



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JUNE 2019

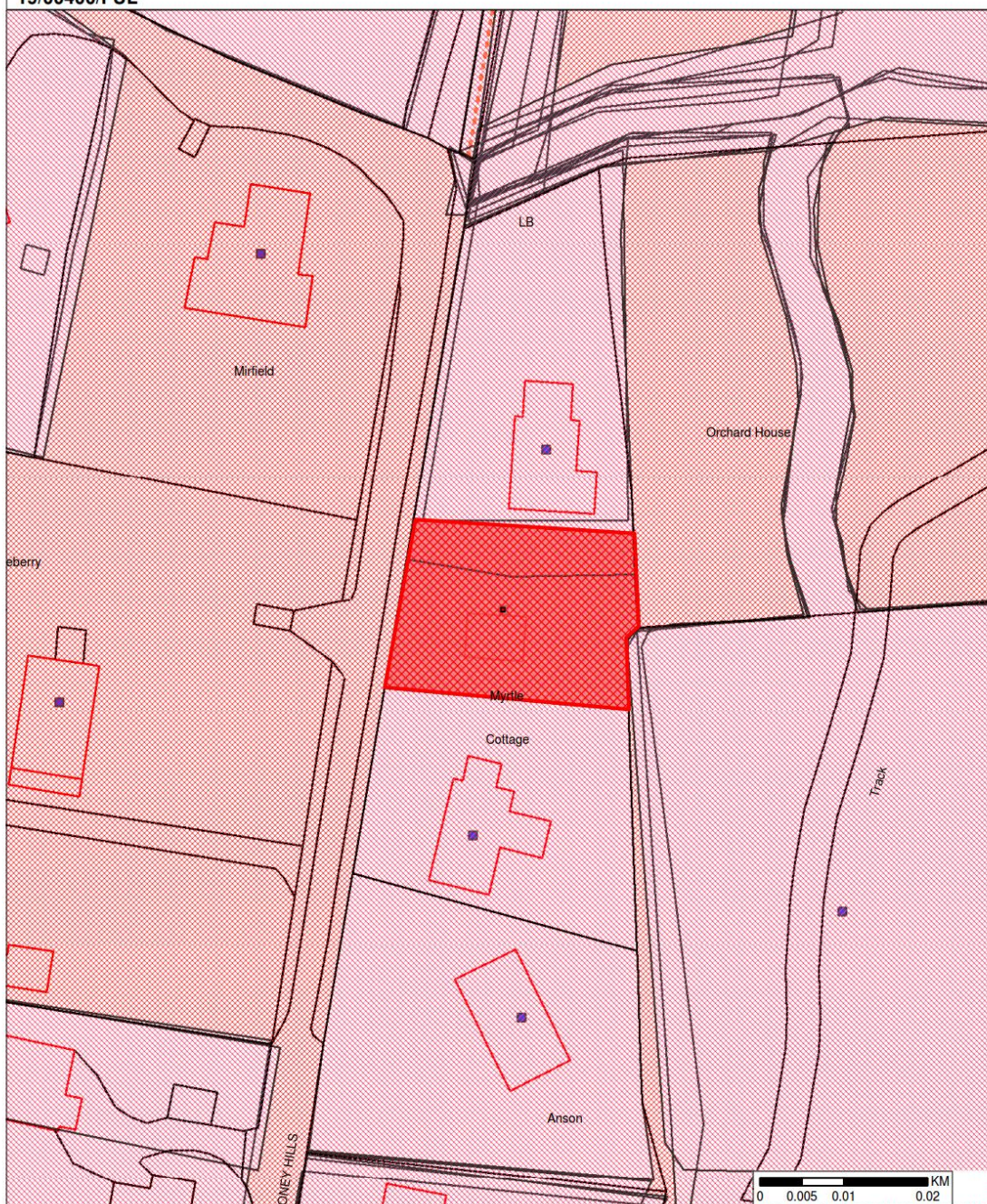
Application Number	FUL/MAL/19/00400
Location	Land at Myrtle Cottage, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Proposed 2 bedroom dwelling
Applicant	Mr & Mrs Wiffen
Agent	Greg Wiffen - Planman
Target Decision Date	06.06.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	23/05/2019
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the eastern side of Stoney Hills. The site forms part of the amenity area of Myrtle Cottage and it comprises a detached outbuilding, used as a garden and bike store. The western part of the application site is used for parking purposes with a boundary fence being recessed from the highway by around 7 metres.
- 3.1.2 Myrtle Cottage is a chalet style dwelling with pitched roof dormers along the front elevation and overhanging first floor, finished in timber weatherboarding painted white. To the north, Orchard House, which is a recently erected dwelling, is also a chalet style dwelling with dormers to the front and bay windows at ground floor, finished in multi bricks. The surrounding area comprises dwellings of varied mass, form and design. To the rear of the application site, is an open field that benefits from planning permission, allowed on appeal, for the erection of six bungalows.
- 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, three dwellings permitted at The Hollies and six bungalows currently being under construction north of Charwood. It is also noted that a number of dwellings have recently been allowed on appeal, including six bungalows to the rear of the application site (APP/X1545/W/17/3187513), two dwellings to the rear of Hedge End (APP/X1545/W/18/3198533), four dwellings to the north of Hillcrest (APP/X1545/W/18/3211805) and three dwellings at Stapleton (APP/X1545/W/18/3207171). 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 a detached chalet style, two-bedroom dwelling, with associated off-street parking to the front and amenity space. The dwelling would feature front and rear projecting gables, a pitched roof dormer to the front and a projecting canopy over the entrance door. The existing detached outbuilding would be demolished.
- 3.1.5 The dwelling would be sited almost centrally at the application site and its main section would measure 4.3m deep, with the front projection coming forward around 700mm and the rear approximately 2.9m. The property would have a maximum height of 7m, with the eaves being at a height of 4m.
- 3.1.6 Internally the dwelling would accommodate an open plan kitchen and garden room, a living room and a WC at ground floor and two bedrooms and a bathroom at first floor.

- 3.1.7 The external elevations of the dwelling are proposed to be finished in weatherboard and render, with a tiled roof.
- 3.1.8 In terms of amenity space, approximately 180sqm of usable amenity space would be provided. The amenity space retained for the existing dwelling would be around 390sqm.
- 3.1.9 The site would be accessed from Stoney Hills, providing off-street parking for at least two vehicles. A cycle and bin store are proposed to be formed within the curtilage of the proposed dwelling.
- 3.1.10 It is noted that following discussion with the applicant, amended plans have been received, incorporating the following revisions:
- The eaves line at the front elevation has been aligned with the projecting feature and dormer.
 - The front projecting feature has been widened, so that is proportionate with the overall width of the dwelling to avoid an overly narrow and squat appearance.
 - The depth of the projecting canopy has been reduced, in order to avoid competing with the main feature of the house, which is the front projection.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the previous permissions and appeals allowed within Stoney Hills for similar types of developments, and in this instance; it is considered that the principle of erecting one dwelling within the envelope of the developed area of Stoney Hills is acceptable. Following amendments, 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 or the parking provision. The majority of the trees on site would be retained and also, subject to conditions, the development would not create a land contamination risk. Therefore, subject to appropriate conditions, the development is considered acceptable and sustainable 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 2019 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

- 77-79 Rural Housing
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch 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 (7th September 2017):

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles
- Policy EN.7 - Waste Bins Storage

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Maldon District Local Development Plan (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 Local Development Plan (LDP) seeks to direct development to 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.

- 5.1.3 The application site lies beyond the development boundaries of Burnham-on-Crouch but is within the curtilage of an existing dwelling. Stoney Hills forms a separate ‘suburban’ style development, north of the main settlement of Burnham-on-Crouch extending into the open countryside.
- 5.1.4 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.”*
- 5.1.5 Although the proposed development is a departure from the development plan, consideration should be had to the evolved character of Stoney Hills and recent appeal decisions in the area for similar proposals to erect new dwellings, as this is a material planning consideration.
- 5.1.6 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.
- 5.1.7 In the most recent appeal decision in Stoney Hills, concerning the demolition of an existing dwelling and the erection of three dwelling (Stapleton, Stoney Hills, Burnham-On-Crouch CM0 8QA - Appeal Ref: APP/X1545/W/18/3207171, dated 8th May 2019) the Inspector in relation to the character of the area stated *“in recent years a number of planning permissions have been approved for new housing development within these large plots, built around shared access driveways. Examples of these include new housing developments at: Mirfield (Council Reference: 14/00224/OUT, allowed on appeal); the Hollies (Council References: 16/00408/FUL and 16/00849/OUT); Hilcrest (Council Reference: 16/00196/OUT); and Sunnyside (Council Reference: 17/00735/OUT). A number of these new developments have been carried out and I observed during my site visit that the character of the area has changed from a rural one to more suburban residential character. I also observed that house sizes, design and styles vary considerably within the area.”*
- 5.1.8 Similar approach was taken from another Inspector assessing a proposal for the erection for two dwellings at Hedge End (Appeal Ref: APP/X1545/W/18/3198533, dated 28 September 2018) where it was stated that *“The area’s character appears to have changed gradually from a more rural and scattered environment as a result of development of single dwellings or groups of dwellings. The existing pattern of development across Stoney Hills includes detached bungalows and two-storey houses, some of which are sited in larger plots and others are located in cul de sacs off the main road through the area. The design, size and appearance of houses and bungalows throughout Stoney Hills varies considerably”*

- 5.1.9 The same argument has been reiterated in another two recent permissions, allowed on appeal for the erection of four dwellings at the land north of Hillcrest (Appeal Ref: APP/X1545/W/18/3211805, dated 2nd May 2019) and that the erection of six dwellings at the land to the rear of the application site (Land South of Charwood, Stoney Hills, Burnham-on-Crouch CM0 8QA, Appeal A Ref: APP/X1545/W/17/3187513, dated 28th September 2018). Furthermore, it must be noted that costs were awarded to the Applicants for these appeals, as it was considered that the refusal of the planning application was unreasonable.
- 5.1.10 Having regard to all the abovementioned appeal decisions and many others that have been previously allowed and some of them implemented, it is 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 boundaries of the curtilage of an existing dwelling (Myrtle Cottage) within the Stoney Hills residential area. Therefore, the development would not unacceptably impinge or sprawl into the open countryside. For that reason and giving due weight to the previous appeal decisions, it is considered that in this instance, the introduction of a new dwelling in this location, in between residential units, would not cause demonstrable harm.
- 5.1.11 According to policy H4 “Backland and infill development” will be permitted if all the following criteria are met:
- 1) There is a significant under-use of land and development would make more effective use of it;*
 - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
 - 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
 - 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.”*
- 5.1.12 The proposal would intensify the use of the application site, which currently forms part of the amenity area of Myrtle Cottage. Albeit a residential amenity space cannot be considered as under-use of the site, it should be noted that the development would still result in amenity space provision beyond the minimum standards as set out in the MDDG. The impact of the development upon living conditions and the amenity of nearby occupiers is further assessed below, in the relevant section. The proposal would not result in loss of land which is of local social, economic, historic or environmental significance. It is also noted that the site is not known to host any important landscape, heritage features or ecology interests.
- 5.1.13 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, it is considered that one additional would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.14 On the basis of the above assessment, the principle of the proposed development is considered acceptable. Other material considerations relating to the impact of the development on the character of the countryside, the living conditions of the future and neighbouring occupiers, highways issues and ecology are assessed below.

5.2 Housing Need and Supply

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *‘To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for’*. Paragraph 61 continues stating that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*.
- 5.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (6.34) worth of housing against the Council’s identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of 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.
- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the 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, with around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The proposed development would provide a small (two-bedroom) dwelling and therefore, it would limitedly contribute towards the identified need for smaller dwellings.
- 5.2.6 Although it is accepted that the Council can demonstrate a housing supply in excess of five years, it is considered for all the reasons explained in the ‘Principle of Development’ section of the report, it would be unreasonable to raise an objection to the proposed dwelling at this location.

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 Policy H4 states that “all development will be design-led and will seek to optimise the use of land having regard to the following considerations:

- 1) *The location and the setting of the site;*
- 2) *The existing character and density of the surrounding area;*
- 3) *Accessibility to local services and facilities;*
- 4) *The capacity of local infrastructure;*
- 5) *Parking standards;*
- 6) *Proximity to public transport; and*
- 7) *The impacts upon the amenities of neighbouring properties.”*

- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.6 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights the housing design principles. In particular, principle NHD.9 states that “*The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the*

local vernacular are encouraged and the town centre conservation area provides many high quality examples of local forms”.

- 5.3.7 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.
- 5.3.8 As stated above, the site is located outside the defined settlement boundaries of the District, but within the boundary of an existing dwelling and within the envelope of the residential area of Stoney Hills. The site is contained within the existing envelope of development, abutting the residential area of Stoney Hills to the north, south and west. To the east although currently the site is undeveloped, it benefits from planning permission for the erection of six bungalows and therefore weight should be given to the fact that it has potential to be developed. On that basis and given that the site is already in residential use, as an amenity area of a residential dwelling, it is considered that the development would not result in demonstrable harm on the visual amenity of the countryside, in terms of sprawling development onto the open countryside or result in unacceptable urbanisation effect.
- 5.3.9 With regard to its layout, the proposed dwelling would be oriented facing the highway, being in line with the neighbouring dwelling to the north, in a slightly recessed position in relation to Myrtle Cottage. Therefore, the dwelling would preserve the existing frontage line along this section of Stoney Hills. Sufficient gaps would be maintained between the proposed dwelling and the neighbouring buildings, protecting the rhythm of development and built pattern of the area.
- 5.3.10 In terms of ridge height, the dwelling would be set in line with the dwelling to the south and marginally lower from that to the north, and thus, it would not result in an unacceptable juxtaposition or appear dominant or visually obtrusive.
- 5.3.11 Although it is accepted that the proposed dwelling would be considerably smaller than the neighbouring dwellings and be more dominant within the plot, taking into account the varying form, mass, design and style of dwellings in the surrounding area, it is not considered that the development would appear out of keeping with the streetscene or the area more widely.
- 5.3.12 In terms of the design of the proposed dwelling, as noted in the ‘Proposal’ section of the report, a number of amendments have been incorporated to improve the appearance of the dwelling. The dwelling was originally proposed to feature a cat-slide roof projecting forward the main gable feature, with misaligned eaves and a projecting feature considerably disproportionate to the overall width of the dwelling. Following amendments, the proposed dwelling would have a roof with aligned eaves, which would also take cues from the neighbouring dwelling to the north. The forward projection would be of a width and height that is proportionate to the dwelling, giving the impression of the main feature of the house, without being overly prominent, as it would still be lower than the ridge of the main dwelling and narrower than the width

of the main section of the house. The canopy over the entrance of the dwelling will no longer project beyond the front building line of the gable projection and thus, it no longer competes with this feature of the house. Overall the amendments incorporated to the proposed dwelling have materially improved its appearance.

- 5.3.13 With regard to the proposed dormer to the front elevation, it is noted that dormers are common features in the area and thus, it would not appear at odds with development in the immediate vicinity. It seems that consideration has been given to the principle of maintaining a hierarchy between the windows at ground and first floor. Whilst no windows are proposed to the north and south elevations (side elevations) it is considered that due to the staggered elevations and subject to the provision of good quality materials, the development would not result in unattractive external elevations.
- 5.3.14 No objection is raised to the proposed gable roof of the dwelling, as there are numerous examples of gabled roofs in the surrounding area. Whilst the pitch of the main gable roof would differ from that of the forward and rearward gable projections, it is considered that this would not be easily read from the public realm and it would not be harmful to the appearance of the proposed dwelling to an extent that would warrant refusal of the application.
- 5.3.15 The proposed rearward projection would add interest to the rear elevation, given that it would break the continuity of the elevation and it would introduce detailing to the external elevations (timber detailing against render at ground floor with timber cladding at first floor) that would reflect the fairly traditional character of the proposed dwelling.
- 5.3.16 The development makes provision for a bin store to the north of the proposed dwelling, away from public views and therefore, no objection is raised in terms of the visual impact of the refuse storage on the streetscene
- 5.3.17 In light of the above, it is considered that the proposed dwelling would be of an acceptable design itself and it would not be harmful to the character of the wider suburban area or the appearance of the streetscene. The development would accord with policies D1 and H4 of the LDP, the housing design principles set out in the Neighbourhood Plan and the guidance contained in the MDDG.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the 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). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 The application site is surrounded by two storey residential dwellings. The proposed development would result in increased levels of activity, by reason of the erection of an additional dwelling. 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, 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 The proposed dwelling would be located 3.3m away from the northern boundary, around 5m away from the neighbouring property to the north. The proposed house would be located almost in line with the front building line of the neighbouring dwelling to the north. To the rear the house would be recessed in relation to the Orchard House to the north. Therefore, considering the separation distance between the properties and the position of the proposed dwelling with respect to the position of the Orchard House, the development would not result in an overbearing or overshadowing impact on the neighbours to the north. The property to the north has no windows installed onto the south elevation and thus, no habitable windows would be affected by the proposed development. The proposed ground floor windows on the north elevation would not adversely impact on the amenity of the neighbouring occupiers, in terms of loss of privacy, given that outlook from them would be blocked by the existing high boundary fence.
- 5.4.4 An approximate 14m separation distance would be maintained between the proposed dwelling and that to the Myrtle Cottage to the south. This separation distance is more than adequate to prevent from any unacceptable overshadowing or overbearing impact. The development would not result in overlooking, taking into account that no windows are proposed to be installed on the south elevation of the proposed dwelling.
- 5.4.5 As noted above, the site to the rear of the application site, which is currently an open field, benefits from outline planning permission for the erection of six houses, in an oblique position in relation to the proposed dwelling, to the southeast of the site. A 10m separation distance would be maintained to the rear boundary, which is sufficient to mitigate against loss of privacy or overlooking.
- 5.4.6 The development due to its position would not result in a greater impact on the residential amenity of other nearby occupiers. As a result, the development would have an acceptable impact on the amenity of the neighbouring residential occupants.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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 Access to the site would be gained off of Stoney Hills, utilising an existing vehicular access. No new access is proposed to be formed and therefore, the development would be provided with an acceptable access, sufficient to allow safe access and egress of vehicles from the site. The Highway Authority has been consulted and raised no objection to the proposed development.
- 5.5.3 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised

that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.5.4 Two off street parking spaces are required for the proposed two-bedroom dwelling. The development would be able to provide two off-street spaces, as a minimum, in accordance with the Vehicle Parking Standards. With regard to the existing dwelling, the submitted plans show that three parking spaces would be able to be provided within the curtilage of this dwelling. Thus, whilst the proposed parking area for the proposed dwelling appears to be currently used for parking purposes, taking into account that both dwellings would be served by sufficient parking spaces that meet the Council's vehicle parking requirements, it is not considered that the development would adversely impact on the highway network or free flow of traffic by reason of vehicles being parked on street.
- 5.5.5 A bike store is proposed to be erected to the rear garden of the proposed dwelling, which will be located in an easily accessible position. Details of the cycle store ensuring that is secured and covered would be secured by the imposition of an appropriate planning condition. This is to secure that the development would be supported by policy compliant cycle parking to meet the needs of the future occupiers and also promote alternative to private vehicle modes of transport.
- 5.5.6 Although the development proposes the demolition of an existing bike and garden store that currently serves Myrtle Cottage, it is noted that the existing dwelling would still benefit from a large sized garden where a bike/garden store could be erected. On that basis, no objection is raised in terms of loss of the existing bike/garden store.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.6.2 As noted in the 'Proposal' section, usable amenity space of approximately 180sqm would be provided for the occupiers of the proposed dwelling. The amenity space retained for the existing dwelling would be around 390sqm. As such, both dwellings (existing and proposed) would be served by sufficient amenity space that meets the outdoor requirements of the future existing and future occupiers.
- 5.6.3 The development would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided for the future occupiers and on that basis, it is considered that the

development would provide a good level of living environment to the future occupiers.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would

constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

5.7.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.7.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore, constitutes an emerging document for the Council. Given the current preliminary stage of the document and low amount of development proposed (one dwelling), in this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of one dwelling on the protected habitats and thus, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of one additional dwelling in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

5.8 Other Material Considerations

Trees

5.8.1 Although the site is mainly grassed over, there are mature trees within the site and a hedgerow along the northern boundary, which currently positively contributes to the visual amenity of the site. The application is supported by a Root Protection Areas (RPA) plan which shows that the majority of the trees would be retained, as well as the existing hedge along the northern boundary. To ensure that the retained trees are protected, it is proposed that protecting fencing is installed around their RPA and no works would be carried out within those areas. It is also advised that personnel would

be briefed by an arborist regarding the methods of ensuring that the trees are protected during construction. On the basis of the submitted information and taking into account that the majority of the trees on site would be retained and protected during construction, subject to the imposition of an appropriate condition, no objection is raised in relation to the impact of the development on the health and visual amenity of the existing vegetation on site.

Contamination

- 5.8.2 Policy D2 of the Approved MDLDP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.8.3 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. Recent development at Stoney Hills has revealed fill materials typical of landfill sites. Further analysis has shown concentrations of substances that have the potential to present a risk of harm. For those reasons, it has been recommended by the Environmental Health Team that there is a need for further investigation prior to development to make sure that the development would not result in land contamination. Subject to appropriate pre-commencement conditions, as discussed below, the development and receptors would be protected from any potential hazardous sources.

5.9 Pre-Commencement Conditions

- 5.9.1 One pre-commencement condition is recommended and approval for the use of these conditions has been provided by the applicant's agent on 3rd July 2019.
- 5.9.2 A consultation response from the Environmental Health Team has been submitted requesting the imposition of pre-commencement conditions regarding the submission of an investigation and risk assessment and a remediation scheme thereafter if contamination is found on site. These conditions are necessary to be submitted prior to the commencement of the development and any ground works, given that they go to the heart of the permission and that their findings would affect the acceptability of the proposed development. Any investigation would effectively have to be carried out prior to the implementation of the development. Furthermore, a condition requiring the submission of details of the Construction Method Statement is considered necessary to be submitted prior to the commencement of the development and any ground works, given that vehicles would be required to be parked on site during works below ground level. It is also reasonable that materials would have to be stored on site prior to the construction of the development. As a result it is considered reasonable that the abovementioned condition is required to be addressed prior to the commencement of the development.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00774** – Loft conversion with alterations to roof. Planning permission granted.

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	The site is located outside the development area. Maldon District Council has a five year housing land supply. The development is not in accordance with the Neighbourhood Development Plan. The development would result in overdevelopment of the site.	All of the matters raised are discussed within the main body of the report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	Due to the fact that Stoney Hills is classified as a private road, the Highway Authority has no objection to the proposal.	Comments noted and discussed within section 5.5 of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection subject to conditions, particularly relating to contaminated land and foul and surface water.	Comments noted and conditions are imposed.

7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation have been received in relation to the proposed development

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 GW08; GW01 A; GW02 A; GW05; GW03 and GW04 A.
REASON To ensure the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
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. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including 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 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.

6. No development shall commence 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.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has 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. 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)

You are 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).

8. No development above ground level shall be occur until details of the 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 Local Development Plan (2017).9.

9. The vehicle parking area and associated turning area shown on plan GW 04A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
11. 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 risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - (i) a survey of extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). 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 prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
12. 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 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 prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

13. 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 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 prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

14. 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 in accordance with the requirements of condition [11], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [12]. 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 in accordance with condition [13].

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other

than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

16. The trees and hedges identified for retention on the approved plan drawing number GW 04 A and the details included in the Tree report which is attached to and forms part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

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.