



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

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

MEMBERS' UPDATE

AGENDA ITEM NO. 5

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 July 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

3 SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.4 In response to the objection received from EHT (set out below), the applicant's agent has advised that, without clearing the site fully, their client has been unable to locate any sewer but planning permission has previously been granted for dwellings in the same position as currently proposed. Furthermore, they advise that, if there is a sewer on site within 3m of where their client is proposing to build, it will be necessary for permission to be gained from the water authority.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

(Summary of comments received which are only relevant planning matters that are to be taken into account).

7.1 Representations received from Parish / Town Councils

Name of Parish/Town Council	Comment	Officer Response
Heybridge Parish Council	Support on grounds of material benefit but the	Noted – the footpath is shown to be retained and

Name of Parish/Town Council	Comment	Officer Response
	footpath must be maintained and reinstated	an informative is recommended referring to the need for the public's rights and ease of passage being maintained free and unobstructed at all times

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Cadent Gas Network	Apparatus has been identified as being in the vicinity of the proposed works (Low or Medium pressure (below 2 bar) gas pipes and associated equipment). As a result, it is highly likely that there are gas services and associated apparatus in the vicinity. Recommends that an informative is added.	Noted – additional informative recommended below

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	It is understood that an Anglian Water sewer crosses the site from a neighbouring property. The development presents a risk to the integrity of the sewer, nuisance and public health implications if it ruptures and access through the floor of the proposed dwellings could be required in the future. Until this matter is addressed, objection is raised as the site in its	Noted – refer to section 5.7 of report. A refusal of planning permission relating to the existing sewer could not be sustained and a planning condition could not be reasonably imposed with respect to building over the neighbour's sewer as this is a matter which would be dealt with under Building Regulations and/or directly with Anglian Water. An

Name of Internal Consultee	Comment	Officer Response
	current state is not suitable for its end use by way of the current sewerage arrangements and because of the reasons given above.	additional informative regarding refuse is recommended below.

7.4 Representations received from Interested Parties (summarised):

7.4.1 Representations **objecting** to the application:

Three letters of objection have been received.

Objecting Comment	Officer Response
Would add to existing problems caused by lack of parking, access issues for emergency services and impact on highway safety	Refer to section 5.5 of report
Road is in very bad state of repair	This is not a reason for refusal as Stock Chase is a private unmade road
Plans show a study/habitable space but it is likely these will be turned into second bedrooms in the future	This is not a reason for refusal as it is the submitted plans and details of the proposed layout that is assessed
Room size is under the standard contained in the Maldon District Council Landlord information pack	The Maldon District Council Landlord pack is not an adopted document for planning purposes and so could not be used to justify a reason for refusal
No mention in the Construction Method Statement as to how the risk posed by overhead electrical lines will be managed throughout construction	Issues relating to electric power lines are covered by other legislation

7.4.2 Representations **supporting** the application:

One letter of support has been received.

Supporting Comment	Officer Response
The changes to the roof improves the aesthetic	Comments noted
The possibility of a second bedroom and its dimensions are similar to other properties	Comments noted
Car parking and amenity space are compliant with Maldon District Council requirements	Comments noted
The application should be granted permission	Comments noted
Issues locating a manhole cover and sewer within the site. Clearing the site may reveal their location.	Comments noted
The Construction Method Statement provides adequate assurance that all services to Pargeters will have appropriate treatment.	Comments noted
Other services not covered by planning regulations (i.e. overhead electric lines, underground water and telephone lines), when	Comments noted

Supporting Comment	Officer Response
fully identified as the site is cleared, may require modifications to the present drawings/documents	
Land ownership has been questioned	The correct ownership certificate has been submitted with the application
Could add an informative supplementary to the Highways comments regarding continued access after the sale of the two plots.	All conditions and informatives considered necessary have been included.

8. PROPOSED CONDITIONS

Additional Informatives

6. Cadent Gas Network have identified operational gas apparatus within the application site boundary (High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment; Low or Medium pressure (below 2 bar) gas pipes and associated equipment). This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588
7. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.