Emerging Maldon District Local Development Plan

Progress of the emerging LDP

- The Maldon District LDP was called-in by the Secretary of State in June 2015. In March 2016 he confirmed that the Examination could recommence, and appointed a new Inspector.
- At the Inspector’s request, the Main Modifications that arose from the previous Examination held in 2015 were subject to a six week consultation in September-October 2016.
- The Examination Hearings were held 10-19 January 2017.

Due to the Plan having been called in, the post examination Hearings procedure is different, in that the modifications will be consulted upon before the Inspector writes his report.

- The Post-Examination Hearing Modifications are due to be subject to a six week consultation from 24 February to 7 April 2017.
- Following the consultation, the representations received will be forwarded to the Inspector, so that he can take them into account in writing his report.
- The Inspector submits his report directly to the Secretary of State.
Policy D1 Design Quality and Built Environment

Context

3.1 The District has a built environment with a distinctive character that is closely related to its local environment and history. National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

Policy D1 Design Quality and Built Environment

All development must:

1) 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.

2) Provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces;

3) Contribute positively towards the public realm and public spaces around the development;

4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight;

5) Include safe and secure vehicle and cycle parking in accordance with the Council’s adopted parking standards;

6) Maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes;

7) Maximise opportunities for sport and physical activity;

8) Contribute to and enhance local distinctiveness;

9) Incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime; and

10) Encourage inclusive design and effective use of internal and external space.

In addition, all developments must also demonstrate that they are in general conformity with the design principles set out in the emerging ‘Maldon District Design Guide SPD’ and any other relevant local development documents, neighbourhood plans or village design statements (VDSs) adopted or endorsed by the Council.
3.2 The Council will seek to ensure 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. Recognised principles of good design should be sought to create a high quality built environment for all types of development, irrespective of location within the District. Although visual appearance and the architecture of individual buildings are important factors, good design should improve connections between people and places, and should integrate new development into the natural, built and historic environment.

3.3 The historic and built environment of the District is distinctive in character and diverse in its location across towns and villages in rural, coastal, and estuarine environments. However, there are concerns that the unique character of some parts of the District is gradually being eroded by insufficient and inconsistent design principles. When located close to, or in the setting of a heritage asset, new development should respect the importance, character and local context of that asset. Good design should seek to positively respond to the important features of the asset, and enhance its overall setting and function.

3.4 The Council expects all development to support the principles of inclusive design, to ensure that new development can be used by all people. Design should also seek to reduce social exclusion within the District, and seek to improve people’s access to housing, employment, and required services and facilities. The design of new development should also maximise people’s ability to access required services and facilities by sustainable methods of transport, particularly through the provision of high quality pedestrian and cycle routes.

3.5 New development should seek to respect the local character and identity of the area outlined within the Maldon District Characterisation Assessment (Qube, 2006), Essex Design Guide (ECC, 1997), and the emerging Maldon District Design Guide SPD. The Maldon District Characterisation Assessment provides guidance to developers on the essential characteristics of towns, villages, and hamlets in the area. The Characterisation Assessment is being used to inform the production of the Maldon District Design Guide, which will provide guidance on the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. The Essex Design Guide provides a general guide to design principles in the County.

3.6 New development should be in accordance with the Council’s adopted parking standards outlined in the Maldon District Vehicle Parking Standards SPD (or successor document) which outlines recommended cycle, motorcycle, and car parking space provision in relation to the size and use of new development.

3.7 Design principles outlined in neighbourhood plans or VDSs which have been adopted or endorsed by the Council are material considerations in planning decisions and should be considered in the design of new development. These documents provide a key source of local policy interpretation to supplement the LDP. Details of the documents endorsed or adopted are available on the Council’s website.

3.8 Policy S3 sets out a design approach for the planned growth at the Strategic Allocations and Garden Suburbs. Development at these locations will be expected to incorporate the design principles of both Policy D1 and Policy S3.
space, i.e. whether it is a space to move through, such as a passage, or whether it is space to stand or sit in, such as a square or courtyard.

6.9 PPS1 Delivering Sustainable Development says:- “Good design should:
• address the connections between people and places by considering the needs of people to access jobs and key services;
• be integrated into the existing urban form and the natural and built environments;
• be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
• create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
• consider the direct and indirect impacts on the natural environment.”

6.10 To achieve and encourage good design that is compatible with the area in which the building is situated, it is necessary to ensure that the building is well designed in itself. In addition, it should relate well to the adjacent buildings and enhance or create appropriate and attractive public spaces. In certain circumstances where the development is located in a sensitive area or occupies a large site, there will be a requirement to submit a design statement as part of the planning application to illustrate that the proposal is in conformity with policies BE1 and BE2.

DESIGN OF NEW DEVELOPMENT AND LANDSCAPING

6.11 Design is a subjective issue in which one individual may find something aesthetically pleasing whilst another may not. Nevertheless, good well thought-out design is recognisably different from a lack of attention to design. A well-designed building should appear to be a self-contained form that complements and enhances its location and surroundings. The relationship of the height to width, depth and roof pitch should be satisfactory. The position, size and number of openings, such as doors and windows, should create a balanced composition on each elevation, although they need not be placed in a regular pattern to achieve this. In sensitive areas, especially where buildings are located abutting public areas, particular attention should be given to matters of detail such as brickwork, door and window details, gutters, down-pipes etc. The intention of the Council is to ensure that the aesthetic qualities of the district are generally improved by new development.

Relationship of New Buildings to their Surroundings

6.12 The layout and design contribute to a sense of place, both within the development and in terms of views into and out. It is important that individual developments are well designed. Care has to be taken that any development takes account of the area in which it is situated. New development in areas of poor architectural quality can become the catalyst for regeneration and enhancement through good design. The design of the building itself then becomes the overriding factor, rather than the surrounding environment.

6.13 In areas of good architectural quality, the need to respect the character of the adjacent buildings has a higher priority. In this situation, ensuring that the building enhances the existing character should be the issue that determines the suitability of the proposal. In all cases, it is important that new development does not cause nuisance to or harm the surrounding area.
6.14 Significant attention has to be given to ensuring that development does not cause demonstrable harm to the occupiers of adjacent buildings, by reason of disturbance, overlooking or loss of light, or by being overbearing, either by reason of the design of the building or as a result of the manner of its use. The degree of importance attached to these matters is related to the function of the buildings involved.

6.15 Separately to the above, the Council recognises that new development has an impact on the environment by way of energy and water use as well as the production of waste (both in the construction process and afterwards when the development is occupied). Careful attention to these issues can reduce the impact on the environment in much the same way that good design can make a positive contribution. In the same way that the quality of design is now a material consideration in development control decisions, the Council will start to consider the water, energy and waste implications of development in the development control process.

6.16 The landscape treatment and provision of amenity space in and around developments, not only in respect of the site’s visual amenities, but also in terms of how successfully the site functions to provide amenity as a place for people, the spaces around buildings and the structures and landscape features that enclose and occupy these spaces all combine to make up the landscape of a development. Trees, means of enclosure (hedges, walls, railings, fences and gates) and surface treatments (roads, driveways and footpaths) all contribute to the quality of character and functional success of a development. Successful development provides sufficient space for landscaping and amenity as part of the design concept and does not consider amenity as an afterthought. Where necessary, the Council will prepare Supplementary Planning Guidance (documents) on design issues in connection with new developments.

6.17 In any new development proposal, every effort should be made to retain good existing landscape features, such as trees, hedges, old walls, ponds or water courses. This includes the construction phase. This can provide a framework and structure for the development site that will lead to more interesting layouts with a feeling of maturity and a good relationship with the existing surroundings. These features may also be of historical or wildlife significance. It is vitally important that the practicalities of protecting existing features during development and their long-term conservation are fully appreciated and properly accommodated in the proposals. A detailed site survey (including topographical information) and a thorough appraisal are the essential starting points for considering these issues. Planning conditions will be attached to require that any submitted landscaping scheme be implemented at the appropriate time. The District Council proposes to produce guidance on landscape, conservation and design issues.

6.18 Policies relating to the protection of wildlife, landscape protection and historic landscape features in the Coast and Countryside chapter should also be considered when preparing a landscape scheme for a development site.
POLICY BE1 Design of New Development and Landscaping

Development Proposals will be permitted if:-

a) They are compatible with their surroundings, and/or improve the surrounding location in terms of :-
   i) Layout
   ii) Site coverage
   iii) Architectural style
   iv) Scale / bulk / height
   v) External materials
   vi) Visual impact
   vii) Effect on the safety and or amenity of neighbouring properties or the occupiers therein
   viii) Relationship to mature trees
   ix) Relationship to important landscape or open spaces
   x) Traffic impact and access arrangements.

b) Within defined development boundaries they harmonise with the general character of the area in which they are set;

c) Outside defined development boundaries they make a positive contribution to the landscape and open countryside;

d) Measures to protect important nearby features such as trees and historic buildings during the construction process are included;

e) Landscaping is included as an integral part of the overall design;

f) Amenity space is provided appropriate to the type of development

Access for Disabled People

6.19 The Council is committed to promoting an inclusive society that offers opportunity for everyone. All new development and particularly that intended for general public use must promote accessibility both into and within and make appropriate safe provision in terms of access, egress and parking. An environment designed to be accessible to disabled people will be more accessible and user-friendly for everybody, including wheelchair and pushchair users, people with physical and sensory impairments and elderly people. Easy access is part of good design and is beneficial to local business. The appropriate stage at which to consider accessibility is in the initial design, not as an afterthought. This is particularly important with regard to development and alterations to existing and historic buildings.

6.20 Section 76 of the Town and Country Planning Act 1990 imposes a duty on Local Planning Authorities to draw to the attention of applicants for planning permission the need to have regard to certain provisions for disabled people. The buildings affected by this legislation are offices and factories and those to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 apply. Section 4 applies to development which will result in the provision of a building to which the public is admitted, whether on payment or otherwise.
occupied by people. It is acknowledged that areas occupied by parked vehicles are not visually conducive to an attractive environment and can dominate to the detriment of an area. It is important to minimise the visual impact of car parking areas, both when they are free of vehicles and when they are occupied. To ensure that the visual impact is reduced, the parking areas should be small and located between or behind buildings. Where this is not possible, the emphasis should be placed on creating visual interest in the parking area by using a variety of hard and soft landscaping.

**POLICY BE5 Parking Areas**

Parking and service areas on developments will be expected to incorporate:

(a) Provision for safe and convenient access to the buildings they serve;

(b) Areas that are well screened by buildings;

(c) Surfacing and other landscape features designed to reduce the visual impact of the area when vacant.

**SPECIFIC DESIGN ISSUES**

**Design of Residential Buildings and Extensions**

6.26 There are three key policy elements to determining whether an extension to a dwelling is satisfactory in planning terms:

a) Rural settlement policy;

b) Individual design of the building; and

c) The effect of the proposal on the occupiers of neighbouring properties.

6.27 These points are dealt with under policies BE1 and BE6.

6.28 The impact an extension can have on the amenities of the occupiers of the neighbouring properties is determined by the proximity of the extension to the adjacent building. The higher the density of buildings, the more difficult it becomes to extend a property without having some adverse impact on the amenities of the adjoining property occupiers. It is the policy of the District Council to restrict house extensions on new high-density housing developments by removing the automatic right to extend a property under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO)(see Policy H7).

6.29 In established residential areas occupiers, have the right to extend their property within defined limits without the need to obtain planning permission. Extending some of these properties to provide additional accommodation beyond that permitted by the GPDO may well not be possible without unduly affecting the amenities of the neighbouring occupiers. Elsewhere, the size and position of the extension may be limited by the need to protect the amenities of the occupiers of the adjacent properties.

6.30 Amenities can be affected by:

a) Overlooking;

b) Overshadowing;
c) Overpowering;
d) Change in the character of the area; or
e) A combination of the above

6.31 The effect on amenity in respect of (b) and (c) can be affected by the building's orientation in relation to the sun. The effect of overlooking can be overcome by the use of planning conditions requiring screening to be undertaken, although the screening itself should not be detrimental to the neighbouring occupiers.

6.32 Proposals for side extensions in areas where the character of the area is largely determined by the spaces between the properties need to ensure that either an individual extension or a succession of similar extensions does not compromise the open nature of the area.

6.33 The District Council will produce guidance giving guidance on the acceptable size of extensions and the relationship of the plot size of the property to adjacent properties.

6.34 To determine applications for this type of development in a consistent manner, the policy has to ensure that the proposal complies with the other policies in the Plan. It is also necessary to address the amenity problems that may be created.

Extensions to Dwellings in the Countryside

6.35 Policy BE6 deals with minimising the effect an extension can have on the amenities of the occupier of a neighbouring property. In the countryside, whilst this may be of concern in some instances, of greater priority is the necessity to ensure that the extended property relates well to its surroundings. This is dealt with under BE1.

6.36 It is expected that planning applications for extensions to dwellings in the countryside will show full details of the proposed extension, including all elevations, floor plans and siting. Where the dwelling is vacant and in poor condition, evidence is required to show that the building could be renovated to a habitable condition without the need to obtain planning permission for any alterations or additions.

POLICY BE6 Extensions to Dwellings

Extensions to residential property will only be permitted if all of the following criteria are met:

(a) The development would not result in either the building appearing to be cramped or the proposal being detrimental to the general character and appearance of the locality;

(b) The size or location of the extension would not result in it being detrimental to the amenities of the occupiers of neighbouring property by reason of overlooking, overpowering or undue reduction of light to the main windows of the adjacent property;

(c) Parking space, sufficient to meet the current parking standards, is available within the curtilage of the extended dwelling and can be provided in a manner that is not visually obtrusive.
Our ref HOUSE/MAL/16/01091 PP-05514142

12 October 2016

Neighbours originally notified 12.10.16 as per the notification list
Enquiries to Nicola Ward
Email: dc.planning@maldon.gov.uk

Dear Sir/Madam

Application No: HOUSE/MAL/16/01091 PP-05514142
Proposal: Front porch, rear garden room and first floor extensions and internal alterations to existing residence.
Location: Gwalia Burnham Road Althorne Essex

I am writing to inform you of the above planning application recently submitted. A copy of the application, plans and any other submitted documents may be viewed on the website at www.maldon.gov.uk. Alternatively, they may be inspected at the Council Offices during normal office hours.

All comments on an application should be made in writing within 21 days of the date of this letter. You can make comments via our online service www.maldon.gov.uk/msp. Alternatively you can send an email to dc.planning@maldon.gov.uk or write to us at Planning Services, Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL. Please ensure you state your full name and postal address as anonymous letters cannot be accepted.

Letters received are not acknowledged at the time of receipt although you will be notified of our decision. Correspondence regarding the proposal(s) will not be entered into in response to representations made, however all representations received will be made available for public inspection on the website and will be taken into account when the application is considered.

Yours faithfully

Matt Leigh
Group Manager Planning Services
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<tr>
<th>Planning Application number:</th>
<th>HOUSE/MAL/16/01091</th>
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<tr>
<td>Appeal Reference number</td>
<td>APP/X1545/D/17/3170920</td>
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<tr>
<td>Proposal:</td>
<td>Front porch, rear garden room and first floor extensions and internal alterations to existing residence.</td>
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<td>Location:</td>
<td>Gwalia, Burnham Road, Althorne, Essex CM3 6DP</td>
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<tr>
<td>Appellant</td>
<td>Mr &amp; Mrs Lee Foster</td>
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Should the Inspector be minded to allow the appeal a list of conditions follows which the LPA would like to see, without prejudice, attached to any approval of permission:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   **Reason:** To comply with Section 91(1) of the Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.

   **Reason:** In order to ensure that the development is carried out in accordance with the approved details.
Planning Application number: HOUSE/MAL/16/01091
Appeal Reference number: APP/X1545/D/17/3170920

Proposal: Front porch, rear garden room and first floor extensions and internal alterations to existing residence.

Location: Gwalia, Burnham Road, Althorne, Essex, CM3 6DP

Appellant: Mr & Mrs Lee Foster

Question 12a(ii) - List of Plans Submitted with the Application

- 490/01
- 490/02 A
- 490/03
- 490/04
- 490/05 B
- 490/06 B
Planning Application number: HOUSE/MAL/16/01091
Appeal Reference number: APP/X1545/D/17/3170920
Proposal: Front porch, rear garden room and first floor extensions and internal alterations to existing residence.
Location: Gwalia, Burnham Road, Althorne, Essex, CM3 6DP
Appellant: Mr & Mrs Lee Foster

**Question 12 b(i)**

**List of letters notifying interested parties about the householder planning application**

Moat Cottage, Burnham Road, Althorne, Chelmsford Essex, CM3 6DP
Austral Farm, Burnham Road, Althorne, Chelmsford, Essex, CM3 6DP
Halcyon, Burnham Road, Althorne, Chelmsford, Essex, CM3 6DP
Rosebank, Burnham Road, Althorne, Chelmsford, Essex, CM3 6DP