



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
18 JUNE 2018**

| | |
|---|---|
| Application Number | OUT/MAL/18/00544 |
| Location | Stapleton, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA |
| Proposal | Demolition of existing dwelling, buildings and removal of a caravan and erection of three single-storey dwellings and associated parking. |
| Applicant | M & M Developments Limited |
| Agent | Mrs Lisa Skinner - Bidwells |
| Target Decision Date | 09.07.2018 |
| Case Officer | Anna Tastsoglou, TEL: 01621 875741 |
| Parish | BURNHAM NORTH |
| Reason for Referral to the Committee / Council | Departure from the Local Development Plan 2017 |

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Stapleton - Stoney Hills
Burnham On Crouch OUT/MAL/18/00544



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 07/06/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site forms the south end parcel of land of Stoney Hills road, abutting Fairview to the north, Appleberry to the east and Grove Farm to the south. To the southwest the site abuts open fields.
- 3.1.2 The site contains a dwelling and associated detached garage and hard surfacing. The rest of the site is mainly grassed over including a number of mature trees, secluded by dense vegetation.
- 3.1.3 The area of Stoney Hills, within which the application sits sites, is located outside of the settlement boundary of Burnham-on-Crouch and comprises of mainly large detached dwellings, set within large plots. The area has been the subject of many redevelopment proposals over recent years which have changed its character, from a rural character to a more suburban style and it is no longer characterised by scattered development. The changes that have occurred over time have led to a less homogeneous appearance across the area. Instead of the original single dwellings in large plots, a number of groups of dwellings have been recently built, notably at land west of Mirfield, the three dwellings permitted at The Hollies and two dwellings to the rear of Sunnyside. Overall the character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via cul de sacs.

Description of proposal

- 3.1.4 Outline planning permission with all matters reserved, except for access, is sought to demolish the existing dwelling and outbuildings and remove an existing caravan and erect three detached bungalows, with associated off-street parking and amenity areas.
- 3.1.5 The access to the site would be as existing off of Stoney Hills. A shared access would be formed to provide access to all three dwellings which would be erected fronting the new service road.
- 3.1.6 An indicative layout has been submitted along with a Planning Statement in support of the application.
- 3.1.7 The site is approximately 0.24ha and the indicative plan submitted show that two, three bedroom and one, two bedroom dwellings would be erected, which would be of single storey height. It is indicatively shown that they would all have integral garages, as well as off-street parking. Their private amenity areas would vary between 440sqm and 330sqm.
- 3.1.8 The indicative streetscene elevation and floor plans submitted show that the proposed bungalows would be of limited height, with no provision of accommodation in the roof and the Planning Statement submitted confirms that the ridge height of the dwellings would not exceed the height of the neighbouring dwelling to the north

(Fairview). The submitted plans show that the existing mature vegetation secluding the site would be retained.

3.2 Conclusion

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham on Crouch and therefore, it would be a departure from the Local Development Plan. However, recent appeal decisions and approvals in the area of Stoney Hills have resulted in a relatively large number of new dwellings being permitted in the area, which has led to in a change to its character and appearance and to a more urban nature. Therefore, on the basis of the previous decisions and redevelopment of the wider area, it is considered that the proposal would not result in detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The indicative plans submitted demonstrate that three bungalows can comfortably accommodated within the application site, subject to other materials planning considerations would be fully assessed at the reserved matters stage.

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 (July 2017) Policies:

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

4.3 **Burnham-on-Crouch Neighbourhood Development Plan (7 September 2017):**

- Policy HO.1 – New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 **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 application site lies beyond the development boundaries of Burnham-on-Crouch. Stoney Hills forms a separate ‘suburban’ style development extending into the open countryside.

5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan 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. Policy S8 sets out a list of acceptable development in the countryside, which does not include open market dwelling.

5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan.”* By being outside the settlement boundary, the proposal is therefore contrary to local and neighbourhood planning policies.

5.1.4 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location in terms of accessibility. It has also been acknowledged that the character of the area has evolved over time so it is no longer an area of scattered residential development but a more suburban residential one.

5.1.5 Although there is no relevant history of redevelopment of the application site, there are a number of planning applications that have been approved or allowed on appeal in the surrounding area that are considered to be of relevance to the proposed development. As noted above, the character of the area of Stoney Hills has significantly evolved over the recent years and that has been highlighted by the Inspectors assessing recent appeals in the surrounding area. In particular the Inspector dealing with erection of four dwelling at the land to the rear of Charwood stated that

“The original character of Stoney Hills was predominantly single dwellings within large plots, but changes that have occurred over time have led to a less homogeneous appearance across the area”. The similar approach was taken by the Inspector who assessed the proposal for the erection of two dwellings to the rear of Sunnyside, taking into consideration other recent appeal decisions to allow the erection of dwellings at the back land of existing dwellings, namely three dwellings to the rear of Hillcrest House and the approved dwellings at the land to the side of Mirfield. Other Inspectors have also recently allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL14/00591), a further three dwellings to the rear of “Hillcrest” (Ref. OUT/MAL/16/00196) and an additional 5 bungalows between Appleberry and Linden Lea (Ref. OUT/MAL/15/01082). It must be noted that when allowed the appeal for the rear of the “Hollies” the Inspector stated *“I find the appeal site as part of an established residential area. It can be readily distinguished from the countryside to the rear, which is far more open and agricultural in character”.*

- 5.1.6 It is therefore considered that the acceptability of the principle of additional residential accommodation in the area of Stoney Hills has been established from previous decisions. The application site is clearly contained within the notional boundaries of this residential area, as it continues the rear boundary line of the westernmost dwellings of Stoney Hills. Therefore, the development would not unacceptably impinge or sprawl into the open countryside. Furthermore, the accessibility of Stoney Hills to public transportation and other local amenities was previously considered by the Local Planning Authority and the Planning Inspector to be acceptable.
- 5.1.7 For the reasons stated above, whilst being contrary to the development plan, it is considered that the principle of the provision of residential development within the application site is acceptable and due to the planning history of the surrounding area, it is considered that it would have been unreasonable to be objected to.
- 5.1.8 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.9 Although the Council is able to demonstrate housing supply in excess of five years, taking also into consideration the planning history of the area of Stoney Hills as discussed above, it is considered that in this particular instance, no objection is raised to the principle of residential development for three dwellings in this location.
- 5.1.10 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance, taking also into considered the extant planning permission on site, it is considered that three additional dwellings would not impose

an additional burden of existing infrastructure to an extent that would justify the refusal of the application.

- 5.1.11 Other materials planning consideration relating to the impact of the development on the living conditions of the future and neighbouring occupiers, highways issues and ecology are assessed below.

5.2 **Housing Mix**

- 5.2.1 The proposal would provide two no. three bedroom dwellings and one no. two bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 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. Therefore, the proposal which proposes to provide one, two bedroom dwelling would limitedly contribute towards the identified need from smaller houses.

5.3 **Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The 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”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

- b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 As stated previously, the character of the area has significantly changed over recent years, as planning permissions have been granted or appeals upheld on a number of sites within the wider area around the application site, so that the area is no longer characterised by scattered development where infilling has taken place. This has been noted and highlighted by a number of Inspectors.
- 5.3.7 The proposed development would result in redevelopment of the site and in an increase of two additional dwellings on site. Whilst this would alter the character of the site as existing, it would not result in a dissimilar character to the nearby sites of Grove Farm to the South and the Sunnyside, the Hollies, Charwood and Murrayfields to the north. All these developments have resulted in groups of dwellings around shared driveways, in some cases constituting backland development. As such, the proposed group of three dwellings currently proposed would not be out of keeping with this mixed character of the wider area.
- 5.3.8 With regard to the formation of the access road off of Stoney Hills parallel with the northern boundary of the site, whilst it is accepted that it would somewhat urbanise the appearance of the application site, given all other similar examples stated above, it is not considered that it would appear at odds with the established character of the area. There are a number of dwellings in the surrounding area that are accessed from private drives rather than fronting directly onto Stoney Hills.
- 5.3.9 The boundaries of the application site are contiguous with the residential curtilages of neighbouring properties to the north and west and the development would not further impinge to the open countryside to the east, as it would still be contained within the boundaries of the existing dwelling curtilage. It is therefore considered that the site is clearly delineated as part of the wider Stoney Hills area and its visual and physical association is with the neighbouring properties rather than the adjacent open countryside to the west.

- 5.3.10 In terms of the layout of the development, although only indicative, it appears that as shown, the proposed development would result in three bungalows with sufficient gaps between them with large landscaped front gardens so as not to appear cramped. Whilst the development would be of increased density, as the number of dwellings on site and built coverage would increase, as noted above, there are other similar examples within the wider area of Stoney Hills where groups of houses have been formed in a similar manner. It is therefore considered that the development would not represent an overdevelopment of the site, as the houses appear to be comfortably contained within their individual plots and the application site itself.
- 5.3.11 The proposal is to erect three bungalows and although indicative only, the streetscene elevation submitted show that an acceptable design and scale can be achieved. The dwellings proposed are two and three bedroom bungalows which is appropriate for development adjacent to the countryside. It is shown that reasonable distances could be maintained to the boundaries with the countryside and it is considered that there is an opportunity for additional soft landscaping and also retention of the existing mature vegetation. Although outline in nature, the provision of single storey height dwellings and retention of existing landscape features could be secured by condition. This would ensure that development would be appropriate for its location in close proximity to the countryside and also it would ensure that the site continues to be secluded by dense vegetation to minimise the visual impact of the domestic use to the open countryside.
- 5.3.12 In light of the above, it is considered that the development, as currently proposed, would not be out of keeping with the character of the area and it would not result in a harmfully greater impact to the grain of the area. Further consideration of the layout, scale, appearance and landscaping of the development would be undertaken at a reserve matters stage.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 Maldon District Design Guide (2017).
- 5.4.2 The proposed development would result in increased levels of activity, by reason of the increased number of houses on site. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours to the west, south or north, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.
- 5.4.3 Given the size and siting of the proposed bungalows in conjunction with the size of the site, it is considered unlikely that there will be any demonstrable harm relating to overlooking, overshadowing or domination that cannot be resolved at the reserve matters stage. An indicative site plan has been submitted that shows three dwellings can be accommodated on site without resulting in unneighbourly form of development.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The site benefits from an existing access which as shown on the submitted plans is approximately 4.3m wide. An 8m by 8m turning area would be formed at the entrance of the application site to provide sufficient turning facilities within the application site to ensure safe access and egress of the site. Although no comments from the Highways Authority have been received at present and are unlikely to be received as the site is accessed from a private road, it is considered that as shown on the submitted plans, the development would not obstruct the free flow of traffic.
- 5.5.4 The indicative plan submitted demonstrates that sufficient area for off-street parking can be provided to meet the needs as set out in the Vehicle Parking Standards SPD. However, it is noted that the issue of off-street parking will be dealt with in full at the reserved matters stage.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted 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.
- 5.6.2 Private amenity and landscaping issues would be dealt with in detail by way of reserved matters submissions. However, the site, as shown in the indicative site plan, is likely to be capable of accommodating a level of private amenity space in excess of the minimum standards. The size of the proposed dwellings would be also large enough to provide a good level of accommodation.
- 5.6.3 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with as part of the submission of a reserved matters application.

5.7 Ecology

- 5.7.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.7.2 Policy N2 of the LDP which states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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.”*
- 5.7.3 A phase 1 Habitat Survey accompanies the application, which identifies that the site comprises amenity grassland, buildings, bare ground/hard standing with species-poor hedgerow boundaries and a section of ditch. The survey concludes that subject to appropriate mitigation and targeted enhancements, a positive change in the biodiversity could potentially be achieved and the potential impact of the development upon specified protected species/habitats can be mitigated. Precautionary methods are suggested in the submitted survey which within others include retention and protection of the woodland and potential off-site veteran tree, submission of a method statement for great crested newts, reptiles and hedgehog in case the boundary hedgerows and section of ditch are affected by the development, provision of precautionary construction techniques sensitive to badgers and installation of bat sensitive lighting. It is therefore considered that the development, subject to compliance with the mitigation recommendations, would not have a detrimental impact on protected species or habitats.

5.8 Sustainability

- 5.8.1 Paragraph 7 of the Framework outlines that there are three dimensions to sustainable development; economic, social and environmental. To fully assess the sustainability of the scheme, it would be appropriate to consider the proposal against the three dimensions.
- 5.8.2 In relation to the economic role, the development of three new dwellings would provide employment during construction. Future residents would also be likely to make use of the existing services in the area. Although some would be temporary, there would be some economic benefits for the local area derived from the scheme.
- 5.8.3 With regards to the social role, the development would only partially contribute towards the required type of housing in the District (one, two bedroom house). It is therefore considered that there would be some social benefit derived from the provision of housing; albeit, limited.
- 5.8.4 In relation to the environmental role, the impact of the development on the character and appearance of the area is assessed above and further assessment of the impact on the appearance and character of the area would be assessed in full at the reserve matters stage. Given consideration of the planning history of the surrounding area, it is considered that the development would not have an unacceptable impact on the semi-rural character of the area or the locality more widely. In terms of the accessibility of the site, on balance, it is considered that the development would not

discourage the use of alternative to vehicle means of transport and thus, no objection is raised in terms of transport sustainability.

- 5.8.5 In order for a proposal to constitute sustainable development all three aforementioned dimensions should be met. Therefore, on balance, it is considered that the development, whilst a departure from the policies of the development plan, in this instance, for the reasons stated above would constitute sustainable development.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/07/00298** - Single storey side extension to existing bungalow. Planning permission approved.
- **DET/MAL/08/05161** - Compliance with Conditions Notification -
FUL/MAL/07/00298 - Condition 4 (replacement tree). Condition discharged.
(Wider area)
- **OUT/MAL/15/00978** - Land Rear Of Charwood Stoney Hills - Outline planning permission for a proposed development of 4no. two bedroom bungalows. – REFUSED [22.12.2015] – APPEAL ALLOWED [19.10.2016]
- **RES/MAL/15/00718** – Land Adjacent Charwood Stoney Hills - Reserved Matters application for the approval of appearance, landscaping and layout for the erection of one new dwelling. Following Approved Outline Planning Permission OUT/MAL/14/01049 - APPROVED [18.09.2015]
- **OUT/MAL/14/01049** – Land Adjacent Charwood Stoney Hills - One new dwelling - APPROVED [16.01.2015]
- **OUT/MAL/13/00674** – Land Adjacent Charwood Stoney Hills - Erection of one new dwelling - REFUSED [01.10.2013]
- **OUT/MAL/17/00103** – Land Rear Of Charwood Stoney Hills - Proposed development of two bungalows - APPROVED [11.04.2017]
- **FUL/MAL/14/00610** – Land Adjacent Myrtle Cottage Stoney Hills - Proposed new dwelling house - APPROVED [22.09.2014]
- **FUL/MAL/12/00775** – Myrtle Cottage Stoney Hills – New dwelling house – APPROVED [08.11.2012]
- **OUT/MAL/14/01152** – Land South Of Anson Stoney Hills - Two storey dwelling of an area of 232 square metres or 2500 sq feet – APPROVED [12.02.2015]
- **RES/MAL/15/00839** - Land South Of Anson Stoney Hills - Reserved Matters application for the approval of appearance, landscaping, layout and scale for a two storey dwelling of an area of 232 square metres or 2500 sq feet. Following approved outline planning permission OUT/MAL/14/01152 – APPROVED [12.10.2015]
- **FUL/MAL/14/00662** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – REFUSED [02.09.2014]
- **FUL/MAL/14/00956** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.02.2014]
- **OUT/MAL/12/01038** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.03.2013]

- **OUT/MAL/15/00420** – Land Opposite Linden Lea Stoney Hills - Outline application for one dwelling including determination of access – REFUSED [02.09.2014] APPEAL ALLOWED [21.07.2016]
- **RES/MAL/16/01187** – Land Opposite Linden Lea Stoney Hills - Reserved matters application for the approval of appearance, landscaping, layout and scale OUT/MAL/15/00420 – APPROVED [22.12.2016]
- **OUT/MAL/15/00445** – Outline application for one dwelling including determination of access – ALLOWED ON APPEAL [31.10.2016]
- **OUT/MAL/15/01082** – Outline application for the erection of five bungalows in lieu of existing commercial and agricultural buildings. ALLOWED ON APPEAL [31.10.2016]
- **OUT/MAL/16/00418** – Land to the rear of Sunnyside - Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills. ALLOWED ON APPEAL [05.06.2017]
- **FUL/MAL/18/00217** - Land Rear Of Charwood - Construction of 6 bungalows. APPROVED [25.05.2018]

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|--|-------------------------|
| Burnham-On-Crouch Town Council | No comments received at the time of writing of the report. | |

7.2 **Statutory Consultees and Other Organisations**

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|--|-------------------------|
| Essex County Council Highway Authority (ECC) | No comments received at the time of writing of the report. | |
| Natural England | No comments. The Standing Advice should be used instead. | Noted |

7.3 **Internal Consultees**

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|-------------------------|
| Environmental Health | No objection in principle. Contaminated land conditions shall be applied along with conditions about surface and foul | Comments noted. |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|-----------------|------------------|
| | water drainage. | |

7.4 Representations received from Interested Parties

- 7.4.1 A letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment | Officer Response |
|--|--|
| The proposed development is not needed and will urbanise a currently rural setting and will have a negative impact on the area. | Addressed in section 5.1 of the report. |
| The proposed development site is in the back garden of Stapleton so constitutes backland development. | It is noted that the development is to redevelop the site and not to erect development to the rear of the existing dwelling. Therefore, the comment is not relevant. |
| The development is not located in an accessible location. | Addressed in section 5.1 of the report. |
| The development would have a detrimental impact on the landscape and harmful effect in wildlife. | The comments are addressed in sections 5.1 and 5.7 of the report. |
| The development would result in overlooking, loss of privacy, extra traffic and noise generation. | The comments are addressed in sections 5.4 and 5.5 of the report. |
| The development is outside the settlement boundaries and constitutes overdevelopment. | The comments are addressed in section 5.1 of the report. |
| Concerns regarding highway/pedestrian safety and impact on Mill Road. | The comments are addressed in section 5.5. It is also noted that similar concerns were previously raised for other developments on Stoney Hills and the Highways Authority raised no objection on the impact on the Mill Road. |
| Access to our property would be compromised because of the development, due to construction traffic and the extra traffic involved | The comments are addressed in sections 5.4 and 5.5 of the report. |
| The value of the neighbouring property will decrease considerably | It is noted that the value of a property is not a material planning consideration. |
| If this development is allowed it would set an unacceptable precedent. | It is noted that the precedent has been set from previous development approved or upheld on appeal in recent years |
| The sewer and drainage cannot cope with any more development in Stoney Hills. | Conditions are imposed for details of foul and surface water drainage to be submitted to avoid any adverse impacts caused from flooding or pollution. |
| The water pressure and supply cannot cope with any more development in | Although consideration is given to the comment raised, on its own it cannot |

| Objection Comment | Officer Response |
|--|--|
| Stoney Hills. | justify refusal of the application. |
| Concerns raised regarding the increased need of maintenance of the private road due to the additional development. | Comment noted. However, this is not a material planning consideration. |

8. **PROPOSED CONDITIONS**

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Replacement Local Plan.
- 3 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the

commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

- 5 The development shall be single storey only comprising of one floor of accommodation and no more than 3 dwellings. The total floor area of the proposed bungalows and associated outbuildings shall not exceed 999sqm.

REASON: To ensure that the development is as applied for and that it does not exceed the minimum threshold for affordable housing contribution in accordance with Policy H1 of the approved Maldon District Development Local Plan.

- 6 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:

- i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
- ii) A survey of the extent, scale and nature of contamination;
- iii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of

Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 7 In the event of discovery of potential contamination, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the erection of the development above slab level, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 9 No development shall commence until details of surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction
- Hours and days of construction operations.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.

It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984

- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.