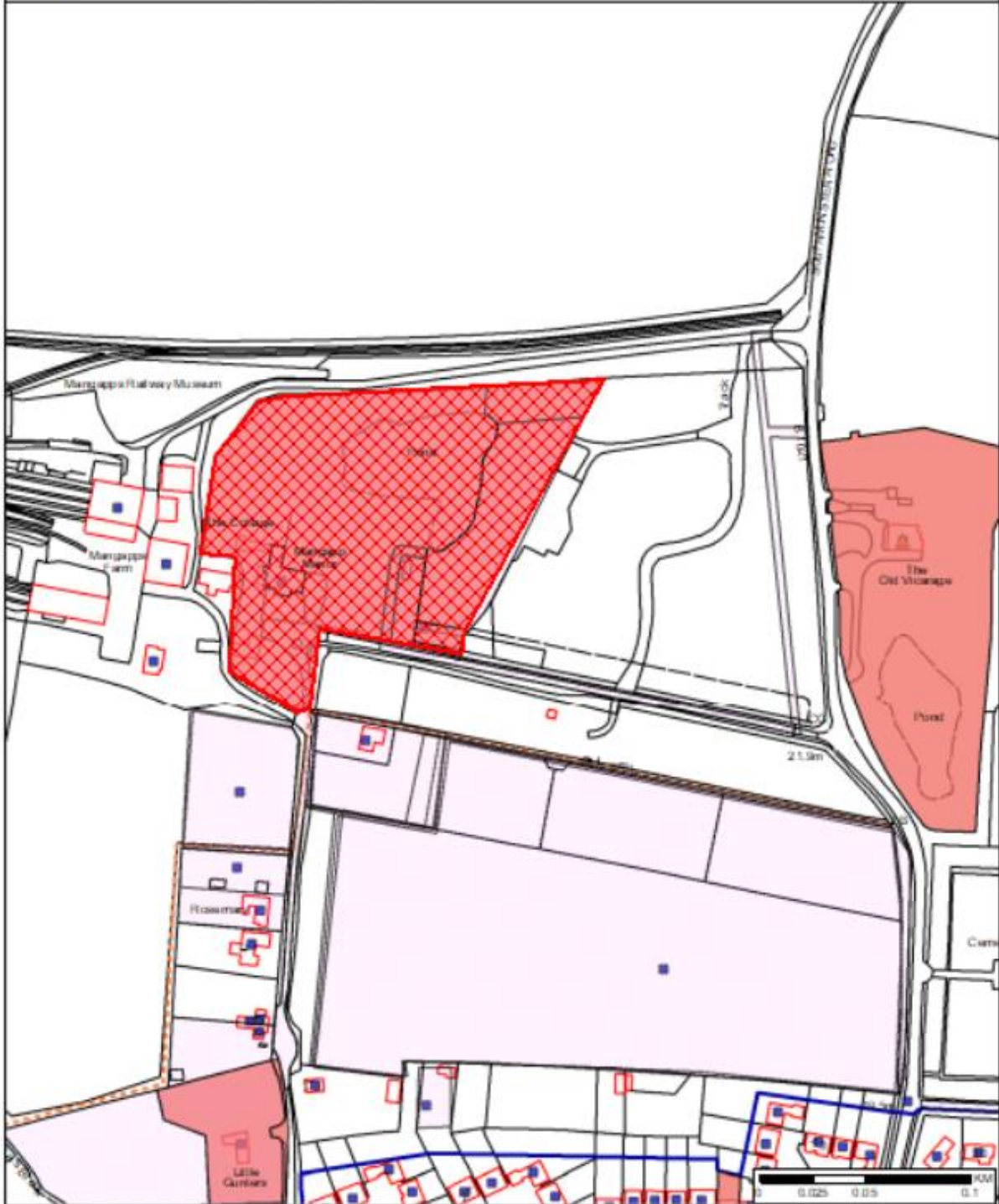
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**19/00656/F UL Mangapp Manor
SEAC**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	19/08/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is an irregular shape measuring approximately 1.9ha and is located on the western side of Southminster Road, outside of the defined settlement boundary. The site is accessed along a private track and is currently occupied by a dwellinghouse and a number of outbuildings, which have a residential and wedding venue use. To the north of the site is a large pond.
- 3.1.2 The application site is located on the northern side of Mangapp Chase, which features a low-density arrangement of dwellings. To the north of the application site is open countryside and Mangapps Farm and Railway Museum is located to the west. To the southeast of the site is a field which benefits from outline planning permission to erect up to 80 dwellings (OUT/MAL/14/00845, APP/X15454/W15/3009772).
- 3.1.3 The application site forms the grounds of Mangapp Manor, which has a mixed use of residential and a wedding venue. In March 2008, planning permission (FUL/MAL/08/00027) was granted on the area of land to the east of the residential curtilage to erect a marquee for the use of wedding receptions and functions. This permission was subsequently amended under the terms of FUL/MAL/08/00516 which varied the number of guests allowed at the functions and the access arrangements. Following this an application was approved (FUL/MAL/09/00007) to allow civil ceremonies to take place in the ground floor 'drawing room' of the Manor House.
- 3.1.4 The area of land to the east of the site, beyond the pond was considered under application FUL/MAL/08/00516 to be outside of the recognised domestic curtilage. However, it is noted that the area of land formed a part of the grounds of Mangapp Manor and its residential use.
- 3.1.5 Planning Permission is sought to remove the wedding venue use from the site and revert it back wholly to residential use. It is also proposed to construct an outbuilding towards the southeast corner of the site, to be used for the storage of cars and motorcycles.
- 3.1.6 The proposed building would have a hipped design. It will measure 8.5 metres deep and 15.6 metres wide. It will have an eaves height of 2.7 metres and a ridge height of 6.2 metres. There will be two gable projections to the north and south elevation, which will measure 6 metres wide and 0.9 metres deep. They will measure 2.7 metres high to the eaves and 5.4 metres high overall. There will be a clock tower located on top of the roof. There will be two shutters and one door on the south elevation, a high-level window on the east and west elevation and three sets of glazing on the north elevation.
- 3.1.7 The materials consist of red plain tiles, black painted weatherboarding, a red brick plinth and black stained window frames.
- 3.1.8 It is noted that this application is a resubmission of a previously refused application FUL/MAL/18/01374. The reason for refusal was:

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

3.1.9 The amendments to this application are:

- The style, design and materials of the outbuilding
- A reduction in size
- A supporting statement justifying the location and design of the proposed outbuilding

3.2 Conclusion

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

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

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

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

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

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Maldon District Design Guide (MDDG)
- National Planning Policy Guidance (NPPG)
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of erecting outbuildings within the curtilage of a dwelling to provide facilities in association with residential accommodation is considered acceptable in line with policy D1 of the LDP. However, the location of the proposed outbuilding is considered to be outside of the residential curtilage of the site and therefore would be located in the open countryside. As with any new form of development within the open countryside, they should only be allowed for specific and justified purposes where an applicant can substantiate a need for the development and where the impact of that building would accord with policies S1 and S8 of the LDP. However, inadequate justification for the use and siting of the proposed outbuilding has been provided and therefore, it is considered that the proposed development would be contrary to policies S1 and S8 of the LDP particularly having regard to the visual impact that is discussed in section 5.2.

5.1.2 In addition to the construction of the outbuilding, the proposal also seeks to remove the use of the ‘drawing room’ on the ground floor of the Manor house for Civil Ceremonies which was approved under the terms of application FUL/MAL/09/00007 and the change of use of the land designated under application FUL/MAL/08/00516 for wedding facilities and functions back to residential use.

5.1.3 The existing use of the site is considered to relate to tourism to some degree. Policy E5 of the LDP states that the change of use from tourism uses will only be considered if:

- 1) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs;
- 2) The existing business/service is not and cannot be made viable; and
- 3) There is no known demand for existing and alternative tourism use, and the site has been market effectively for all alternative tourism related uses.

- 5.1.4 Whilst it is noted that the loss of a wedding venue would have the potential to impact on tourism within Burnham-on-Crouch, for example there would be less demand for hotel rooms, the impact is considered to be minor. Therefore, it is considered criterion 1 is satisfied.
- 5.1.5 Whilst no information has been submitted in relation to criterion 2 and 3, regard should be had to the fact that the site has always been used in association with a residential use and therefore, it is not considered that there would be a substantial change of use of the site in comparison to its former uses. It is also worth noting that the existing owner has no intention of using the site for wedding use and therefore, the use of the site has already ceased and will not be reinstated in the long term. This is something that can be done without the need for planning permission and is outside of the Council's control.
- 5.1.6 Consideration is also given to the fact that the removal of the wedding venue use will improve the living conditions of nearby occupiers due to matters such as a reduction in noise levels. Whilst this will be discussed in more detail under section 5.3, it is worth considering in relation to the principle of the development as the benefits to the living conditions of nearby occupiers could outweigh the minimal harm resulting from the loss of the wedding venue use.
- 5.1.7 Having regard to the above, although the criterion of Policy E5 has not been fully met, taking a pragmatic stance and having regard to the above points, it is considered that reverting back to a complete residential use is acceptable in principle.

5.2 Design and Impact on the Character of the Area

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (BOCND) states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 The proposed outbuilding would be situated over 50 metres from the host dwelling and would be located outside of the existing residential curtilage of the dwelling. Having regard to the significant separation distance between the dwelling and the proposed building and its location outside of the residential curtilage, it is considered that there would be a lack of visual link between the host dwelling and the proposed outbuilding. It is considered that this would prevent the development having a subservient relationship with the host dwelling. Therefore, it is considered that the proposed outbuilding would result in unacceptable urban sprawl into the countryside through the addition of an outbuilding, outside of the residential curtilage, that has no visual links to the dwelling within the site.
- 5.2.8 The outbuilding has been amended in design to have a more traditional appearance including the hipped roof and the materials, which consist of black painted boarding, red plain tiles and a brick plinth. Whilst the overall style is of a more traditional appearance, due to the fenestration pattern, roof style and gable projections, it is considered to have a more dwelling-like appearance rather than an outbuilding.
- 5.2.9 It is acknowledged that it has been reduced in size, however in terms of its footprint of 144 square metres and overall height of 6.2 metres, it would still be considered a large addition in the proposed location. This is considered to also contribute to the unjustified sprawl of the residential use and domestication of the countryside.

- 5.2.10 Whilst it is noted that it would replace an existing stable, it would be significantly larger than the existing stable and, as stated above, would have a more dwelling-like appearance.
- 5.2.11 In addition to the above the proposal would be partially visible from within Southminster Road and also the public footpath, further increasing the dominating and urbanising impacts on the intrinsic character and beauty of the countryside.
- 5.2.12 Whilst it is noted that there are existing trees within the site and hedgerows sited along Southminster Road, which would provide some screening of the development from the highway and public footpath, it is not considered that the limited level of landscaping would be sufficient in overcoming the material harm to the countryside, particularly in the winter months and because there are no guarantees that the planting and trees within the neighbouring site adjacent to Southminster Road which falls outside of the application site would be maintained for the lifetime of the development.
- 5.2.13 Given that the site lies outside of the settlement boundary and residential curtilage, within the countryside, it is not considered that a building of this scale and bulk is acceptable and is therefore, contrary to policies S1, S8, D1 and H4 of the LDP and policy HO.8 of the BOCNDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The dwellings approved under APP/X15454/W15/3009772 to the south of the site would be the closest residential development to the proposal at a distance of over 40 metres. Given the significant separation distance between the proposed development and the adjacent permission it is not considered that there would be demonstrable harm to the neighbouring amenity. However, if the application were approved a condition should be applied ensuring that the development remains incidental to the enjoyment of Mangapp Manor to prevent any undue harm to neighbouring amenity.
- 5.3.3 It is also considered that the removal of the wedding venue use will reduce any potential harm resulting from the noise impacts associated with the existing use. For example, the dwellings approved under APP/X15454/W15/3009772 located to the south of the site are subject to a condition requiring a fully detailed scheme of mitigation for protecting the living conditions of future occupiers of the dwellings from noise arising in connection with events at Mangapp Manor. The removal of the wedding venue use will therefore, substantially enhance the living environment of existing and future occupiers within the surrounding area.
- 5.3.4 Having regard to the above it is not considered that the proposal will result in unacceptable harm to the amenity of neighbouring occupiers, in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The existing site provides sufficient parking for the existing dwelling and the proposal will contribute positively to this provision. Therefore, there is no objection to the level of car parking provided.
- 5.4.4 The proposed access would be situated to the north of the private track. Whilst the Local Highways Authority have raised no objection as the track is private, it is not considered that the access would result in detrimental impacts on highway safety and is therefore considered acceptable in accordance with policies S1 and T2 of the LDP. Furthermore, the change of use could result in the reduced use of the access due to fewer visitors to the site.
- 5.4.5 The Local Highways Authority has requested a condition stating that the public's rights and ease of passage over footpath number 2 in Burnham-on-Crouch shall be maintained free and unobstructed at all times. It is considered necessary to impose this condition, should the application be approved, to prevent any obstruction of the footpath particularly during the development by construction traffic.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.5.2 The proposal would result in some loss of amenity space. However, there is sufficient private amenity space situated to the rear of the existing dwelling which is in excess of the required standards. Therefore, there is no objection in this regard.

5.6 Foul and Surface Water Drainage

5.6.1 It is noted that the applicant has stated within the application form that foul drainage would be dealt with via a package treatment plant. However, it is not considered that the building would require foul drainage and therefore, a condition in this regard is not considered necessary.

5.6.2 The application form states that surface water will be dealt with via the pond on site, no objections from Environmental Health have been received and therefore, this is considered to be sufficient.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/90/00992** - Formation of landscaped embankments. Approved no conditions.
- **FUL/MAL/08/00027** - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved.
- **FUL/MAL/08/00516** - Variation of condition 15 (relating to maximum no's of guests) and removal of conditions 9,10,11 &12 (relating to access) of FUL/MAL/08/00027 - Erection of marquee (252 sq m in area) to be used for wedding receptions and functions for 6 months of the year - May to October. Approved
- **DET/MAL/08/05074** - Compliance with conditions notification of FUL/MAL/08/00516 - Conditions: 6, 10 and 12. Condition Cleared.
- **DET/MAL/08/05156** - Compliance with Conditions notification: FUL/MAL/08/00516 - Condition 6 - Noise insulation. Condition Cleared.
- **FUL/MAL/09/00007** - Change of use of room for marriage civil ceremonies. Approved.
- **OUT/MA/17/01300** - Addition of barn within grounds of Mangapp manor and associated access. Application withdrawn.
- **FUL/MAL/18/01374** - Change of use from wedding venue to residential (C3) and the construction of an outbuilding including an associated access, boundary treatments and car parking. Application refused
- **18/01374/FUL** - Change of use from wedding venue to residential (C3) and the construction of an outbuilding including an associated access, boundary treatments and car parking. – Refused

7. CONSULTATIONS AND REPRESENTATIONS

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

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

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding foul drainage	Please see section 5.6

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. **REASON FOR REFUSAL**

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