



**REPORT of
CHIEF EXECUTIVE**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
09 October 2017

Application Number	FUL/MAL/17/00899
Location	Land Adjacent Tideways Lodge, Steeple Road, Latchingdon
Proposal	New dwelling house
Applicant	Mr & Mrs D Winfield
Agent	Greg Wiffen - Planman
Target Decision Date	04.10.2017 (date of extension of time agreed: 11.10.2017)
Case Officer	Anna Tastsoglou
Parish	Latchingdon
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent Tideways Lodge, Steeple Road, Latchingdon
FUL/MAL/17/00899



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00899/FUL
	Date:	26/09/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Site description

3.1.1.1 The application site is located to the south of Tideway Farm and Tideway Lodge on the southern side of Steeple Road outside of the development boundary for Latchingdon. The private access road is located to the east of the application site and runs southwards. There is a public footpath which runs along the eastern side of the application site, along the access road towards Althorne. The site currently contains a variety of structures and is used for storage purposes and therefore does not make a positive contribution to the character of the countryside.

3.1.1.2 The private access road is edged by a line of mature trees along the eastern side. Beyond the private access to the east is open countryside characterised by arable agricultural fields with some sporadic dwellings and the settlement of Mayland beyond.

3.1.1.3 To the west of the application site is the Swingfield Golf Centre. The primary vehicular access to the Golf Centre lies approximately 125m to the west of the access to Tideway Farm. Approximately 200m to the west of the application site, towards Latchingdon Village is a cluster of further dwellings located within the open countryside.

3.1.2 Description of proposal

3.1.2.1 Planning permission is sought for the construction of a new dwelling that would accommodate a dining/siting room, open plan living room and kitchen area, utility room, study and a WC at ground floor and four bedrooms (one with an en-suite) and a bathroom at first floor.

3.1.2.2 A vehicle access onto the private track would be provided at the north east corner of the site. The arrangements of hard and soft landscaping are not formally shown but it is noted that a parking area could be provided to the north of the dwelling and tree planting is indicatively shown at the boundaries of the site.

3.1.2.3 This application is a resubmission of previously refused application reference FUL/MAL/17/00581.

3.2 Conclusion

3.2.1 The principle of a new dwelling in this location is contrary to policy S2 of the approved Local Development Plan as the site lies within a rural area outside of the settlement boundary as well as S8 of the Local Development Plan and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, nature resources and ecological value as well as its intrinsic character.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 29-41 - Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

4.2 Maldon District Local Development Plan adopted by the Secretary of State for in July 2017:

- S1 - Sustainable Development
- S2 - Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and the Built Environment
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

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 Maldon District Local Development Plan (LDP) 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 S1 of the LDP indicates that outside defined settlements housing will not normally be allowed and 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.
- 5.1.4 The application site is outside of a defined settlement boundary, being well separated from the village of Mayland by areas of countryside. In addition, the site is in a location that is remote from the nearest settlement infrastructure and related services. The application site lies approximately 700m to the west of the development boundary for Mayland and approximately 2.2km from the development boundary of Latchingdon. The site is not well served by bus or other transport facilities. Therefore, the proposed development would be highly dependent on the use of the car as the main form of transport to and from the site. All facility services required for day to day living are not located within walking distance from the site. There is a footpath which links the site to the village of Althorne to the south. However, Steeple Road which connects the site with Mayland and Latchingdon, is a fast, unlit, unrestricted road, with no footpaths to either side.
- 5.1.5 In respect of this, paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T1 of the Local Plan. The proposal would not comply with this requirement.

5.2 Housing need

- 5.2.1 The proposal would provide a one four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the 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, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal provides a four bedroom dwelling.
- 5.2.4 As the Council can now 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, the provision of an additional dwelling which is not aligned

with the Council's needs is considered to make a negligible contribution in respect of social sustainability.

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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that 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.”

5.3.5 The application site is located within a rural context. The site is located away from the main settlement areas of this part of the Maldon District and where the character is that of a countryside appearance. Policy S8 applies in these locations and states the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.3.6 The current application proposes no changes from the previously refused application FUL/MAL/17/00581. Therefore, it is considered that the previous reasons for refusal have not been addressed or overcome by the current submission and there are no new material considerations that would outweigh the harm highlighted above and at the time of the previous application.

5.3.7 The application site is neighboured to the north by residential dwellings. Whilst the design and scale of the proposed dwelling is considered to be proportionate to the plot size and would be of acceptable appearance, the proposed dwelling would result in an introduction of additional built form to a countryside location and would result in the domestication of the character and appearance of the application site to the detriment of the countryside in which it is seen within. It is noted that the site currently makes a neutral contribution to the character of the countryside due to the presence of

structures of limited architectural merit and the use of the site for storage purposes. However, these structures are well established, low in height and not unusual in a countryside setting. As the storage appears to be ancillary to the use of the surrounding land, it is a reasonable possibility that the storage will be relocated to other land within the applicant's control and therefore ceasing storage within the site might not result in the end of storage occurring within this open part of the countryside and the weight afforded to that benefit of the proposal should be reduced accordingly. The proposed dwelling would be taller and bulkier than the existing buildings at the site and, due to the domestic appearance of the building, would have a greater visual impact on the character and openness of the countryside. Therefore, whilst the design of the dwelling might be considered acceptable when considered in isolation, in the context of this countryside site it is considered that the proposal would cause harm to the intrinsic character and appearance of the countryside, contrary to LDP policies S1, S8 and D1 and the policies contained within the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 and H4 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.
- 5.4.2 The application site has one adjacent neighbouring property 'Tideway Lodge' located to the north of the site.
- 5.4.3 In terms of loss of light, there are no concerns raised, given the minimum distance of at least 10 metres between the proposed dwelling and the south boundary of the curtilage of Tideway Lodge. The dwelling at that property is located approximately 20 metres from the shared boundary and therefore the distance between the proposed dwelling and its neighbour to the north would be approximately 30 metres.
- 5.4.4 The proposed fenestration is not considered to result in overlooking to the detriment of the neighbouring occupiers. The windows located at ground floor level are not considered to result in overlooking given the distance from the neighbouring dwellings. There are dormer windows proposed in the front, rear and side roof slopes. However, given the distance of the proposed windows from the neighbouring dwelling it is not considered that they would result in overlooking to the detriment of the neighbouring occupiers.
- 5.4.5 Therefore, it is not considered that the dwelling would form an overbearing addition to the detriment of the neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.2 The adopted Maldon District Vehicle Parking Standards SPD sets out that the resulting four bedroom dwelling should provide space to park three vehicles.

- 5.5.3 The parking provision would be a gravelled area to the front of the property; it is considered that this area is large enough to accommodate in excess of three car parking spaces, in accordance with policy T2 and the Maldon District Vehicle Parking Standards SPD.
- 5.5.4 The site has an existing access which is considered to be acceptable in terms of providing a safe and adequate access to vehicles.
- 5.5.5 The Highway Authority has raised no objection to the proposal but has requested the use of an informative to require that *“The public’s rights and ease of passage over Public Footpath No.5 (Latchingdon) shall be maintained free and unobstructed at all times.”* It is noted that the presence of the footpath is shown on the plans and the development would therefore not cause the obstruction of the public footpath. No objection is therefore raised to the proposal on those grounds.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the LDP requires that amenity a space is provided that is appropriate to the type of development. In addition, the Essex Guide advises a suitable garden size for dwellings with three or four bedrooms is 100sqm.
- 5.6.2 The proposed dwelling would be located to the front of the plot and provides an area of private amenity space to the rear and of the proposed dwelling. The rear garden would be in excess of the standard contained within the Essex Design Guide of 100m².

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00581** - New dwelling house. Planning permission refused for the following reason:
01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies H1 and S2 of the adopted Maldon District Replacement Local Plan and policies S1 and S8 of the emerging Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policies BE1 and H1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
(Wider area)
- **FUL/MAL/15/00545** - Siting of mobile home for use as granny annex. Planning permission granted.
- **FUL/MAL/16/00043** - New dwelling on land between Tideway Farm & Tideway Lodge. Planning permission granted.

- **FUL/MAL/17/00902** - Change of use of Golf Centre Building (Class D2) to five dwellings (Class C3) with associated amenity space and off-street parking, infill south elevation and alter external elevation. Application pending consideration.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No comments received at the time of writing the report	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection raised. Informatives have been requested to be added in relation to the footpath which is registered in the Public Rights of Way network.	Comment noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Comments noted.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 No letters were received **objecting to/supporting** the application at the time of righting the report.

8. REASON FOR REFUSAL

- 1 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and

appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.