

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

**to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018**

Application Number	FUL/MAL/18/00416
Location	Land at Stock Chase Heybridge Essex
Proposal	Erection of two detached bungalows
Applicant	Mr Nick Barnes - Milbarn Construction
Agent	Mr Matthew Letten - Spectrum Town Planning Consultants
Target Decision Date	13.07.2018
Case Officer	Kathryn Mathews TEL: 01621 875805
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In – Councillor Ian Dobson –due to the public interest in the site

1. RECOMMENDATION

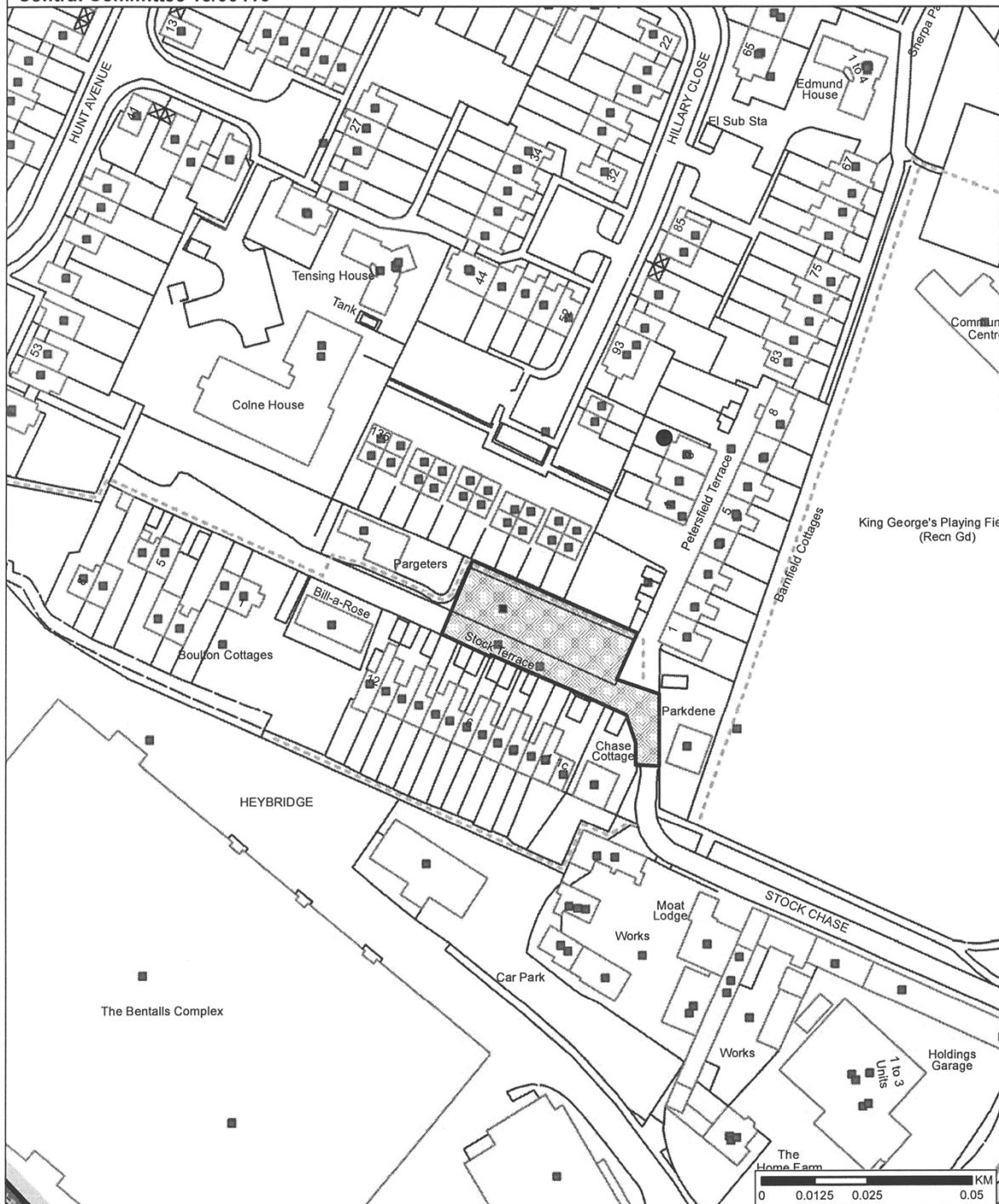
APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Land At Stock Chase Heybridge

Central Committee 18/00416



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: FUL/MAL/18/00416

Date: 15/06/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the north side of Stock Chase, which is an unadopted road, within the settlement boundary of Heybridge. It is a rectangular shaped site which is around 47m wide by 12m deep. The site is currently partially vacant and overgrown with shrubs and vegetation with an unsurfaced area towards the western end used for parking vehicles. There is a public footpath adjacent to the rear and western boundaries of the site; and existing residential properties surround the site. On the opposite side of the road there is a 3 storey terrace (Stock Terrace) which is set back from the highway and fronted by parking areas and garages. To the west is a bungalow and to the north east terraces of bungalows fronting Petersfield Terrace.

3.1.2 It is proposed to erect two detached, one bedrooomed bungalows. The proposed dwellings would be identical in terms of size and appearance measuring 8m deep, 7.5m wide, 2.6m to the eaves and 5.4m to the ridge. They would each be provided with amenity space to the side of the dwelling (enclosed with a screen timber fence) and parking spaces to the front (two per dwelling).

3.1.3 The current planning application is for a revised scheme following planning permission having been granted for the same description of development in 2017 (reference FUL/MAL/17/00335). The revisions to the scheme are an alteration to the internal room layout, an amended design of the roofs of the dwellings and changes to the external windows and doors (in terms of size, number and position).

3.2 Conclusion

3.2.1 The principle of the proposed development has previously been accepted (planning permission reference FUL/MAL/17/00335). It is considered that the revised proposal would be acceptable in terms of its impact on the character and appearance of the area, the amenity of the occupiers of existing residential properties and highway safety/parking.

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:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

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

- S1 Sustainable development
- D1 Design quality and built environment

- H2 Housing Mix
- 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
- Maldon District Design Guide Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any harm the development would cause to the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwellings and parking/highway.

5.2 Principle of Development

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimising need to travel.

5.2.2 The application site is within a predominantly residential area within the urban area of Heybridge and benefits from an existing planning permission for two bungalows (reference FUL/MAL/17/00335). Therefore, the principle of the redevelopment of the site for residential purposes is acceptable in principle, subject to an assessment of the proposal as set out below.

5.2.3 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands, particularly the need for an ageing population. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. It is considered the housing mix with both of the units proposed having one bedroom, would contribute positively to the identified housing need and be responsive to local circumstances. The type of housing proposed should, therefore, be afforded some weight in favour of the proposal but the weight would be limited as only two units are proposed.

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 to the approved Local Development Plan (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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 (MDDG) (2017).

5.3.5 In addition, Policy H4 states that all development should be design-led and seek to optimize the use of land having regard to a number of considerations as follows:-

- The location and setting of the site
- the existing character and density of the surrounding area
- Accessibility to local services and facilities
- The capacity of local infrastructure
- Parking standards
- Proximity to public transport, and
- The impacts upon the amenities of neighbouring properties

5.3.6 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on the character and appearance of the area than the previously approved scheme. The soft landscaping and details of external materials which have been submitted as part of the current application are also considered to be acceptable.

5.3.7 Overall, the proposal would comply with the NPPF, Policies S1, H4 and D1 of the LDP and the MDDG 2017.

5.4 Impact on Residential Amenity

5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.4.2 The application site is surrounded by residential development. The closest neighbouring dwelling to the site is 1 Barnfield Cottages which is around 5m to the north-east of the application site.

5.4.3 The proposed dwellings are single storey in height and given the distance of the proposed development from the surrounding neighbouring dwellings it is not considered that the development would result in a loss of light to the main windows of the neighbouring properties, be overbearing or harm the outlook from neighbouring properties.

5.4.4 The proposed fenestration pattern would not result in overlooking to the detriment of neighbouring occupiers. Furthermore, a 2m high fence would enclose the majority of the site. Therefore, no concerns are raised in relation to the overlooking. However, it is considered necessary to impose a condition withdrawing permitted development rights for alterations/additions to the roofs of the dwellings to protect the amenity of neighbouring residents from potential overlooking

5.4.5 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on the amenity of existing, neighbouring residents than the previously approved scheme.

5.4.6 On the basis of the above, the proposed development would not cause material harm to the occupiers of any existing residential properties in accordance with Policy D1 of the LDP.

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 proposed dwellings have one bedroom; the recommended standard for a one bedrooomed property is a maximum of one car parking space. The proposed scheme includes provision for two car parking spaces per dwelling, which is above the recommended standard. Therefore, no concerns are raised with regards to parking provision.
- 5.5.4 Stock Chase is a private unmade road. There would only be approximately 5m between the back edge of the parking spaces and the opposite side of the unadopted highway. This would normally prevent vehicles manoeuvering in a conventional turn and enter/leave the parking spaces. However, the parking spaces would each be around 3.7m in width which is wider than a conventional parking space and so it would be possible to conveniently access the parking spaces.
- 5.5.5 The Highways Authority previously raised no objection to the proposal subject to a condition requiring a construction method statement (CMS). An acceptable CMS accompanies the current application. Therefore, no concerns are raised with regards to highway safety.
- 5.5.6 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on parking or highway safety than the previously approved scheme.
- 5.5.7 On the basis of the above, the proposal would comply with Policy T2 and D1 of the LDP.

5.6 Quality of Life for the Occupiers of the Proposed Dwellings

- 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 The private amenity space to serve the dwellings would be located to the side of each dwelling, enclosed with a 2m high timber fence. The recommended minimum garden size for a one bedrooomed dwelling is 50sq.m. The private amenity space to serve each dwelling would be well in excess of this 50sq.m. recommended minimum. The

proposed size and layout of the dwellings would ensure that the occupiers of the dwellings are provided with sufficient floorspace, light and outlook.

- 5.6.3 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The quality of life for the occupiers of the proposed dwellings would be no worse than the previously approved scheme.
- 5.6.4 On the basis of the above, it is considered that the proposal would provide an adequate quality of life for the occupiers of the proposed dwellings, in compliance with Policy D1 of the LDP.

5.7 Other Material Considerations

- 5.7.1 Further details of surface water drainage could be required by condition and the means of foul drainage proposed (into the existing manhole) is considered to be satisfactory. On this basis, the matter of drainage has been adequately addressed, in compliance with Policy D5 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **DET/MAL/18/05014** - Compliance with conditions notification of approved application **FUL/MAL/17/00335** (Erection of 2 x 1 bed bungalow). Condition 3 - materials. Condition 4 - Boundary treatment. Condition 5 - Hard and soft landscaping. Condition 6 - Driveway and footpath materials. Condition 8 - Foul drainage scheme. Condition 9 - Surface water drainage scheme. Condition 10 - Construction method statement. Condition 12 - Protection of Persons Using Public Footpath – Undetermined to date
- **NMA/MAL/18/00139** - Application for non-material amendment following grant of Planning Permission **FUL/MAL/17/00335** (Erection of 2 x 1 bed bungalow). Amendment sought: Internal room layout alterations and minor changes to external windows. Slight adjustment to roof so all four pitches are the same with a small ridge – Refused 01.03.2018
- **FUL/MAL/17/00335** – Erection of 2 x 1 bed bungalow – Approved 12.09.2017
- **FUL/MAL/96/00086** - Erection of 1 x 3 bed bungalow - Appeal Dismissed 16.03.1998
- **FUL/MAL/99/00019** - Erection of 1 x 3 bed bungalow- Approved 10.03.1999
- **FUL/MAL/05/00085** - Erection of 3 dwellings and re-align public footpath - Appeal Dismissed 06.02.2006
- **FUL/MAL/05/00686** - Erection of 2 dwellings and re-align public footpath - Appeal Allowed 06.02.2006
- **FUL/MAL/16/00336** - Erection of 2 dwellings and re-align public footpath - Withdrawn
- **FUL/MAL/16/01008** - Erection of 3 three bungalows and re-alignment of footpath FP26 - Refused 02.11.2016

- **FUL/MAL/16/01439** - Construction of two bungalows - Refused – 06.03.2017

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No response received but raised no objection to FUL/MAL/17/00335 provided that parking arrangements do not compromise the normal use of the road including access for permitted vehicles such as emergency services	Noted – refer to section 5.5 of report

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to informatives.	Noted – refer to section 5.5 of report
Public Rights of Way Officer	No response received	

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	No response received but raised no objection to FUL/MAL/17/00335 subject to conditions requiring details of surface water and foul drainage and, as part of DET/MAL/18/05014, advised that the proposed means of foul drainage is satisfactory	Noted – refer to section 5.7 of report

7.4 **Representations received from Interested Parties**

7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

- 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 drawings and specifications:
PROPOSED SITE PLAN SC/18/01 REV.A;
SOFT LANDSCAPING PLAN NR.723.01 REV.A
EXISTING AND PROPOSED SITE PLAN SC/18/P101 REV.A
PLOT 1 & 2 PROPOSED ELEVATIONS SC/18/P103 REV.A
PLOT 1 & 2 PROPOSED PLANS SC/18/P102
BLOCK PLAN & LOCATION PLAN SC/18/OM
SITE SET UP PLAN SC/18/02
CONSTRUCTION METHOD STATEMENT
DETAILS OF EXTERNAL MATERIALS (BRICKS, TILES AND PAVING)
SOFT LANDSCAPING & PLANTING SPECIFICATION
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The hard landscape works, as shown on drawing PROPOSED SITE PLAN SC/18/01 REV.A, 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, as shown on drawing SOFT LANDSCAPING PLAN NR.723.01 REV.A and SOFT LANDSCAPING & PLANTING SPECIFICATION, 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 that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Local Development and the provision and guidance of the National Planning Policy Framework.
- 4 The car parking spaces hereby approved shall be provided prior to the first beneficial occupation of the dwellings hereby permitted and shall be permanently retained thereafter for the parking of private motor vehicles solely for the benefit of the occupants of the dwellings hereby approved and their visitors and for no other purpose.
REASON: To make provision of an acceptable level of parking off the highway and in the interest of highway safety in accordance with Policy T2 of the Local Development Plan.
- 5 The foul drainage scheme, shown on drawing SC/18/01 REV.A; shall be implemented prior to the first occupation of the development.
REASON: To ensure satisfactory drainage of the development, in accordance with Policy D5 of the Maldon District Approved Local Development Plan.

6 No development shall take place until details of the surface water 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 ensure satisfactory drainage of the development, in accordance with Policy D5 of the Maldon District Approved Local Development Plan.

7 The approved Construction Method Statement received on 7 June 2018 shall be adhered to throughout the construction period.
REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety in accordance with policy D1 and T2 of the Local Development Plan.

8 Notwithstanding the provisions of Schedule 2 Part 1 Classes B and C of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), there shall be no alterations or additions to the roofs of the dwellings.
REASON: To protect the amenities of the occupants of neighbouring dwellings from potential overlooking, in accordance with policy D1 of the Maldon District Local Development Plan.

9 The development shall only be undertaken in full compliance with the approved details, as shown on drawing SC/18/02, for the protection of persons using the public footpath adjacent to the site during the construction period.
REASON: To ensure the protection of pedestrians and encourage the use of sustainable forms of transport in accordance with policy T2 of the Maldon District Local Development Plan.

INFORMATIVES

1. The public's rights and ease of passage over Public Footpath No. 26 (Heybridge) shall be maintained free and unobstructed at all times.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants can 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.
3. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in

accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

4. 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.
5. This planning permission does not override the owner's/developer's responsibilities under the Conservation (Natural Habitats, &c.) Regulations 1994, the Wildlife & Countryside Act 1981 and any other legislation/recommended practices which refer to wildlife and protected species and/or habitats. It is recommended that an ecological survey is carried out by a competent person to ascertain the absence/presence of protected species and any requirements arising from the survey should be fulfilled, before any permitted works are carried out. For advice and information contact Natural England: <http://www.naturalengland.org.uk/> ; Tel: 0300 060 3900 ; Email: enquiries@naturalengland.org.uk.