



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 JUNE 2020**

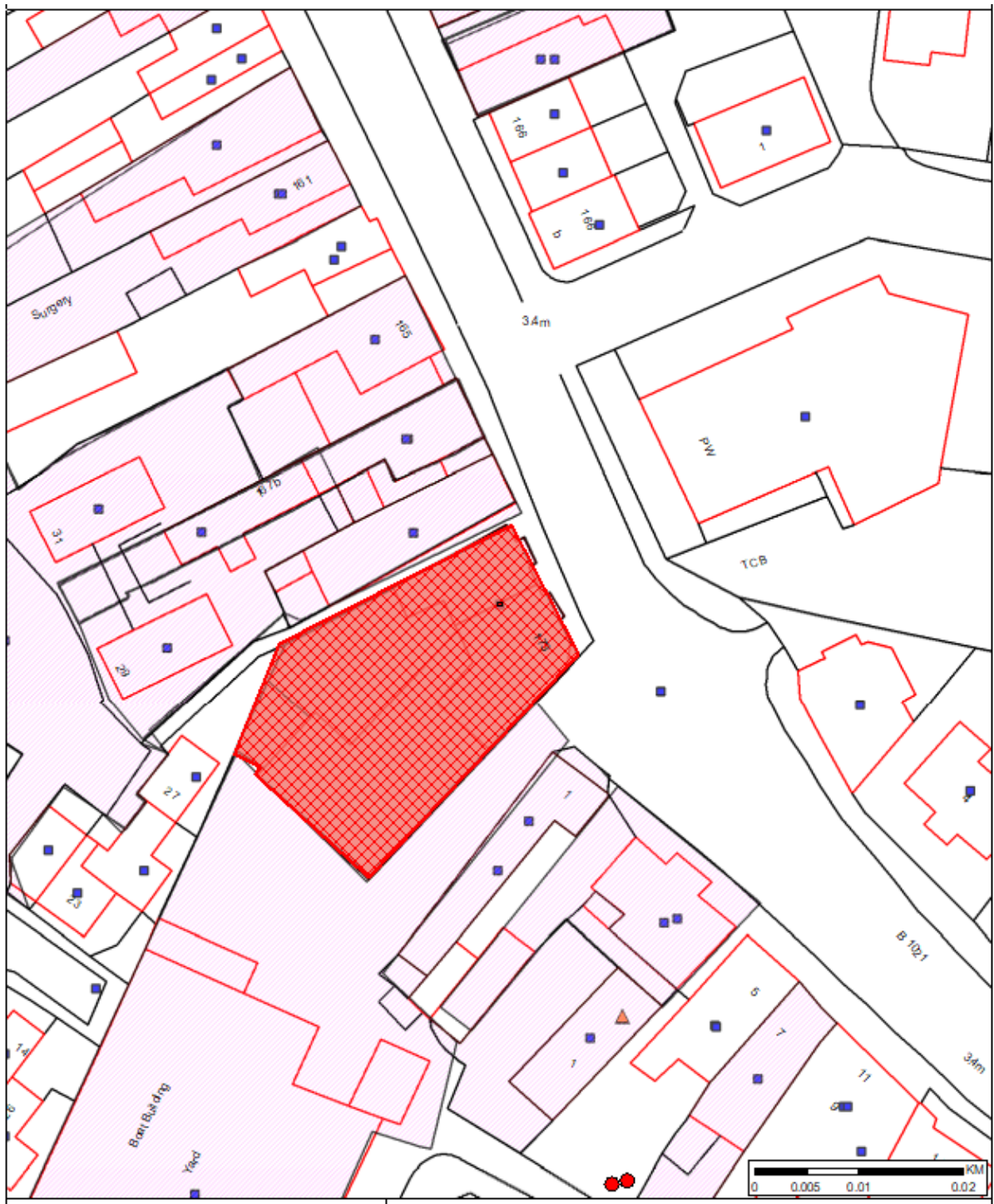
Application Number	20/00113/FUL
Location	171 - 173 Station Road Burnham-On-Crouch
Proposal	Partial change of ground and first floor from shop (A1) to residential (C3), demolition of outbuilding to the south of the building, erection of single storey rear extension and installation of new fence and gates.
Applicant	Mr & Mrs C Dawson
Agent	Chris Cumbers - CBS Cumbers MCIAT
Target Decision Date	31.03.2020 EOT 22.05.2020
Case Officer	Hannah Bowles / Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member call in by Councillor Bell. Reason: MDC LDP policy S1 – sustainable development NPPF – principle of sustainable development

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Station Road within the settlement boundary of Burnham-on-Crouch, a primary retail area, a town centre location and within the designated Burnham-on-Crouch Conservation Area. The building is sited on a corner plot, within a row of Edwardian style properties and it is considered to positively contribute to the conservation area. The frontage of the building although of a relatively plain form has attractive detailing, including ornamental terracotta window surrounds and head and a glazed tile shopfront with stall risers and detailed projecting bay windows at ground floor. To the rear of the building there are single storey workshop buildings, which are of significance to the character and identity of the town, given that they reflect the boat related character of the town and the quayside character. The building is used as retail unit on the corner and to the west appear to be used as residential. Ancillary storage to the retail unit is provided to the rear of no. 173, as well as at first floor. As part of a previous application, it was raised that the buildings to the rear part of the application were last used for boatbuilding and repair purposes.
- 3.1.2 There is an access road along the eastern side of the premises leading to Priors Boatyard, with a path leading to the footpath along River Crouch. Along the western boundary is a narrow pedestrian pathway leading to the adjacent properties and Kings Wharf at the rear.
- 3.1.3 The surrounding area is mixed in character, including commercial uses at ground floor and residential to the upper floors. The Burnham Baptist Church is sited to the north of the application site beyond the highway.
- 3.1.4 Planning permission is sought for the partial change of ground and first floor from shop (A1) to residential (C3), the demolition of the outbuilding to the south of the existing shop at no. 173 High Street, the erection of a single storey rear extension and the installation of new fence and gates. Other minor alterations to the external elevations of the building are also proposed, including the replacement of the doors and external signage.
- 3.1.5 The proposed single storey extensions to the rear of part of the dwelling would have a mono-pitched roof and it would measure a maximum of 8.7m wide, 3.3m deep, 2.5m high to the eaves, with a maximum height of 3.9m. The extension would accommodate an enlarged kitchen and breakfast room.
- 3.1.6 Internally the building would be altered to reduce the size of the existing shop and ancillary storage area and increase the size of the dwelling. According to the applicant's submission the floor area used in association with the shop will be reduced from 17109sqm to 58.17sqm. internally this area would be changed to a dining area and snug room at ground floor and a master bedroom with dressing room at first floor.
- 3.1.7 The existing southernmost building would be converted from a commercial storage area to a covered storage. The existing covered yard would be demolished and a timber fence and gates of 1.85m height would be installed along the eastern boundary.

Four parking spaces would be laid between the building at 171-173 High Street and the covered storage.

3.1.8 This application represents a resubmission of a previously refused application reference 20/00113/FUL. The application was refused for the following reasons:

- 1 *The development would result in an unjustifiable loss of employment land and part of a site that contributes to the tourist attraction of Burnham-on-Crouch to the detriment of the local community and local economic development objectives. The development would therefore be unacceptable and contrary to policies S1, E1 and E5 of the Maldon District Local Development Plan (2017), policy RI.3 of the Burnham-on-Crouch Neighbourhood Plan and Government advice contained within the National Planning Policy Framework (2019).*
- 2 *The proposed development would result in partial loss of an existing retail unit within a Primary Retail Area and unavoidably result in a unit that is unlikely to suitably function as a retail unit. This would be to the detriment of retail character, function, vitality and viability of the designated shopping area, contrary to policy E2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).*

3.1.9 The proposed scheme has not been amended following the above refusal. However, the Design and Access Statement has been revised and contains additional information under section 1 'Use'.

3.1.10 It should be noted that an application reference 19/00560/FUL, for the erection of a part single part two storey extension to the rear of no. 173 and conversion of the existing building to form seven flats and a smaller retail unit was recently refused by reason of the loss of employment land, loss of an existing retail unit and failure of the development to pass the flood risk sequential and exception tests. An application reference 16/00431/FUL, for a development of the same nature, scale and design was previously approved on 17 June 2016. This application expired on 17 June 2019 and therefore, the site does not benefit from extant planning permission. It should be also noted that during the determination of the previous application the currently approved Local Development Plan (LDP) was an emerging document. Although it is accepted that the thrust of policies of the LDP largely follow that of the Replacement Local Plan, different weight is given to a local plan depending on the stage of preparation. Furthermore, the Burnham-on-Crouch Neighbourhood Development Plan was not in place at the time. As a result, for the above mentioned reasons, the site did not benefit from a fall-back position and it was assessed against the approved LDP, the Neighbourhood Plan and the revised National Planning Policy Framework (NPPF) and found to be unacceptable.

3.2 Conclusion

3.2.1 The amended scheme is identical to that previously refused, whilst additional information has been provided within the Design and Access Statement, it is not considered to be particularly robust and therefore, has not overcome the previous reasons for refusal. Therefore, having taken all material planning considerations into account, it is found that the development, by reason of the loss of an employment use,

which is also a contributor to the tourist attraction of Burnham-on-Crouch and the partial loss of a retail unit within a primary retail area would be unacceptable in principle contrary to policies S1, E, E2 and E5 of the Maldon District Local Development Plan (2017), policy RI.3 of the Burnham-on-Crouch Neighbourhood Plan and Government advice contained within the NPPF (2019) accord with the objectives of the approved LDP and the guidance contained in the 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 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
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 80 – 84 Building a strong, competitive economy
- 85 – 90 Ensuring the vitality of town centres
- 102 – 111 Promoting sustainable transport
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places
- 148 – 169 Meeting the challenge of climate change, flooding and coastal change
- 184 – 202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E5 Tourism
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide SPD (MDDG)

- Planning Practice Guidance (PPG)

4.4 Burnham-on-Crouch Neighbourhood Development Plan (2017):

- Policy EN.2 – New Development and flood Risk
- Policy RI.3 – Retention of Primary River Related Employment Uses
- Policy HO.1 – New Residential Development
- Policy HO.8 – Housing Design Principles
- Policy EC.3 – Retention of Retail Uses
- Policy HC.1 – Shop Front Design

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF.
- 5.1.3 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.
- 5.1.4 On the basis of the abovementioned policies of the LDP, it is considered that, subject to a full assessment below, the development of the site, which is sited within the defined settlement boundary of Burnham-on-Crouch, would not be objected to in principle. However, it is noted that the site is located within a primary shopping area and Policy E2 states that *"Within the designated primary retail frontage, ground floor retail units will be protected for A1 Retail Uses. Other types of uses will normally be resisted unless it can be demonstrated that they:*
1) Will not have a detrimental impact on the function, vitality or viability of the Primary Retail frontages; and
2) Will not create a new continuous frontage of three or more units of non-A1 Uses."
- 5.1.5 The proposed development involves the partial conversion of a shop located within a primary shopping area to a residential unit contrary to the aims of policy E2.
- 5.1.6 Criterion 1 of Policy E2 requires that the proposed alternative use does not result in detrimental impact on the function, vitality or viability of the shopping area. As part of this application no evidence has been submitted to demonstrate that the proposal is in compliance with this stipulation. The development as proposed would result in the

conversion of part of the ground floor unit to a residential property and therefore, this would result in the loss of some retail unit which is contrary to the Council's adopted policy. Although consideration is given to the fact that the part of the shop will be retained, it is noted that the size of the unit would be reduced by approximately 114sqm, to an extent that no storage area will be provided for the retail unit or welfare facilities for the staff. No justification or reasoned argument has been put forward to why this limited retail unit would be commercially viable and it is worth noting that this was raised as a concern at the time of the last application. Whilst it is acknowledged that the shop is currently proposed to be run by the occupiers of the enlarged dwelling, this is not something that would be able to be secured for the future and Planning needs to consider the lifetime of the development. It would be unreasonable to impose a condition to restrict the use of the shop to the occupiers of the dwelling, in perpetuity, as this would not meet the six tests of the conditions. For those reasons, it is considered that the unit would not be able to suitably function as a retail unit and thus, an objection is raised with regard to the proposed significant reduction of the size of the retail unit.

5.1.7 Although the development will not result in a continuous frontage of three or more units of non-retail uses (criterion 2), for the above-mentioned reasons, the proposal is unacceptable in principle.

5.1.8 The rear of the site is occupied by two industrial style buildings, which according to previous submission of applications on site had a historic use of boatbuilding and repairs. The current application states that the outbuildings have not been included in the commercial figures as the property had historically been used as the owner's business and residential space. Whilst the current submitted supporting information has been amended to state that the applicants/agents have found no evidence of this use, given the information that the Council holds, this statement is not considered sufficient to prove otherwise. Therefore, taking into account the previously confirmed use of the site as a boatbuilding and repairs shed, which is an important part of the riverside activity in the district and reflective of its historic use and it is considered essential to maintain the marina activities and support employment, tourism, recreation and leisure opportunities in the locality. This is identified in the Burnham Neighbourhood Plan (BNP) policy RI.3 as follows.

"Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix 1) will be safeguarded.

Insofar as planning permission is required, their conversion to residential use will not be supported."

5.1.9 Appendix 1 and figure 8 of the BNP identifies the site is in a primary river related building use and thus, it is protected by the abovementioned policy and it falls within employment land as identified. The previously submitted Assessment of Economic Viability Report, as part of application 19/00560/FUL, states that the boatbuilding and repair shed was recently used for repairing lawnmowers and this justifies that the building can still be used for employment purposes. Given that the information submitted with the current application is limited to suggest that the site was used for other purposes than those related with the boatbuilding for a continuous period of ten years it is considered that, on the basis of the information available to the Council, the application site appears to be in a lawful use associated with river and boat related

uses. The buildings do not appear to be currently in use, nonetheless, it is considered that this cannot discount the option of repairing the buildings and using them for purposes similar to their lawful use. As such, whilst the applicant's argument regarding the condition of one of the outbuildings is taken into consideration, it is noted that the condition or usage of the existing buildings cannot justify loss of the employment land or river related uses.

- 5.1.10 The proposal is to demolish the metal framed building and use the southernmost unit as covered storage used for residential purposes and thus, the proposal would result in some loss of existing employment facilities. As such, the development should be assessed against the requirement of policy E1, which states:

“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 that 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 The site has a historic primary river related use for boatbuilding and repairs and its utilitarian and functional appearance and its presence forms an important part of the character and history of the locality. As such, it cannot be argued that the existing building is unacceptably harmful to the amenity of the area and thus, criterion 1 of policy E1 is not met.
- 5.1.12 Taking into consideration the adverse impact that the development would have to the maritime character of the area, the fact that the Council can demonstrate a housing land supply in excess of five years and no identified need for larger (three or more bedrooms) dwellings, it is not considered that the proposed enlarged dwelling would be a greater benefit to the local community than the existing use, as required by criterion 2 of policy E1.
- 5.1.13 No evidence of marketing of the employment units to the rear part of the application site has been submitted and thus, the third criterion cannot be met. Whilst it is noted that as part of this re-submitted application the following statement has been added to the Design and Access Statement; *‘The property was first advertised for sale in September 2016 after a planning application was granted for development of the building into flats. In the 3½ years that the property was on the market it was viewed only 8 times with just a single offer to buy, but that sale fell through. Finally, the Dawson family purchased the property in August 2019.’* No evidence in this respect has been provided and, in any case, it would not constitute evidence that the employment units have been marketed.

- 5.1.14 Further information in respect of the applicant's personal aspirations and circumstances has been provided within the Design and Access Statement. However, whilst this information is noted it does not justify the conflict with the above policies or outweigh the harm.
- 5.1.15 Therefore, given the above assessment the development would result in an unacceptable loss of employment land which would be to the detriment of the local community and the local development objectives. It should be noted that the same approach was taken by the Inspector who assessed a similar proposal (application reference: 17/00845/FUL, appeal reference: APP/X1545/W/18/3206011) for the demolition of an existing boat storage shed and the erection of dwellings and dismissed the appeal on the basis of the non-compliance with policies E1 and E5 of the Local Plan and policy RI.3 of the NDP.
- 5.1.16 The proposed development is identical to that refused under reference 19/01190/FUL, whilst the additional information contained within the Design and Access Statement has been taken into account, it is not considered to overcome the objections raised in terms of the unacceptable and unjustifiable loss of employment land, which relates to the maritime character of the area and the partial loss of a retail unit within a primary shopping area and a town centre location. Thus, although no objection is raised to a residential development within the defined settlement boundaries of the District per se, the development would be contrary to the LDP Policies E1, E2 and E5 and the aims of the NPPF to encourage sustainable economic growth and ensuring the vitality of town centres.

5.2 Housing Need and Supply

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities '*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for*'. Paragraph 61 continues stating that "*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies*".
- 5.2.2 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner occupied properties having three or more bedrooms. The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The proposed development would result in an enlarged dwelling, which would however provide the same number of bedrooms (five-bedroom dwelling) and thus, it would have a neutral impact on the provision of housing in the district.

5.3 Design and Impact on the Character of the Area

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

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

- 5.3.3 This principle has been reflected to the approved LDP. 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;

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

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy

also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 The proposed development is identical in terms of design and appearance to that proposed under reference 19/01190/FUL. There have been no significant changes to the site, surrounding area or policy position since the determination of application 19/01190/FUL. Therefore, the below assessment is in line with that previously undertaken.
- 5.3.7 The application site comprises a two storey Edwardian traditional brick building which fronts Station Road. At ground floor there is retail frontage on the corner and the rest of the building is residential. The main building has a relatively plain form but attractive detailing, including ornamental terracotta window surrounds and headers and a glazed tile shopfront with stall riser. The proposed conversion of the building to the north, to enlarge the existing residential unit, would result in limited external alterations. To the elevations facing the highway, only the doors are proposed to be replaced with decorated timber framed doors and the signage of the shop which will only change the lettering on the existing decorating fascia. These alterations would have a minimal impact on the building and they would not result in a harm to the character of the conservation area.
- 5.3.8 The alterations to the rear of the building would include the erection of a single storey, mono-pitched roof rear extension. The extension would be of a limited size in relation to the main dwelling and thus, it would appear subservient. The roof of the extension would be in keeping with the design of the main roof of the building and it would not conflict with the existing features, such as fenestration, of the building. In terms of materials, the extension would be finished in facing brickwork with soldier courses over opening and natural slates to the roof. This would match the material of the existing building and thus, overall it is considered that the extension would be sympathetic to the main building. It is also noted that the extension would be largely hidden behind the existing two storey projection to the south and thus, it would result in a minimal impact on the appearance of the streetscene. Overall this element of the development would be acceptable in design terms and it would preserve the character of the conservation area.
- 5.3.9 Policy RI.3 of the Burnham-on-Crouch Neighbourhood Development Plan requires that “Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix 1) will be safeguarded”. The site falls within the identified primary related river employment uses and therefore, in line with the requirements of the NDP it should be protected for its character.
- 5.3.10 The single storey workshops at the rear part of the building are of even greater significance to the character and identity of the town from the buildings to the north, due to their utilitarian character, which supports what the Burnham-on-Crouch Conservation Area Review and Character Appraisal (BCARCA) describes as a “strong aesthetic and clear functionalism which provides contrast and variety”. Although it is undesirable to see the existing corrugated steel building removed, due to

its utilitarian character and relationship with the character of the area, consideration is had to the poor condition, which limits its value. Therefore, on balance, no objection is raised to the loss of this building, in terms of the level of harm caused to the conservation area.

- 5.3.11 The proposed development would effectively result in undesirable loss of the existing historic use of the site for maritime related purposes and also in loss of an existing utilitarian in character structure. However, the existing southernmost workshop building would be retained. This outbuilding, to the rear boundary of the site, is brick built with a gable end fronting the access road and makes a significant contribution to the character and appearance of the Conservation Area. As such, the retention of this building would be beneficial to the preservation of the character of the conservation area.
- 5.3.12 The proposed painted timber gates and fence, although not characteristic of the area, it would be, on balance, acceptable and not materially harmful to the character and appearance of the conservation area.
- 5.3.13 On the basis of the above assessment, although the loss of the maritime related uses is undesirable, given that the site is located further away from the waterfront and the fact that part of the buildings are proposed to be retained and that the proposed extensions would preserve the character of the area, on balance, it is considered that the development would be of an appropriate appearance, design, scale and character and it would preserve the character of the conservation area. Whilst a different approach was taken at the assessment of the proposal for the redevelopment of the malting storage shed to the south of the application site (application reference: 17/00845/FUL, appeal reference: APP/X1545/W/18/3206011), it is considered that there are material differences between the two developments, in respect of impact on the Conservation Area, namely the prominence of the location and the proximity to the river Crouch and also the complete loss of the that building. Therefore, on balance and in this particular instance, no objection is raised in relation to the impact of the development on the character of the Conservation Area, which it is considered would be preserved.

5.4 Impact on Residential Amenity

- 5.4.1 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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.4.2 The application site is located within the town centre of Burnham-on-Crouch in area of mixed residential, town centre and other maritime uses. There are dwellings to the west of the site, industrial buildings to the south of the site and commercial premises to the east of the site and along the High Street.
- 5.4.3 The development would retain the existing residential and retail uses on site and the commercial uses to the south would be removed. Therefore, it is expected that the

impact of the development on the surrounding occupiers, in terms levels of activity and disturbance, would be comparably less from that potentially caused by the current use of the site.

- 5.4.4 The proposed rear extension would be contained between an existing single storey projection along the western boundary of the site and the two-storey projection to the east. Therefore, by reason of the position, single-storey nature of the development and relationship with the neighbouring units, it is not considered that the proposed extension would result in any material harm to the adjacent occupiers, by way of overshadowing, domination or unacceptable loss of privacy.
- 5.4.5 All other alterations proposed, including the demolition of the existing corrugated steel structure and the extension of a fence along the eastern boundary, are not considered to result in an adverse impact on residential amenity.
- 5.4.6 In light of the above, it is considered that the proposed development would be acceptable in terms of its impact on residential amenity.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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.
- 5.5.2 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.
- 5.5.3 It is noted that the site is located within a town centre location and at present does not benefit from off-street parking and a minimum of four parking spaces (three for the industrial use and one for the existing dwelling) would be required to be provided.

- 5.5.4 The proposal would result in the enlargement of the existing dwelling on site, the reduction of the size of the shop and the complete removal of the industrial uses on site. The proposed development would result in four off-street parking spaces being provided within the area previously occupied by the corrugated steel building, which will be of a size that meets the requirements of the Vehicle Parking Standards. No parking is required for shops within town centres and thus, the development would result in over-provision of off-street parking for the on-site uses. Therefore, no objection is raised with regard to parking provision for the proposed development.
- 5.5.5 The Highway Authority has been consulted and raised no objection in relation to the impact of the development on the highway safety or highway network.
- 5.5.6 Although no details of the provision of onsite store for bicycles has been shown, it is considered that there is sufficient space within the application site, which would be able to accommodate a bike and refuse store. Should permission be granted, the provision of a cycle store should be secured by condition.
- 5.5.7 The proposed development would be capable of providing a convenient and usable level of refuse storage for the development and occupiers, in compliance with the MDDG and thus, no objection is raised in that respect.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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 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 25m² for flats.
- 5.6.2 The proposed development, following the removal of the corrugated steel building, would still result in an outdoor amenity area greater than 100sqm, excluding the area to be provided for off-street parking. It is therefore considered that the amenity space provided would be adequate to meet the outdoor amenity space requirements of the future occupiers.
- 5.6.3 No soft landscaping is currently provided on site at an area visible from the streetscene. The proposal would make use of the existing garden to the rear of the building, which is currently grassed over. As a result, no objection is raised with regard to the provision of soft landscaping.

5.7 Flood Risk

- 5.7.1 The site where the development is proposed lies within Flood Zone 3.
- 5.7.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

- 5.7.3 The proposed development involves the conversion of a retail unit to a residential unit and paragraph 164 of the NPPF states “Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments”. The proposed development would also involve small scale operational development (single storey rear extension). However, as this is an extension to the existing dwelling and thus, there is no need to pass the sequential test.
- 5.7.4 A Flood Risk Assessment has been submitted with the application, which states that site is located within an area that is protected from flood defences along the banks of the river. Furthermore, it is advised that the floor levels of the proposed extension would be set at the same level as the existing building and will include the provision of a concrete beam and block so as to reduce any damage caused by flood water. It is also noted that details of flood proofing/resilience and resistance techniques will be utilised in accordance with “*Improving the flood performance of new buildings*” CLG (2007). Moreover, due to the demolition of the corrugated iron building, the surface water will be reduced and the rainwater collected from the proposed extension will be disposed in a soakaway in the rear garden.
- 5.7.5 The Environment Agency has not responded to the consultation for this submission but did at the time of the previous application 19/01195/FUL. Considering the application is identical to the previous submission (with the exception of additional information contained within the Design and Access Statement) it is considered that the comments are still relevant to this application.
- 5.7.6 The Environment Agency previously raised no objection to the proposed development, given that the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. Therefore, the site is not currently at risk of flooding. It is noted though that a Flood Evacuation Plan has not yet been submitted and thus, should permission be granted the submission of a Flood Evacuation Plan should be secured by condition.
- 5.7.7 It is also noted that no objection has been raised by the Lead Local Flood Authority in terms of surface water.
- 5.7.8 Therefore, on the basis of the above assessment, no objection is raised with regard to flood risk.

5.8 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.8.1 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.
- 5.8.2 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), 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.

- 5.8.3 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 have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.8.5 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.
- 5.8.6 To accord with Natural England’s requirements, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (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 below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to the enlargement of one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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.

5.8.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.8.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore, constitutes an emerging document for the Council. Given the fact that the development would not increase the number of residential units on site (there is currently one dwelling and the proposal would result in one enlarged dwelling), it is considered that it would not result in an increased impact on the protected habitats and therefore, a contribution towards Essex Coast RAMS would be unreasonable to be sought.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
15/00901/FUL	Partial reinstatement of 171 Station Road to full residential use. Conversion of brick outbuilding to residential use. Reinstating the wall between the residential and retail areas to reduce the existing retail area. Removal of dilapidated metal clad outbuilding (between rear of 173 and brick outbuilding) and replacement with residential accommodation. With the development comprising a total of 8 residential flats (3no 1 bed units, 5no. 2 bed units) 1 retail unit and associated vehicle access/parking and amenity.	Withdrawn
16/00431/FUL	Retention of existing retail frontage and unit at 173 Station Road, but with a reduced floor area. Conversion of 171 Station Road to self-contained flats. Retention and refurbishment of brick outbuilding to accommodate residential accommodation. Removal of dilapidated metal clad outbuilding (between rear of 173 and brick outbuilding) and replacement with residential accommodation. With the development comprising a total of 7 residential units (3no. one bed units, 4no. two bed units) 1 retail unit, and associated vehicle access/parking and shared amenity space.	Approved
19/00560/FUL	Demolish existing rearward projection at no. 171, metal clad building to the rear of no.173 and partially brick building along rear boundary of the site; erect part single part two storey	Refused

Application Number	Description	Decision
	extension to the rear of no. 173 and convert the existing building to form seven flats and a smaller retail unit. The development to be served by communal amenity space and off-street parking	
19/01190/FUL	Partial change of ground and first floor from shop (A1) to residential (C3), demolition of outbuilding to the south of the building, erection of single storey rear extension and installation of new fence and gates	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support this application. The previous application was refused on the grounds of Boc NDP policy R1 was erroneous. The property has never been associated with river-related trades.	Noted and addressed within paragraph 5.1.8 and 5.1.9.

7.2 Statutory Consultees and Other Organisations)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection, subject to conditions.	Noted.
Lead Local Flood Authority	No objection, due to the size of the site, which would not result in significant flood risk.	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment	Noted.
Conservation Officer	No objection. This proposal will cause no harm to the significance of the heritage asset. It is therefore compliant with the policies set out in Chapter 16 of the NPPF	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	and Policy D3 of the Maldon LDP.	

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 5 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
We really need to support everybody who wishes to upgrade and respect Burnham shops as well as regenerate commercial and residential buildings that have remained derelict for many years.	Applications for planning permission need to comply with policies contained within the Local Development Plan, this proposal does not, for the reasons given within this report.
The reduction of the commercial floor area will have a limited impact upon the retail area.	Noted and addressed within section 5.1 of the report.
The development will retain retail space and be sympathetically restored.	Noted and addressed within section 5.3 of the report.
The demolition of the outbuilding will result in an increase of off-street parking.	Noted and addressed in section 5.5 of the report.

8. **REASONS FOR REFUSAL**

- 1 The development would result in an unjustifiable loss of employment land and part of a site that contributes to the tourist attraction of Burnham-on-Crouch to the detriment of the local community and local economic development objectives. The development would therefore be unacceptable and contrary to policies S1, E1 and E5 of the Maldon District Local Development Plan (2017), policy RI.3 of the Burnham-on-Crouch Neighbourhood Plan and Government advice contained within the National Planning Policy Framework (2019).
- 2 The proposed development would result in partial loss of an existing retail unit within a Primary Retail Area and unavoidably result in a unit that is unlikely to suitably function as a retail unit. This would be to the detriment of retail character, function, vitality and viability of the designated shopping area, contrary to policy E2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).