



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
10 SEPTEMBER 2018**

Application Number	FUL/MAL/18/00895
Location	Land North Of Hillcrest House, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construct 4 new detached dwellings
Applicant	Messrs C Dickens & R Goulding
Agent	N/A
Target Decision Date	23.09.2018
Case Officer	Anna Tastsoglou
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2005

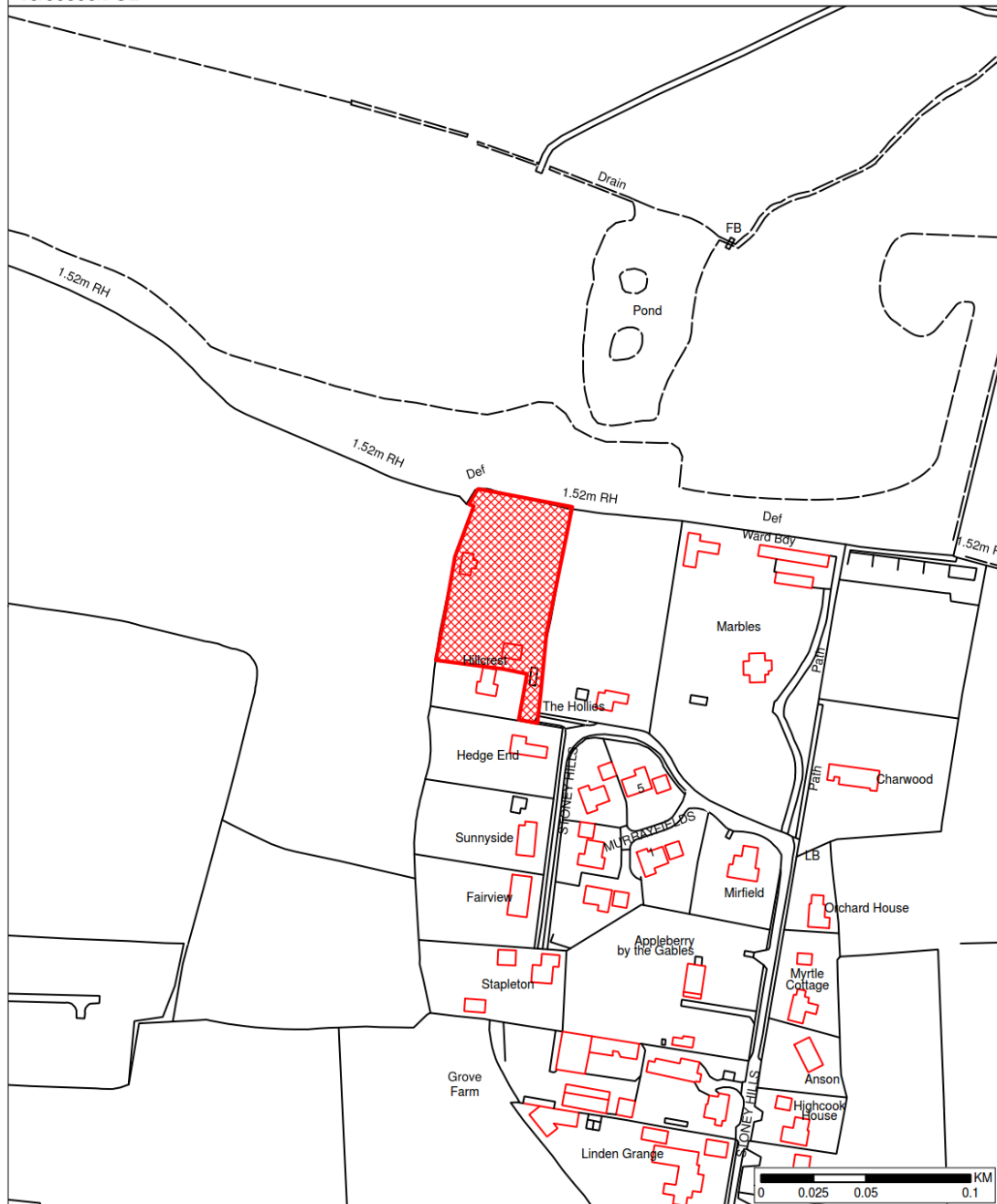
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

SE Committee
18/00895/FUL



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 29/08/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is at the northwest corner of Stoney Hills and comprises a detached two storey dwellinghouse with an extensive garden area to the north. The rear garden is mainly grassed with a small number of garden trees. There is thicker vegetation around the boundaries with hedging and trees. It is noted that although the application site was originally part of the garden of Hillcrest, the dwelling is now separated from the application site with a high boundary fence.
- 3.1.2 To the west and north there is open countryside with open views to the north. To the east is 'The Hollies' where planning consent has been granted for the erection of three dwellings (Application references: 16/00849/OUT and 16/00408/FUL), in a linear form similar to the current proposal. Access to the site is from Stoney Hills, a single width private unmade track which serves a number of properties.
- 3.1.3 The area of Stoney Hills, within which the application site sits, 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 significantly changed its character, adopting a less homogeneous or uniformed appearance. 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. The site itself, albeit marginally smaller (by 0.05 hectares), benefits from planning permission for the erection of three dwellings (16/00196/OUT). 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 Planning permission is sought to erect four detached two storey dwellings, with three associated garages, off-street parking spaces, amenity area and landscaping. The existing barn on the western boundary, the triple garage to the northeast of the existing dwelling known as Hillcrest and the outbuilding at the entrance of the application site are proposed to be demolished.
- 3.1.5 Two types of dwellings are proposed to be erected, which would have the following characteristics:
- Type 1: Two no. two storey dwellings with wide front projecting gables and lower cat-slide with half-hip roof section with wall dormers to front and rear. Single storey projections are proposed attached to the main two storey building. The dwellings would measure a maximum of 12.4m deep and 15.4m wide. The height to the eaves would be 5.5m and the maximum height would

be 8.8m. Internally the dwellings would accommodate a kitchen/breakfast room, a dining room, a living room, a cloak room and a utility at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.

- Type 2: Two no. two storey dwellings with half-hipped roofs with front and rear wall dormers and narrow front projecting features which sit lower than the ridge of the main roofs, incorporating front projecting canopies. Wide rear gable projections are proposed to be erected, as well as single storey side projections. The dwellings would measure a maximum of 12.7m deep and 16.5m wide. The height to the eaves would be 4.8m and the maximum height would be 8.8m. Internally the dwellings would accommodate a kitchen/breakfast room, a dining room, a living room and a cloak room at ground floor and four bedrooms (one en-suite) and a bathroom at first floor. Dwelling 2 would use the single storey side projection as garage, whilst dwelling 4 would use it as a utility room.

3.1.6 Detached double garages would be provided for dwellings 1, 3 and 4. Access to the site would be gained via a service road, which will be running along the eastern boundary of the application site and it would be linked with Stoney Hills.

3.1.7 The dwellings would have access to outdoor amenity area, which would measure between 350sqm and 370sqm.

3.1.8 As noted above the site constitutes an amended proposal following outline planning permission being granted for the erection of three dwellings, which was allowed on appeal and it still extant. The dwellings were previously proposed to be orientated in a circle arrangement around a cul de sac. Now the proposal is to erect the dwellings in a linear form following the front building line of the existing dwelling at Hillcrest. No further details were previously submitted with the outline application and thus, it is considered unnecessary to further discuss the differences of the two proposals.

3.2 Conclusion

3.2.1 The proposed development has been assessed against all material planning consideration and taking into consideration the extant planning permission for the erection of three dwellings and the evolved character of Stoney Hills, in this instance; it is considered that the principle of increasing the amount of development by one dwelling, in a slightly larger plot would be acceptable in principle. On balance, it is not considered that development would have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. No objection is raised in relation to the impact of the development on residential amenity and ecology or the parking provision. Therefore, the development subject to appropriate conditions is considered acceptable and in accordance with the aims of the development plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Approved Maldon District Local Development Plan (July 2017):

- 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
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7th 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 MDLDP has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within 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.

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.

- 5.1.3 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.”*
- 5.1.4 It is noted that a number of new dwellings have been approved and some of them already erected in the area in recent years. 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. 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 In February 2017, an appeal for the erection of three dwellings within the application site, albeit marginally smaller, was allowed on appeal (APP/X1545/W/16/3157183). In determining the appeal the Inspector considered the evolving character of Stoney Hills and stated that *“changes have occurred over recent times that have resulted in the area adopting a less homogeneous or uniformed appearance... Because of these changed circumstances, I do not find that the proposed development would appear out of keeping with the area... I therefore find the proposed development would not harm the character and appearance of the area.”*
- 5.1.6 A similar approach, although prior to the adoption of the LDP, has been taken by inspectors who have allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL/14/00591 and FUL/MAL/16/00408), 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”*. In addition, on 15 January 2015 the Council approved an application for a dwelling to the east of Charwood (Ref. OUT/MAL/14/01049).
- 5.1.7 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 side and rear boundary line of the northwest dwellings of Stoney Hills (Hillcrest). 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.
- 5.1.8 For that reason and giving due weight to the previous appeal decision for the erection of three detached dwellings which was allowed on appeal and could still be implemented, it is considered that the increase of the amount of development by one dwelling, in a slightly larger plot would be difficult to demonstrate demonstrable harm.

- 5.1.9 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 (September 2017), 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 6.28 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.
- 5.1.10 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 four dwellings in this location.
- 5.1.11 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 one additional dwelling (total number of four) would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.12 Other material consideration relating to the impact of the development on the character of the sparsely developed countryside, 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 four no. four bedroom dwellings. 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 an 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, it is acknowledged that the development would not contribute towards the identified need of smaller sized dwellings.

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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 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 the defined settlement boundaries. 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 The site is located outside the defined settlement boundaries and it forms part of the rear garden of Hillcrest, within the envelope of the residential area of Stoney Hills. Although the application site abuts the open countryside to the north and west, the area to the south and east is developed in a suburban form.

- 5.3.7 It should be noted that a marginally smaller site that is fully contained within the current application site benefits from outline planning permission for the erection of three dwellings. The Inspector in that appeal found that on the basis of the illustrative

layout provided “*the proposed dwellings could successfully assimilate into its surroundings and be accommodated with sufficient space between them; and the provision of appropriate landscaping would ensure the appeal site would not appear cramped or as an overdevelopment of the site*”. Although the layout has been amended and the number of dwellings has been increased from the last submission, given that the application site is marginally larger (although it does not further expand into the countryside) and also that a similar linear layout was allowed at the neighbouring site to the east (The Hollies), the proposed development would not appear out of keeping with the build pattern of the area.

- 5.3.8 The dwellings would be positioned to face the service road which would be along the eastern boundary of the site. Although the dwellings would be closer together than what was shown in the indicative plans of the approved outline permission, sufficient gaps would be maintained to reflect the developing character of Stoney Hills. The front building line would not be staggered from the existing dwellings at Hillcrest and given the secluded position of the dwellings, the development would not have a significant impact on the street scene.
- 5.3.9 The ground levels marginally slope towards the south and thus, the ridge height of the proposed development would be set higher than Hillscrest. However, the overall width, scale and general form of the dwellings would not be dissimilar to that of the existing dwelling. Reasonable and consistent gaps would be maintained between the proposed dwellings and Hillscrest. Furthermore, all properties would have large sized gardens and although the remaining amenity area for the Hillscrest would significantly reduce, it would well exceed the minimum standards. No objection is therefore raised in terms of overdevelopment of the site, the layout and scale of the proposed development.
- 5.3.10 In terms of their detailed design, it should be noted that there is no dominant architectural style in Stoney Hills that should be followed consistently. The proposed dwellings would have a traditional overall character, with wall dormers and gable projections, which would reflect the character and take inspiration from the existing dwellings at Hillcrest. Although the dwellings are not of exceptional design, they are well proportioned and articulated and therefore, it is not considered that they would adversely impact on the existing suburban character of the area or the open countryside which extends to the north and west.
- 5.3.11 Native hedgerows are proposed along the boundaries of the application site with the open countryside and trees are proposed to be planted in front of the dwellings. Whilst hard and soft landscaping is further assessed below in the relevant section, no objection is raised in relation loss of existing important landscaping or lack of provision of sufficient landscaping to soften the appearance of the development.
- 5.3.12 In light of the above, it is considered that, on balance, the development would be of an acceptable design and scale, which would blend in with the existing built form and would not detrimentally impact on the appearance of the area or the character of the countryside.

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 four dwellings would result in increased levels of activity, by reason of the increased number of houses on site, which is currently an open field. However it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area. It is also noted that a development of three dwellings was previously considered acceptable and the increase of one additional dwelling is not considered to result in a significant harm.
- 5.4.3 The southernmost dwelling would be sited 2.8m off of the southern boundary that is shared with Hillcrest; however, an additional 1m would be maintained to the north side wall of this dwelling. To the front 'house 1' would be sited in line with the existing dwelling to the south. Although to the rear the development would project approximately 4.5m beyond the rear elevation of the neighbouring dwelling to the south, the development would not breach a notional 45° angle taken from the southwest end of the proposed southernmost dwelling and extended horizontally towards the Hillcrest to the south. Therefore, on balance, it is not considered that the development would result in an overbearing impact. Sufficient distance would be maintained between the two dwellings and thus, the development would not result in an undue sense of enclosure. Hillcrest has a ground floor window on the north elevation, which appears to be a secondary window to a room that is served by a window to the front elevation and thus, it is not considered that the development would result in loss of light to neighbouring habitable rooms. A bathroom window is proposed at first floor of the south elevation of 'house 1', which is considered reasonable to be glassed in obscure glass to prevent from overlooking. This would be dealt with by condition.
- 5.4.4 With regard to the proposed garage of 'house 1', it would be located in a forward position in relation to both the proposed dwellings and the exiting property to the south. However, sufficient distance would be maintained between the garage and the dwellings (around 6m) and taking into consideration the single storey nature of the development, on balance, it is not expected that the impact caused, by way of loss of light, obtrusive impact or loss of outlook would be significantly detrimental to warrant refusal of the application on these grounds.
- 5.4.5 In terms of the impact of the development on the neighbouring property at 'The Hollies', a minimum of 9.5m distance would be maintained between the development (the proposed southernmost garage) and the eastern boundary of the application site. On that basis, it is not expected that the development would result in overbearing or overshadowing impact. An approximate 32m would be maintained between the front elevation of the dwellings and the neighbouring dwellings to the southeast and thus, the neighbours' privacy would not be compromised by the first floor windows.

- 5.4.6 In terms of the interrelationship of the proposed dwellings, it is noted that the dwellings would be orientated in a way that no overshadowing or overbearing impact would occur. The bathroom windows at first floor would not be sited opposite windows to habitable rooms and they would not increase overlooking at the neighbouring gardens. Therefore, there is no requirement for them to be glazed in obscure glass.

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 To access the site, it is proposed to use an existing access to Hillcrest off of Stoney Hills. A service road would be formed along the eastern boundary of the site. Both the service road and access are considered to be wide enough to accommodate the volume of vehicle movement. Although no comments have been received from the Highways Authority to date, given the planning history of the site and that the development would be accessed from a private road, it is not expected that an objection would be raised from the Highways Authority.
- 5.5.4 In terms of parking provision, properties 1, 3 and 4 would be served by detached double garages and 'house 2' would have an integral garage. Additional off-street parking spaces and turning area would be provided within the front curtilages of the proposed dwelling, which are deep enough to allow vehicles to enter and egress the site safely, without causing obstruction of the service road. The development would be compliant with the Vehicle Parking Standards and thus, no objection is raised in terms of off-street parking provision or highway safety.
- 5.5.5 No provision for cycle parking has been shown on the submitted plans. However, all properties benefit from garages, which could be used for storage of bicycles and thus, no objection is raised, in terms of cycle parking.

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 The proposed development would be compliant with the abovementioned requirement and therefore, the outdoor requirements of the future occupiers would be met.
- 5.6.3 The dwellings proposed would have sufficient space to provide a good level of accommodation and also windows would serve all habitable rooms to provide adequate light, outlook and ventilation.
- 5.6.4 With regard to hard and soft landscaping the following details have been submitted:
- Mix of native hedging would form the north and west boundaries of the application site with the countryside. This would include hawthorn, blackthorn, hazel, hornbeam. A 1.2m post and rail fence would be installed along the boundaries with the countryside.
 - Laurel hedge is proposed to the eastern boundary, with a 1.9 close board fence.
 - Five lime trees are proposed to be planted between the front boundaries of the proposed dwellings and the service road.
 - Gravel hardstanding is proposed to be laid at the forecourts of the dwellings.
- 5.6.5 It is considered that the above details of the hard and soft landscaping are acceptable in terms of their visual impact. The level of landscaping proposed would be able to screen the development from the open countryside and it would also soften its appearance. Subject to the development being implemented in accordance with the submitted details, no objection is raised in relation to landscaping. A condition to secure that would be imposed. Also details of a soft landscaping management plan would be required to be submitted.

5.7 Ecology

- 5.7.1 The National Planning Policy Framework (the Framework) 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 An Extended Phase 1 Habitat Survey has been submitted with the application. This concludes that the majority of the site is of low biodiversity value, consisting of amenity grassland, introduced shrub, scattered trees and some hardstanding. However, given that these areas have potential to support nesting birds and roosting bats, a bat roost survey has been suggested to be carried out. It is also suggested that sensitive removal of suitable habitats for protected species should be implemented. Generally, it is expected that any potential impacts would be able to be mitigated.

- 5.7.4 A barn, a garage and an outbuilding, which are located within the application site, are proposed to be demolished. In accordance with the suggestion made in the Extended

Phase 1 Habitat Survey, a bat survey has been carried out. Roosting bats were recorded in the barn on two of the three surveys and it is likely that the barn is used as a day roost by small numbers of individual brown long-eared and pipistrelle bats, on an occasional basis. There was no evidence of more frequent use of barn or a roost of more significant conservation status. Mitigation and compensation for the loss of roosts, will be through bat boxes on trees prior to the commencement of the development and external bat tubes/bricks on the new-builds would be installed after completion. Additional habitat enhancements include the installation of bat boxes to trees should be 3m to 6m above ground level. It is noted that licence from natural England maybe required and you are therefore advised to liaise with them prior to any implementation of habitat enhancements.

- 5.7.5 In light of the above and subject to implementation of the development in accordance with the recommended precautionary and mitigation measures, no objection is raised with regard to ecology or protected species.

5.8 Contamination

- 5.8.1 A consultation response has been received from the Environmental Health Team suggesting that historical maps provide evidence of gravel pits in the Stoney Hills area. This has included the identification of landfill debris during excavations and high levels of lead in soils. It is also noted that at the time of application 16/00196/OUT the Environmental Health Department was not in possession of the quantity of information that it now holds to suggest that developments on Stoney Hills sites may need further investigation prior to development to make sure that the development would not result in land contamination.

- 5.8.2 For that abovementioned reason, although no condition for ground investigation for potential contamination prior to the commencement of the development was imposed by the Inspector who dealt with appeal for the erection of three dwellings at almost the same site with the current application site, given the recent findings, it is considered reasonable the requested conditions to be imposed to this fresh application for full planning permission for four dwellings.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/16/00196** - Development of 3 new homes. Planning permission allowed on appeal on 7th February 2017.

(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]
- **OIT/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]
- **FUL/MAL/16/00408** - Land Rear Of The Hollies - Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills. ALLOWED ON APPEAL [27.03.2017]
- **OUT/MAL/16/00849** - Land Rear Of The Hollies - Outline planning permission for erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills. APPROVED [11.10.2016]

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	<p>Object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> • Departure from the LDP. • The development is outside the development boundary. • The Council has a 5 year housing land supply. • Overdevelopment of the site. • Access to the site would through a narrow road. • The access to Stoney Hills is a narrow sharp road. Large vehicles damaging existing hedges and fences. • The existing infrastructure is not enough. • The junction of Mill Road/Southminster Road/Green Lane has numerous accidents due to sightlines and poor surface 	The issues raised are addressed within the main body of the Officer's Report.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No comments received at the time of writing the report.	
Sustainable Urban	No comments due to the	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Drainage Systems (SUDS)	size of the development.	
Essex & Suffolk Water	No apparatus is located on the site and thus no objection is raised	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Conditions about contamination, surface and foul water drainage shall be applied.	Comments noted and conditions would be imposed.

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 below:

Objection Comment	Officer Response
The previous application was refused. The Council has no need for more housing.	It should be noted that the application that the neighbour is referring to was allowed on appeal and discussed above. The other matter is addressed is addressed in section 5.1 of the report
Lack of school places	Whilst it is accepted that the development would increase the need of existing infrastructure and facilities, it is considered that an additional four dwelling would not result in unacceptable burden to them.
Future residents would have to walk to dispose their garden waste.	Comment noted. However, it is not considered to be such detrimental to warrant refusal of the application
Pedestrian and highway safety concerns.	Addressed in section 5.5 of the report
Comments are raised in relation to the purposes of the erection of these dwellings.	This is not a material planning consideration.
Concerns regarding the affect to road funding from these additional housing are raised.	

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 approved drawings Location Plan; Block Plan; Storage & Collection of Waste Plan; CFD/PROPOSED GARAGE HOUSES 1,3&4/104; CFD/PROPOSED/101; CFD/PROPOSED/102; CFD/PROPOSED/103 and CFD/PROPOSED/104.
REASON: To ensure the development is carried out in accordance with the details as approved.
3. No development shall take place until details or samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
REASON:To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.
REASON:To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
5. The first floor window on the south elevation of 'house 1' serving a bedroom shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON: To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework (2018) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
6. All hard and soft landscape works shall be implemented in accordance with the details included in plans no CFD/PROPOSED/104 prior to the first occupation of any of the dwellings hereby approved and retained as such in perpetuity. Prior to the occupation of the development details of a planting scheme's implementation, aftercare and maintenance programme shall be submitted to and approved 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 occupation 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, 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

7. 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.

8. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be 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. The scheme shall ensure that for a minimum:

1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

It is advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be 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 Local Development Plan (2017).

10. 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 survey of the extent, scale and nature of contamination;
- ii) 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;
- iii) 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 Development Local Plan (2017).

11. 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 Development Local Plan (2017).

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, 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 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 Development Local Plan (2017).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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 Development Local Plan (2017).

14. Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

15. The development shall be undertaken in accordance with the terms and specifications contained within the Extended Phase 1 Habitat Survey (April 2018) and the Bat Survey (12th June 2018) which is attached to and forms part of this permission.

REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

16. The proposed detached garages hereby approved shall only be used for purposes incidental to the residential use of the dwellings approved under this permission (Reference Number: 18/00895/FUL).

REASON: To safeguard the character and amenities of the area and the amenities of adjoining residential properties, in accordance with the National Planning Policy Framework (2012), policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017).

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 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.
- 3 It is noted that licence from natural England maybe required for the proposed habitat enhancements and you are therefore advised to liaise with them prior to the implementation of enhancement proposals.