



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
30 SEPTEMBER 2020**

Application Number	20/00609/OUT
Location	Winterdale Manor Burnham Road, Althorne
Proposal	Outline planning permission with matters of access, appearance, layout and scale for determination for the demolition of existing buildings and erection of 14 dwellings with associated infrastructure.
Applicant	Bardwell Plant & Agricultural Services Ltd
Agent	Mrs Tamsin Rogers - 2M Architects
Target Decision Date	05.10.2020
Case Officer	Hannah Bowles
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application Member call in from Councillor R G Boyce (MBE) Reason: D1 design H1 affordable housing


1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	27/08/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

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

The proposal

- 3.1.4 Outline planning permission with matters of access, appearance, layout and scale for determination is sought for the demolition of the existing buildings and erection of 14 dwellings with associated infrastructure.
- 3.1.5 The proposal consists of six no. two bedroom houses, set within terraces of three within the western part of the site, five no. three bedroom detached dwellings four of which are located towards the northern boundary of the site and one which is located in the south east corner of the site and three detached four bedroom dwellings are proposed, two of which are located towards the northern boundary and one towards the eastern boundary.

Plots 1-6 – Two-bed dwellings - (affordable housing)

- 3.1.6 The proposed terraces of two bedroom dwellings will have a maximum width of 14.4m and a depth of 11.6m. Each individual dwelling will have a width of 4.8m. They would have an eaves height of 3.9m and a ridge height of 7.1m. To the rear would be a single storey projection measuring 2.2m to the eaves and 3.5m to the top of the mono-pitched roof. The dwellings would each have a flat roof dormer to the front and one to the rear, with velux windows situated on the mono-pitch roof. The proposed roofs are unusual in that they appear as two separate gambrel roofs. The two bed dwellings would be clad in timber weatherboard and would have plain roof tiles.
- 3.1.7 A double carport measuring 6.5m wide, 6.35m deep and 5.3m to the ridge is proposed serve plot 6.

Plot No.	Private Amenity Space	Parking Spaces
Plot 1	65 metres squared	2
Plot 2	55 metres squared	2

Plot 3	95 metres squared	2
Plot 4	95 metres squared	2
Plot 5	55 metres squared	2
Plot 6	53 metres squared	2 (carport)

Plots 7, 8, 10, 12 and 14 – Three-bed dwellings (open market)

3.1.8 Three different house types are proposed for the five three bedroom dwellings.

Plots 7 and 10

3.1.9 The proposed dwellings to occupy plots 7 and 10 would measure 6.4m in width, 11.1m in depth, 3.9m to the eaves and 7.56m to the ridge. The dwelling would be simplistic in design finished with a gable roof form. The dwelling within plot 7 would be constructed from brick and render and would feature imitation slate roof tiles. The dwelling within plot 10 would be constructed from brick and timber weatherboard and would feature plain roof tiles.

Plots 8 and 12

3.1.10 The proposed dwellings to occupy plots 8 and 12 would measure 6.4m in width, 11.1m in depth, 3.9m to the eaves and 7.53m to the ridge. Two pitched roof dormer windows would be located with the front roof slope and a large pitched roof dormer would be located within the rear roof slope. The dwelling within plot 8 would be constructed from brick and timber weatherboard and would feature plain roof tiles. The dwelling within plot 12 would be constructed from brick and render and would feature imitation slate roof tiles.

Plot 14

3.1.11 The proposed dwelling to occupy plot 14 would measure 6.4m in width, 11.1m in depth, 4.7m to the eaves and 7.56m to the ridge. The dwelling would be simplistic in design finished with a gable roof form and would be constructed from brick and timber weatherboard and would feature plain / imitation slate roof tiles.

Plot No.	Private Amenity Space	Parking Spaces
Plot 7	165 metres squared	2
Plot 8	155 metres squared	2
Plot 10	140 metres squared	2
Plot 12	180 metres squared	2
Plot 14	135 metres squared	2

Plots 9, 11 and 13 – (open market)

3.1.12 Two different house types are proposed for the three four bedroom dwellings.

Plot 9 and 11

3.1.13 The proposed dwellings to occupy plots 9 and 11 would measure 8.9m in width, 9.75m in depth, with a maximum eaves height of 4.7m and a maximum ridge height of 8m. The dwellings would also feature an attached garage measuring 3.2m in width

and 7.5m in depth. The garages will not be accessible integrally from the host dwelling and would be set back 5.6m from the principal elevation. The dwelling within plot 9 would be constructed from brick and render and would feature imitation slate roof tiles. The dwelling within plot 11 would be constructed from brick and timber weatherboard and would feature plain roof tiles.

Plot 13

3.1.14 The proposed dwelling to occupy plot 13 would measure 8.9m in width, 9.8m in depth, 4.7m to the eaves, with a maximum ridge height of 8m. The dwelling has a staggered roof line with a two storey side element which has a lower ridge height at 7.3m and a single storey element to the front which is finished with a lean-to roof form. The dwelling would also feature an attached garage measuring 3.2m in width and 7.5m in depth. The garage will not be accessible integrally from the host dwelling and would be set back 5.6m from the principal elevation. The dwelling would be constructed from brick and render and would feature imitation slate roof tiles.

3.1.15 A single carport measuring 6m by 3m would serve plot 13.

Plot No.	Private Amenity Space	Parking Spaces
Plot 9	220 metres squared	4 (1 x garage space)
Plot 11	230 metres squared	4 (1 x garage space)
Plot 13	120 metres squared	3 (1 x carport space)

3.1.16 In addition to the dedicated carparking spaces 14 visitor bays have been marked out on the submitted block plan.

3.1.17 The existing access point towards the eastern end of the site would be widened and upgraded as part of the development.

3.1.18 The submitted plans show illustrative landscaping details which shows tree planting within the site. There is an area of open space along the front (southern) boundary of the site.

3.1.19 The applicant has proposed Planning Obligations to secure affordable housing and the necessary RAMS contribution.

Background

3.1.20 This application follows the refusal of a previous application, reference 18/01390/FUL, which proposed the demolition of the existing buildings and erection of 14 dwellings with associated infrastructure. The application was refused in June 2019 for the following reasons:

1. *The proposed development would result in the loss of employment land. No justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been marketed for sale and that there is a confirmed lack of interest.*

The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E1 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).

- 2. The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).*
- 3. The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2019).*
- 4. The proposed development as a result of its unacceptable visual impacts and urbanisation and domestication of the site, the failure to provide sufficient car parking provision and the lack of sufficient amenity space provision at plot 2 will result in the overdevelopment of the site. The proposal is therefore contrary to policies S1, S8 D1, H4 and T2 of the Maldon District Local Development Plan, the Maldon District Design Guidance and the National Planning Policy Framework.*
- 5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.*

3.1.21 The application should not be approved unless the previous reasons for refusal have been addressed. The main amendments to the scheme are as follows:

- 6 x affordable housing units are proposed.
- Updated marketing and loss of employment land information has been supplied.
- Previously plots 7-11 accommodated the proposed 3-bed dwellings and plots 12-14 accommodated the proposed 4-bed dwellings. A slight amendment to the layout has resulted in plots 7, 8, 10, 12 and 14 containing the 3-bed units and plots 9, 11 and 13 containing the 4-bed units; with associated amendments to the plot sizes to ensure adequate amenity space size.
- Three different house types were proposed at the time of the previous application. Six different house types are proposed under the terms of this application.
 - The six 2-bed units remain unaltered when compared to the previous application.
 - The five 3-bed units would be provided in the form of three different house types (detailed above). The original design of the 3-bed units proposed under application 18/01390/FUL has been amended, the flat roof dormers to the front have been replaced by pitched roof dormers and the dormers to the rear have been replaced by large rear gables.
 - The three 4-bed units would be provided in form of two different house types. The original design of the 4-bed units remains unaltered.

3.2 Conclusion

- 3.2.1 The application is a follow up to a previously refused scheme for fourteen dwellings, detailed above, and seeks to address the previous reasons for refusal. The application site is located adjacent but outside of the settlement boundary of Althorne, in an unsustainable location, where future occupiers would be heavily reliant on a motor vehicle contrary to policies S8 and T2 of the Local Development Plan (LDP).
- 3.2.2 Further, the proposal, as a result of the scale, bulk and design of the proposed dwellings and the layout of the site, would result in a contrived form of development that results in material harm to the site and character and appearance of the area. The proposed development would therefore represent the unjustified sprawl of built form into the countryside and an unnecessary visual intrusion.
- 3.2.3 Furthermore, in the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the development makes no contribution for affordable housing or the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As a result, the development would have an adverse impact on the European designated nature conservation sites and would not contribute to a strong vibrant community as it would not provide a supply of housing required to meet the needs of present and future generations contrary to Policies S1, S8, D1, H1, H4, N1, and I1 of the Maldon District Local Development Plan (MDLDP) and the National Planning Policy Framework (NPPF).
- 3.2.4 Whilst it is noted that there are some limited benefits arising from the scheme, it is not considered that those benefits would be sufficient to outweigh objections highlighted above.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

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

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 Policy S8 of the Local Development Plan (LDP) indicates that outside defined settlements housing will not normally be allowed and that the landscape will be protected for its own sake. The site is outside the development boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the approved policies. Policy S8 also includes a list of acceptable forms of development within the countryside, the proposed development does not fall within any of the listed categories.
- 5.1.4 It is noted that the site is adjacent to the development boundary, but as a matter of fact it is outside of the settlement boundary. The boundaries are confirmed within the LDP and therefore the appropriate, balance between the needs of housing provision and environmental/landscape protection has been established.
- 5.1.5 Within appeal APP/X1545/W/18/218535, which was for two dwellings within Mangapp Chase, Burnham-on-Crouch, the Inspector stated:
- ‘policy S8 of the Local Plan defines the site as being outside of the settlement boundary of Burnham-on-Crouch. The site is therefore within the countryside, which policy S8 seeks to protect for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Consequently, the development within the countryside is restricted to those types identified within policy S8 of the Local Plan, none of which has been advance by the appellants’*
- 5.1.6 The Inspector then goes on to discuss how the NPPF at paragraph 68 states that windfall sites should be suitable and within existing settlements for homes and was not, therefore, persuaded that the site was suitable for development.
- 5.1.7 Although the characteristics of the abovementioned appeal are different to this application and that is acknowledged, the matter of fact is that the Inspector notes the importance of policy S8 and that residential development should not be permitted outside of the defined settlement boundaries.
- 5.1.8 Further, in relation to the above, a full history search of the surrounding area from 2013 to the present day has been conducted and it must be noted that no comparable

(in terms of policy position) planning applications for new dwellings have been granted by the Council or at appeal in recent years. This weighs heavily against this application and demonstrates that sites outside the defined settlement boundaries of Althorne are not considered suitable locations for housing.

- 5.1.9 The above assessment is in line with that undertaken at the time of the previous application. There are no alterations to the scheme, site, surrounding area or policy position that would alter this stance.
- 5.1.10 Other material planning considerations including the loss of an employment generating use, impact of the development on the character of the site and surrounding area and the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

5.2 Loss of an Employment Use

- 5.2.1 The proposal would result in the loss of an employment site. Although the site is currently vacant, it was previously used by a communications company for office and light industrial purposes. On that basis, the redevelopment of the site to provide residential accommodation would result in the loss of employment land and therefore, the development would need to be assessed against policy E1.
- 5.2.2 Policy E1 of the MDLDP states that *“Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
 - 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
 - 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated the at the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.*
- 5.2.3 In relation to criterion 1, it is noted that the exiting use of the site is not considered to cause harm to the character of the locality, given that the majority of the buildings are single storey and reflect the rural nature of the surrounding area.
- 5.2.4 It is also noted that the Manor House historically had a residential use, that was converted into an office building along with the outbuildings at the application site. The permission to use the site as an office building was a personal permission (FUL/MAL/89/01060 and FULF/MAL/91/00565). The applicant suggests that the reason for the personal permission may have been because the Council did not consider that an open office use would have been acceptable in this area. However, the decision notices relating to the above mentioned applications state that the personal permissions were granted for the following reasons:

FUL/MAL89/01060 - *‘in view of the personal circumstances of the applicant only and to ensure that the use remains within the class specifically applied for having*

regard to the need to protect the amenities of adjacent residential properties and to ensure that the highway implications of any proposed changes are considered'
FUL/MAL/91/00565 - *'in view of the personal circumstances of the applicant only'*

- 5.2.5 Given that the reason for the personal condition was altered as part of the 1991 application, omitting matters relating to neighbouring amenity and highway implications, it is not considered that the applicant's assumption that the personal permission was granted because an office use would be acceptable in this area is incorrect. Therefore, this does not demonstrate that the existing use harms the amenity of the surrounding area.
- 5.2.6 In relation to the second consideration, it is noted that although the proposed development would result in the provision of fourteen dwellings, the Council has an up-to-date development plan and is able to demonstrate a 5.27 year housing land supply against its adopted targets and therefore, can meet the requirements of the NPPF in terms of housing delivery (this is discussed in detail within section 5.4). Thus, the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. It is therefore considered that although the development would have some benefit towards providing housing accommodation, this would be limited. In addition, whilst it is noted that the proposal would provide six smaller units, the housing mix does not comply with the required percentage of smaller dwellings (60%) by policy H2. Therefore, it is considered the existing lawful use, albeit the site is currently vacant, has a greater land use community benefit than that what is proposed.
- 5.2.7 Regarding the third criterion, a letter from property consultants Fenn Wright, dated 20th April 2020, has been submitted with the application documents and contains the following information (summarised):
- Demand for office premises has remained stable over the last 12-18 months.
 - The majority of enquiries received are from those looking for city or town centre accommodation with strong transport links.
 - A list of comparable, commercial properties which are on the market and have been successfully let, in Maldon and South Woodham Ferrers, has been provided and demonstrates the achievable rent for office accommodation is between £8 - £14 per sq. ft.
 - The challenges of marketing the property have been highlighted as follows;
 - The site is competing with local centres that can offer better transport connections which are in more commutable locations for staff.
 - The personal permission restricting the site adds a layer of complexity as the potential tenant would have to seek permission.
 - The property has been on the market since May 2019 and remains on the market (the property is listed on Rightmove to date).
 - The quoting rent is £8 per sq. ft. The rent has been based on comparable evidence and taking into account the limiting factors.
 - The property has been marketed using a variety of different platforms. Including 24/7 listing on all the main property portals plus preparation of site specific particulars and supporting mailshots as follows:
 - Colour marketing particulars with floor plans
 - Internet advertising on Fenn Wrights website, Rightmove, Onthemarket, Egpropertyling.
 - Property Mailouts

- A total of 6 enquires and no offers were received. The details of the business, dates of enquiries, details of the enquiry and reason for enquiry closing have been set out. The businesses who enquired range from a Special Education Needs School, Jewellery Workshop, Children's Nursery and Spa, support living for adults with learning difficulties and private individuals. The reasons for the enquiries not being pursued range from the configuration of the buildings, unit being too large, and the applicant going cold.
- The conclusions drawn are as follows:
 - There have been no serious applications to use the property as a B1 use.
 - In order to attract more enquiries the price could be lowered. However, dropping the price is likely to result in the maintenance of the site being uneconomical.
 - Starting a new campaign offering the units in part could be an option. However, in the opinion of the professional property consultant this would lead to a considerable void period, in which time the property could fall into further disrepair. In addition, this option will also result in greater management complexities.
 - A change of use or widening of the use class would attract applicants.
 - The removal of the personal permission would enhance marketability.

5.2.8 In addition to the above, during the course of the application a Loss of Employment Land Justification Statement prepared by Richard Bray of Arebray Development Consultancy dated July 2020, was submitted and contains the following information (summarised):

- The site has been vacant since June 2014 and has been extensively marketed over this period by the previous owners and my client. The site has been fully marketed and a detailed record kept of all enquiries since May 2019 (this information was submitted with the previous application).
- It was on the Market to rent through local agent Kemsley between 2014 and 2018, without interest, until my client purchased the site. There was a short period where the site was not marketed between 2018 and 2019.
- The configuration and age of the buildings and secondary nature of the location combine to limit its demand in the market.
- The buildings are in a lettable condition, although would require some cosmetic enhancement upon occupation.
- The site was previously used as a manufacturing facility for electronic products with associated storage and office space. This use was personal to this company. Any other occupier would require a new consent, however this would unlikely be personal in nature given subsequent changes in national planning guidance which now consider such personal conditions to a company too prescriptive.
- During marketing the personal permission was disclosed to potential occupiers and it was also made clear that any offer to occupy the site could be conditional upon obtaining the necessary consents required for their occupation. This is not unusual when letting a property.
- There is demand for space in the District but this demand is focused towards newer and regenerated areas at the Causeway and Wyke Hill in Maldon. Older poor-quality industrial locations are not fairing so well, and it is difficult to improve this stock due to the viability of developing secondary sites for commercial use. It is our opinion that this often leads to a downwards spiral, with high levels of vacant or abandoned uses, such is the case on this site.

- It is apparent that the configuration of the buildings is the biggest issue, the fragmented arrangement is not ideal in running a business. There are attractive features such as plenty of parking, reasonable access to broadband (67 Mbps is available) and a reasonably attractive main building in the form of the manor house.
- The enquiries received did not cite the rental cost as a reason for not proceeding so the quoted rents would appear appropriate.
- It is unlikely that this situation will improve in time and sites like this would not be viable to redevelop for commercial use.

- 5.2.9 The loss of employment land formed a reason for refusal at the time of the previous application 18/01309/FUL. The main issues raised within the assessment at that time related to the lack of evidence and information in relation to the marketing period and given that the marketing occurred in 2014 and 2015 it was considered that the information was out of date. In addition, it was noted that no attempt has been made to remove the condition which restricts the occupation site.
- 5.2.10 The information submitted from the professional property agents Fenn Wright, in terms of the marketing strategy, confirms that internet advertising, for its existing use, took place on a number of platforms and targeted mail shooting. These are typical forms of effective marketing. Whilst it is noted that no evidence has been supplied to confirm that this was undertaken, the property remains advertised on the platforms set out above. In addition, Fenn Wright are a well known professional estate agents and their statement, signed by a Senior Partner, carries significant weight in this respect. In terms of the property being advertised at a comparable market rate, the guide price has been supplied and information to demonstrate that it is a comparable market rate has been satisfactorily provided. The Loss of Employment Land Justification Statement also highlights that from the enquiries received, the rental cost was not cited as a reason for not proceeding.
- 5.2.11 It is noted that the property was marketed for 11 months. Whilst the Local Planning Authority (LPA) would generally expect the property to be marketed for a minimum of 12 months, given the quality of the information submitted and taking into account that the property has previously been extensively marketed, it is considered that in this instance the information provided demonstrates that the property has been effectively marketed at a comparable market rate.
- 5.2.12 As set out in the summarised information above, it is the opinion of the property consultants that a number of factors in this case are impacting the viability of the site for an employment use. In addition to noting the positive aspects of the site, it is stated that the age and configuration of the buildings and location of the site removed from a town centre location, limit the market demand and it is noted that the market has remained stable over the last 12-18 months.
- 5.2.13 In relation to the personal permission discussed above, at the time of the previous application it was considered that the applicant's failure to attempt to remove the condition resulted in a failure to explore the potential long-term market demand for the site. It should be noted that since the determination of the previous application, the applicant has not submitted a valid application in this respect. In addition, it is also noted that the information provided from Fenn Wright states '*The removal of the personal permission would enhance marketability*'. However, it is also noted that the

majority of enquiries received in respect of letting the property would have had to apply to change the use of the site regardless of the personal permission. In addition to this within the Loss of Employment Land Justification Statement it states *'During marketing the personal permission was disclosed to potential occupiers and it was also made clear that any offer to occupy the site could be conditional upon obtaining the necessary consents required for their occupation. This is not unusual when letting a property.'* Having regards to this and taking into account the information supplied, the extensive marketing and viability of the site for an employment use, it is not considered that the failure to remove the condition resulting in a personal permission has resulted in ineffective marketing of the property.

- 5.2.14 Therefore, having regard to the above assessment it is considered that on balance, it has been demonstrated that the use of the site for employment purposes no longer appears a viable or attractive option taking into account the small number and nature of enquiries, the poor state of repair, condition and configuration of the buildings, and site's existing and potential long-term market demand for an employment use.
- 5.2.15 Although it is considered that it has been demonstrated that the site is no longer viable for employment purposes, this is not considered to outweigh the identified harm and conflict with policies contained within the LDP.

5.3 Previously Developed Land

- 5.3.1 The application site represents previously developed land. To make effective use of land, paragraph 118 of the NPPF requires that policies and decisions should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'* This is also supported by policy S1(3) of the LDP which promotes the effective use of land and prioritises development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations. It should be noted that although the site can be considered as previously developed land, it should be highlighted that paragraph 118(c) of the NPPF refers to suitable brownfield land within settlements for homes and other identified needs. As discussed above, the development is outside the defined settlement boundaries. It is also important to note that the Council can demonstrate a housing supply in excess of 5 years and although this should not work as a ceiling to housing provision, it is clear that the Council is not in a position that would be required to allow development which would otherwise be unacceptable and that the Council can give full weight to the content of the development plan.

5.4 Affordable Housing, Housing Mix and Housing Supply

Affordable Housing

- 5.4.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site falls within the sub-area of Rural South and therefore, the requirement towards affordable housing has been set at 40% of the total amount of housing provided.

- 5.4.2 The application proposes 14 dwellings therefore 5.6 affordable units of accommodation need to be provided in order for the proposal to be policy compliant.
- 5.4.3 The applicant has supplied differing proposals in terms of affordable housing. Within the Planning Statement it is stated that *'the proposed development can supply the six 2 bed units as affordable housing and therefore addresses the requirements in Policy H1.'* Within the Affordable Housing Statement it states *'The Gross provision is 5.6 Units, as such 5 units would be provided on site with 0.6 units provided by way of contribution.'* No specification of which 2-bed units would be affordable has been provided in this respect. The applicant indicates a willingness to enter into a S106 legal agreement. However, this has not been submitted in support of this planning application.
- 5.4.4 Whilst both proposals would be policy compliant the Council's housing team have assessed the proposal based on the six 2-bed units being provided to meet the affordable housing provision and have advised that this would meet the requirements of policy H1. Although the provision of 40% affordable housing provision is a positive element of the development it is noted that any development, including those within the settlement boundaries, would have to provide affordable housing in accordance with the requirements of LDP policy H1 and it should be noted that the benefits arising from this element of the development are not exceptional.
- 5.4.5 In the absence of a signed legal agreement the development makes no contribution for affordable housing, and would therefore not contribute to a strong vibrant community as it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development, contrary to policies S1, H1 and I1 of the LDP, and Government guidance as contained within the NPPF.

Housing Mix

- 5.4.6 The Council's updated Strategic Housing Market Assessment (SHMA), published in 2014, identifies that for all housing types one- and two-bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. The required ratio is for 60% of new housing to be for one or two-bedroom units and 40% for three bedrooms plus units.
- 5.4.7 The clarification to policy H2 details that *'An appropriate mix of housing in new developments will help to enable a better flow of the existing housing stock. The Council will require new development to incorporate a range of different housing types which contribute towards meeting the identified housing needs for different demographic groups in the District. As recommended by the latest SHMA update, the Council will encourage a greater proportion of one- and two-bedroom properties to be developed to meet the demand for owner occupied and intermediate housing in the District.'*
- 5.4.8 The proposal would provide the following dwelling mix:
- 6 No. 2 bedroom dwellings
 - 5 No. 3 bed dwellings
 - 3 No. 4 bed dwellings

On the basis of the above, the proposal, when assessed in its totality, would provide 43% smaller two-bedroom dwellings, and 57% of larger three and four-bedroom dwellings. Therefore, the development would be below the required percentage of smaller dwellings (60%) to meet the District's housing need. Therefore, the proposal would fail to meet the Council's need for smaller dwellings and it would not support the provision of mixed and balanced communities as required by the NPPF. However, the housing mix has not been amended as part of this re-submission and did not previously form a reason for refusal therefore, it would be unjustifiable to introduce this as a reason for refusal under the terms of this application.

Housing Need and Supply

- 5.4.9 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. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.4.10 On 19 February 2019 the Government published the results of the first Housing Delivery Test (HDT), which stated that the Maldon District had passed the HDT (101%) and as a result does not need either an Action Plan or 20% buffer. Consequently, the buffer in the 2018/19 FYHLS has been amended to 5%. This change results in the Council being able to demonstrate 5.27 years' worth of housing supply against its identified housing target. As there is a sufficient supply of housing land in the District and the Council's housing provision policies are not out-of-date, NPPF paragraph 11d is not engaged in this case.
- 5.4.11 Whilst the Council can demonstrate 5.27 years' worth of housing supply this does not preclude the granting of further residential development as long as it is found to be sustainable development as per the NPPF and adopted LDP policies. It does however mean that the provision of additional housing does not weigh in favour of the development as much as if there was a housing supply shortage in the District and development that would otherwise be found unacceptable need not be approved due to housing supply shortages.

5.5 Design and Impact on the Character of the Area

- 5.5.1 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.
- 5.5.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.5.3 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.
- 5.5.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.5.5 The Althorne Village Design Statement discussed Buildings of Special Interest and states, wherever possible buildings should be saved rather than demolished and replaced. However, it is noted that Winterdale Manor is not one of the buildings listed. In addition, the Council’s Conservation Officer has confirmed that the building does not possess sufficient significance to qualify as a non-designated heritage asset for the purposes of paragraph 196 of the NPPF.
- 5.5.6 The application site lies outside the defined settlement boundaries of Althorne. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.5.7 The impact of the proposal on the existing site and character and appearance of the area formed a reason for refusal under the terms of application 18/01390/FUL. The reason for refusal specifically states *‘The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived*

and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality.'

- 5.5.8 The application is for outline planning permission with matters of access, layout, scale and appearance for determination, landscaping is a matter for consideration at the reserved matters stage, should the application be approved.
- 5.5.9 The application in terms of layout, appearance and design is largely in line with the previously submitted application 18/01390/FUL. As set out above the changes to the scheme, in this respect, result in an amendment to the original house types proposed for the 3-bed units, additional house types being introduced and a slight amendment to the layout which has arisen from changes to the positioning of the 3 and 4 bed units which has resulted in an amendment to a number of the plot sizes. With the exception of the minor amendments described to the layout, it remains unaltered along with the number of units proposed and vehicular access track and only very minor amendments to the pedestrian routes have been proposed.
- 5.5.10 The proposal would result in a spread of built form across the majority of the application site. Whilst there are existing buildings within the application site, their floor area coverage is very limited, leaving large areas open and undeveloped. Furthermore, all buildings are set well back from the boundaries of the application site the highway and also, except for the Winterdale Manor property which is a two-storey building, the rest of the structures within the application site are single storey and of a rural nature. The proposed development, in contrast to this, by reasons of its layout and built area would represent a more suburban style of residential development, which would be out of keeping with the current appearance of the application site.
- 5.5.11 In addition, whilst it is noted that there is some existing built form within the site, as noted above those buildings are generally of a rural nature and are concentrated largely to the northwest of the site. Therefore, the density of development proposed would appear as a 'bolt on' of residential development to the adjacent settlement, which would result in the intensification of the site and the countryside for residential purposes. Although it is accepted that the existing site comprises a high level of hardstanding, the increase in the amount of built form on the site and the encroachment of the development to the east of the site, which is currently undeveloped, is not considered to protect or enhance the rural character and appearance of the locality.
- 5.5.12 Further, in relation to the layout of the site, it is noted that the dwellings appear to be positioned within the site with a consideration to meeting policy requirements such as amenity space provision rather than following principles of good layout. For example, the dwellings have no active participation with the street frontage. The side elevations of the dwellings within plots 6 and 14 front the highway, opposed to the principal elevations and plots 7-12 are set back from the highway at a distance ranging from 30m-39m. Furthermore, the scheme fails to follow a set building pattern, which results in the two bedroom terraces to the north facing onto the side elevation of plot 7, and plot 13 being set further forward than plot 14, which will appear contrived from Southminster Road.
- 5.5.13 Whilst the proposed dwellings in isolation are not considered to be of scale out of keeping with the existing dwellings located within the adjacent settlement the

cumulative impact of proposed built form arising from the 14 two storey dwellings, in the proposed location, spread across the entirety of the site, is considered to result the development appearing at odds with the existing development within the surrounding area.

- 5.5.14 In relation to the appearance of the scheme it is considered that there are a number of unresolved design elements. These include but are not limited to, the convoluted roof forms of the proposed two bedroom properties which would be highly visible from within the streetscene and would appear as a contrived form of development. It is noted that in response to concerns previously raised the four bedroom unit which was previously proposed to occupy plot 14 has been re-located to plot 13 under this revised scheme and a three bedroom unit is now proposed to occupy plot 14, which is adjacent to Southminster Road. However, the amendments to the scheme have intensified the contrived built form at the eastern end of the site, which is considered to worsen the visual impact of the development when viewed from the public realm in a northerly and easterly direction. In addition, concerns in relation to the house type proposed for the four bedroom units were previously raised and this unaltered house type would occupy plot 13, in this respect the number of differing projections, the inconsistent fenestration patterns and the extensive roof pitches are not considered to be good design features. The house types introduced to the scheme are simplistic in design and are of no notable architectural merit. The intermingling the three and four bedroom dwellings has resulted in a scheme that is less cohesive than that previously submitted. It is considered that the amendments to the scheme have failed to enhance the visual impact of the development and the design and appearance of the development continues to contribute to the harm resulting from the scheme and is not reflective of the character and appearance of the surrounding area.
- 5.5.15 It is noted that there is a commercial business to the east of the application site. However, this is an isolated occurrence, characterised by single storey commercial buildings and therefore is not comparable to this scheme and does not provide rational reasoning for increasing the level of built form within the application site.
- 5.5.16 In respect to landscaping, it is a matter reserved for future consideration. Landscaping is described within the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.'*
- 5.5.17 Landscaping has been indicatively shown on the proposed site plan and it is common practice to comment upon the indicative information shown.
- 5.5.18 In terms of soft landscaping there is a large area of open greenspace to the front of the site and an extensive level of tree planting. In terms of hard landscaping there are driveways / parking provision and rear patios shown to serve each of the 14 dwellings. Four dedicated parking spaces and six visitor parking spaces are located towards the southern boundary of the site, adjacent to the open greenspace. Limited details in respect to the boundary treatments has been supplied.

- 5.5.19 It is likely that the combined impact of the level of hardstanding required for the 14 dwellings and the increase of other built form at the site, in combination with the indicatively shown vehicle parking bays to the front of the site, which due to their positioning would result in a car dominated frontage, would further exacerbate the suburbanising impacts of the development. Whilst the soft landscaping shown is a welcomed addition, it would not appease the concerns raised. In terms of boundary treatments, it should be noted that a 2.4m close boarded fence along the entire eastern boundary of the site would be required, due to noise impacts from the neighbouring commercial site. Although it is noted that the fence would run north to south and so would not directly front the streetscene, a fence of this height is likely to have a demonstrable impact on the character and the site, especially when approaching the site from the east. The necessity for the fence is discussed in section 5.6 of this report. However, it is worth noting that the requirement for the fence in terms of residential amenity further increases the harm on the impact on the character and appearance of the area. These matters would be fully addressed, should the application be approved, at the reserved matters stage.
- 5.5.20 Having regard to the above assessment it is considered that the amendments to the scheme have failed to address the concerns previously raised. The proposal would result in a contrived form of development, which fails to maintain the rural character of the locality and would represent the encroachment of built form into the site and sprawl of development beyond the settlement boundary of Althorne, to the detriment of the character and appearance of the site and the surrounding area contrary to policies S1, S8, H4 and D1 of the approved MDLDP.

5.6 Impact on Residential Amenity

- 5.6.1 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).
- 5.6.2 The application site has five neighbouring residential properties to the west/northwest; Winterdale Cottages, 1 Ravendale Cottage and Melford Lodge and one neighbouring commercial site, Bush Grove Farm to the east.
- 5.6.3 Section C07 of the MDDG requires that where new development backs on to the rear gardens of existing housing, the distances between the buildings should be 25m. The second floor of the two storey terraces would be located approximately 25m from the rear elevations of Winterdale Cottages. Therefore, given that a suitable separation distance has been achieved between the first floor windows and the neighbouring properties, to the west it is not considered that the proposal would result in undue harm by way of overlooking, loss of privacy or by being overbearing.
- 5.6.4 In relation to Melford Lodge to the northwest, which would be located 2.3m from the shared boundary, approximately 3.9m from the carport proposed within the northwest corner of the site and 10.9m from the nearest proposed dwelling to the south, given that there is only one window in the first floor northern elevation of the closest dwelling to Melford Lodge, which would serve a bathroom and would be conditioned to be obscure glazed, it is not considered that the proposal would result in a loss of

privacy to the occupiers of Melford Lodge. Furthermore, it is not considered that the development would result in a loss of light to, or have an overbearing impact on the occupiers of Melford Lodge due to the separation distance between the proposed dwellings and neighbouring boundary and given the proposed cart lodge is of a limited height (5.3m).

- 5.6.5 Whilst the proposed driveway to the north of the site would result in an increased number of vehicle movements in close proximity to the boundary of Melford Lodge, given that the cart lodge will only provide parking provision for one dwelling and would be located a minimum of 3.9m from the neighbouring property, it is not considered that the proposal would result in unacceptable noise or light impacts by way of increased vehicle movements.
- 5.6.6 The dwelling within plot 12 would be located a minimum of 2.4m from the eastern boundary shared with the neighbouring commercial site. At the time of the previous application the Environmental Health Team (EHT) requested conditions relating to the erection of a 2.4m close boarded fence along the eastern boundary and requiring all window glazing to be provided in accordance with the detail outlined in the submitted Sharps Gayler acoustic report dated 30th November 2018, in order to protect the future occupiers of the proposed dwellings from the noise impacts arising from the neighbouring site. However, under the terms of this application the EHT have raised an objection due to the lack of information within the report in relation to industrial noise sources. Considering that the same report has been provided for both applications it would be unjustifiable to object to this application on this basis. Whilst it is noted that the dwelling within plot 12 is within closer proximity to the eastern boundary by around 2.9m, this is not a significant distance and it is not something that the EHT have commented upon. Therefore, taking into account the previous stance taken it is considered that the conditions recommended at the time of the previous report would be sufficient in overcoming the potential harm resulting from unacceptable noise.
- 5.6.7 In terms of the inter-relationship between the proposed dwellings, consideration has been given to the location of the first floor windows and it is not considered that any of the proposed occupiers would be subject to undue harm by way of overlooking.
- 5.6.8 Having regard to the above assessment, subject to conditions, it is not considered that the proposal would result in demonstrable harm to residential amenity which would warrant refusal of the application.

5.7 Access, Parking and Highway Safety

- 5.7.1 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.

Parking Provision

- 5.7.2 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards.
- 5.7.3 The proposed two and three bedrooms have a vehicle parking requirement of two parking spaces per dwelling and the four bedrooms properties have a vehicle parking requirement for three spaces. Furthermore, the VPS require that one visitor space is provided per four dwellings. Therefore, there is a vehicle parking requirement for 31 allocated spaces at the site and four visitor spaces. The parking standards also state that a vehicle parking bay should measure 2.9m x 5.5m, a carport for one vehicle should measure 3m x 6m and a garage for one vehicle should measure 3m x 7m.
- 5.7.4 As detailed within the summary section of this report all of the proposed dwellings would be served with parking provision that meets or exceeds the recommended parking standards set out in the adopted VPS SPD.
- 5.7.5 In terms of visitor parking spaces, four would be required to meet the standard set out within the VPS. Fourteen visitor parking spaces are also shown on the submitted plans. However, given that eight of the marked visitor spaces are to the front of the dedicated parking provision for plots 7, 8, 9 and 10 it is unlikely these spaces would be used by anyone other than the occupiers of those plots. This leaves six visitor parking bays which are located adjacent to the proposed area of open space, this is in excess of required standard.
- 5.7.6 A double carport is proposed to serve plot 6 and a single carport is proposed to serve plot 13. Plots 9 and 11 would be served by integral garages. The carports and garages both meet the recommend size standard contained within the VPS.
- 5.7.7 Given the above no concerns in terms parking provision are raised.

Access and Highway Safety

- 5.7.8 The Highway Authority has been consulted but no response has been received at the time of writing this report. However, given that the proposed access point and the number of dwellings has not been altered when compared to the previous application and that the Transport Statement is the same as previously submitted, it is considered that the response provided from the Highway Authority in relation to application 18/01390/FUL is still relevant.
- 5.7.9 The development will take access from the east of the site, from the north of Southminster Road. It is considered that the access is suitably located in terms of visibility.
- 5.7.10 At the time of the previous submission the Local Highway Authority considered that the predicted number of trips to the development is likely to be slightly higher than suggested in the Transport Statement. However, it is not considered that the proposal would exceed the number of trips generated by the existing permitted use of the site when fully operational. Having regard to these points it is considered that the proposal would be acceptable in terms of highway safety.

5.8 Private Amenity Space and Living Conditions

- 5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.8.2 All of the proposed dwellings would meet the standards for private amenity space as set out in the MDDG and detailed within the summary section of this report. Therefore, no concerns in this respect are raised.
- 5.8.3 In terms of outlook, ventilation and light, it is noted that all habitable rooms of all proposed types of dwellings would be served by sufficient fenestration to secure the future occupants' living conditions.

5.9 Contamination

- 5.9.1 Policy D2 of the Approved MDLDP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.9.2 Given the site represents previously developed land and the length of time that this and the surrounding land has been developed for mainly commercial enterprises, it is possible that there may be contamination present at the site. The application has been supported by JP Chick and Partners Phase 1 Contaminated Land Assessment issue 1.0 (26th September 2018), which identified that further intrusive investigation is required in order to confirm whether or not contamination is present at the site, to what extent it may be present and what works for remediation (if any) are necessary. Therefore, if the application were to be approved conditions in relation to those points would be necessary. The EHT has been consulted and whilst they have not commented upon the contamination of the site, this stance was supported at the time of the previous application.

5.10 Sustainability

- 5.10.1 Althorne is described under policy S8 as being a smaller village, with little or no services and facilities and very limited or no employment opportunities.
- 5.10.2 By being in close proximity to the development boundary, it is noted that the site is in reasonably close proximity to the services, facilities and public transport connections of Althorne, particularly in relation to the nearest bus stops which are located at Althorne Post Office and Althorne Fords Corner, which are sited 0.1 miles and 0.6 miles from the application site, respectively.
- 5.10.3 Therefore, having regard to the content of policy T2, although the proposal would be accessible by public transport, it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the

environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that was discussed in the above sections.

- 5.10.4 The supporting statement suggests that the proposal would bring long term benefits to the community and that the construction would lead to local employment. The applicant seeks to ensure that the homes provided would assist local people.
- 5.10.5 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal of fourteen dwellings. Equally, whilst the applicant's intentions are noted there is no guarantee that the construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Furthermore, whilst the residents of the proposed dwellings would bring some economic benefits to the village, which may provide some support to existing services, it is not considered that the benefits would be substantial. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.10.6 In social terms, development should assist in supporting a strong vibrant and healthy community, but local services are very limited. Given that there is no evidence of the local shop re-opening, for the purposes of this application, it must be noted that there is no local convenience store or post office within the village and therefore, residents are required to travel further afield with the closest amenities being in the nearby village of Latchingdon, which is located approximately 2,200m from the application site (as the crow flies). Whilst it is noted that there is a Village Hall and an active Parish Council, these facilities alone are not considered sufficient in ensuring social sustainability. As such, the site is considered remote from services needed for day to day living and any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP. Therefore, it is not considered that the social and economic benefits of the development would outweigh the harm in terms of environmental unsustainability, which will be discussed further below.

5.11 Nature Conservation and Biodiversity

- 5.11.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*'
- 5.11.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.11.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require

an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.11.4 The application has been accompanied by an Ecological Appraisal Report dated October 2018 and Outline Bat Mitigation Strategy dated November 2018 both prepared by Practical Ecology Ltd. The Ecology Consultant has assessed the information and raised a holding objection due to the reports being over 18 months old. The following has been recommended; *‘..an additional site visit should be completed by the applicant’s ecologist. The report can be updated, or an addendum submitted to support the application. This should ascertain the validity of the existing ecological information and identify if any of the previously completed surveys require updating or if any additional surveys are now required.’* It is considered that should the application be approved an appropriately worded condition, to ensure the information is satisfactorily supplied at the reserved matters stage would overcome the concerns raised. Therefore, it would be unjustifiable to refuse the application on this basis.
- 5.11.5 In terms of off-site impacts, Natural England (NE) have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.11.6 NE 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.
- 5.11.7 NE anticipate that, in the context of the LPA’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

5.11.8 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.

5.11.9 As the proposal is for less than 100 houses and is not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £125.58 per dwelling.

5.11.10 To accord with NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

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

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

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a LSE on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £ 1758.12 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

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

6. ANY RELEVANT SITE HISTORY

- **MAL/MAL/89/01060** – Retention of use of building as offices and formation of a new access. Approved subject to a personal condition.
- **FULF/MAL/91/00565** – Retention of consent ref. MAL/1060/89 for use of building as offices without compliance with condition 6 – (sole benefit of Powell Creative Design). Approved subject to a personal condition.
- **FUL/MAL/98/00942** - Change of use of existing coach house to annexed office accommodation. Approved.
- **FUL/MAL/98/00943** - Change of use of existing outbuilding/workshop for light industrial. Approved.
- **FUL/MAL/04/00769** - Change of use of existing coach house to annexed office accommodation. Renewal of expired planning approval FUL/MAL/98/0942. Approved.
- **FUL/MAL/04/01196** - Extension to existing Coach House for annexed office accommodation. Approved.
- **FUL/MAL/05/00172**- Demolition and rebuilding of Coach House due to structural failure for office accommodation. Approved.
- **FUL/MAL/05/01033** - Provision of Temporary Offices to facilitate relocation of office employees for duration of remedial structural work to Winterdale Manor. Approved.
- **FUL/MAL/06/00874** - Provision of meeting rooms and commercial conservatory. Demolition of existing Nissan Hut. Approved.
- **FUL/MAL/15/00734** - The conversion of Winterdale Manor and redevelopment of the site to provide up to 9 x dwellings. Refused.
- **FUL/MAL/18/001390** - Demolition of the existing buildings and erection of 14 dwellings with associated infrastructure. Refused.
- **COUPA/MAL/19/01062** - Notification for prior approval for a proposed change of use of buildings from office use (Class B1) to 9No. Dwellinghouse (Class C3). Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne	<ul style="list-style-type: none">• Unsustainable• Outside of the village envelope• Loss of employment land• Over development of the site	Noted and addressed within sections 5.1, 5.2, 5.5 and 5.10 of this report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SUDs	No objection subject to conditions.	Noted.
Archaeology	I have checked the site against the Historic Environment Record and we have no record of any archaeological remains in the immediate vicinity. There has also been a degree of disturbance from the previous occupation of the site. For these reasons no archaeological recommendations are being made with regard to this application.	Noted.
Natural England	RAMS contribution required.	Discussed within section 5.11 of this report.
ECC Education	Thank you for sending me details of the above planning application, please be advised this is under our current threshold for requesting education contributions, as per our developer contributions document.	Noted.
Essex Fire and Rescue	More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.	Noted.
Ecology	Holding objection due to insufficient ecological information on designated sites, protected and Priority species and habitats.	Discussed within section 5.11 of this report.
Anglian Water	Whilst a connection to the Anglian Water surface water sewer is acceptable in principle, in order to make an accurate capacity	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	assessment, we require the confirmation of a clear proposed discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.	
Essex Police	Essex Police considers that it is important that (subject to approval), this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design.	Noted.
Highways England	The following application is unlikely to have a severe impact on the strategic road network. We therefore offer no comment in this case.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns in respect of noise impact of car workshop, adjacent to application site, on future occupiers of proposed development.	Discussed within section 5.6 of this report.
Conservation Officer	Winterdale Manor is an old and relatively handsome building, it does not possess sufficient significance to qualify as a non-designated heritage asset for the purposes of paragraph 196 of the NPPF. As this application	Discussed within section 5.5 of this report.

Name of Internal Consultee	Comment	Officer Response
	would not affect any heritage assets, I have no comments to make on it.	
Housing	Strategic Housing Services supports this Application which will provide Affordable Housing to meet the identified housing needs of the District.	Discussed within section 5.4 of this report.
Economic Development	The proposals appear to represent a loss of local employment land, outside of the settlement boundary, and so are not supported by LDP Policy E1 Employment	Noted.

7.4 Representations received from Interested Parties

7.4.1 **14** 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
Site is unsustainable and outside of development boundary.	Discussed within section 5.1 of this report.
Traffic, highway safety and parking concerns.	Discussed within section 5.7 of this report.
Doctors, schools and dentist etc. are already oversubscribed.	The proposal of 14 dwellings does not require a contribution to these services.
Winterdale Manor has been a significant character property within the village for well over 100 years. They should upgrade the existing property.	The proposal must be assessed in relation to what is proposed. However, the impacts on the character and appearance of the area are discussed at section 5.5.
Should not lose business site.	Discussed within section 5.2 of this report.
Contrary to the desire of most residents to keep Althorne as small village.	Noted.
Drainage and sewer concerns.	This could be addressed via a condition.
The site is in a rural part of the village and as such a development of this size would not be in keeping.	Discussed within section 5.5 of this report.
14 residential properties would be overdevelopment of the site	Discussed within section 5.5 of this report.
The site is in an unsustainable location. Application FUL/MAL/17/01010 presented to the SEAC demonstrated that since 2013 17 proposals for new dwellings were refused and 10 were	Application FUL/MAL/17/01010 was a slightly different proposal to this application as it was located further outside the settlement boundary. However, the sustainability of the site is

Objection Comment	Officer Response
appealed and dismissed, with all but one being refused due to being sited within an unsustainable location.	discussed at section 5.10 of this report.
SHLAA site S19 Land South of Button's Hill produced no positives for sustainability as part of the sustainability assessment. This site is located close to Winterdale Manor.	The sustainability of the site is discussed at section 5.10 of this report.
Allowing permission for these dwellings would contravene the intention of the LDP as the housing trajectory allocates a total of 100 dwellings to Neighbourhood Plans/ rural locations up to 2028/29.	This is not a maximum figure. However, as discussed at sections 5.1 and 5.4, the presence of a five year housing land supply does give the Local Planning Authority to ability to resist inappropriate development.
The Althorne parishioners in the development of the Neighbourhood Plan indicate little enthusiasm for any large scale development and wish to maintain a small village with open views of the landscape and river.	This is noted and the impacts of the large scale addition to the village on its character and appearance are addressed at section 5.5 of this report.
The Dengie Peninsula is slowly being destroyed by development.	Every application is determined on its own merits.
In the last 17 years the village has lost a pub, in the Black Lion and more recently the village shop / post office. Public transport is poor and any resident will need a car.	Discussed within section 5.10 of this report.
The development does not fit in with the character of the village.	Discussed within section 5.5 of this report.
Great Crested Newts have been found at a property at the junction and bats have been seen flying from the Manor.	This could be addressed though the imposition of conditions.
The proposed building of Bradwell Power Station, that could also impact on our village. We have to bear this in mind as it could easily affect us and make matters worse.	Every application is determined on its own merits.
There are no buses which go to Althorne station which is at least a 25 minute walk from the site. The road to the station is dark, unlit and hazardous to pedestrians.	Discussed within section 5.10 of this report.
Overlooking to cottages on Burnham Road.	Discussed within section 5.6 of this report.
No employment opportunities within the village.	Discussed within section 5.10 of this report.
The development is really different to the previous application.	Noted, the amendments to the scheme are highlight within section 5.1 of this report.
Trees and vegetation has been removed	Noted.

Objection Comment	Officer Response
from the site.	

7.4.2 **4** 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
The site is within walking distance of railway line with access to Liverpool Street Station. It is opposite a large playing field and tennis courts and has a village hall and church at the top of Summer Hill Road. Unfortunately, it does not have a village shop any more but with more people living in the village that could be an option for the future. It is also on a bus route to shops in Southminster and Burnham and Maldon.	The sustainability is discussed within section 5.10 of this report.
Developing this site would give more people the opportunity of moving out of London and working from home.	This is not a material planning consideration.
Gain of 14 new modern homes would be of benefit to a lot of people.	Noted. However, the benefits of the scheme are not considered to outweigh the harm caused by the development and the conflict with policy.
Because of the Corona Virus a lot of people will be made redundant in the coming months. Anything that can create jobs is a must in my opinion.	Noted. However, this does not justify inappropriate development.
The development would give the opportunity to offspring of current residents the chance to remain in the village they may have grown up in.	Noted. However, this does not justify inappropriate development.
The sites sustainability has never been in question	This is incorrect.
I would much rather see development on this redundant brownfield site rather than see further greenfield sites built upon.	Noted.
The site would not trigger any urban sprawl as it is surrounded on all 3 sides by either residential or light industrial activity being 'bookended' by the cottages to the west and a car repair workshop to the east.	The impact of the development on the character and appearance of the area is discussed within section 5.5 of this report.
I have taken the time to contact local primary schools that have confirmed there are spaces for new children.	Noted.
Althorne has a mainline station that is within walking distance along with the local pub. Regular buses run to both Maldon and Chelmsford with the nearest	The sustainability is discussed within section 5.10 of this report.

Supporting Comment	Officer Response
bus stop less than a minute walk from the site.	
The site was previously residential and should revert to such now the personal use for offices has run its course.	The application needs to comply with the policies of the LDP.
The site is perfect for redevelopment and has been very well set out, going by the plans available on line. Smart and sympathetic developments such as this should be encouraged.	The principle of the development is discussed within section 5.1.
The village has a lot to offer & new families will help to secure better infrastructure and facilities.	Discussed within section 5.10 of this report.

8. REASONS FOR REFUSAL

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the development makes no contribution for affordable housing. The development would not therefore contribute to a strong vibrant community as it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development, contrary to policies H1 and I1 of the Maldon District Local Development Plan, and Government guidance as contained within the National Planning Policy Framework.
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an

adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.