



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JULY 2019**

Application Number	FUL/MAL/19/00169
Location	Land Adjacent Brickfields Cottage, Green Lane, Burnham-On-Crouch, Essex
Proposal	Erection of a detached chalet bungalow
Applicant	Miss K Hewson
Agent	Elisa Hampson - E. H Planning Services
Target Decision Date	22.04.2019 (EoT agreed: 19.07.2019)
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.

SE Committee
19/00169/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	04/07/2019
	MSA Number:	100018588

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site lies to the north of Green Lane between 32A Green Lane to the west and Brickfield Cottage to the east. The site is of an irregular shape, having a relatively narrow frontage which widens to towards north. The depth of the application site is disproportionate to its width, being around 140m deep and 28m wide. The application site is a grassed field, comprising a detached stable blocks along the eastern boundary, which are set back from the highway. It is accessed from the Green Lane and it separated by the public highway by a five bar timber gate and hedgerow.
- 3.1.2 Green Lane is an attractive semi-rural road with verges and trees, open areas of field along its length and behind it. There are a number of dwellings along the road which are set in spacious plots and there have been recent infill developments taking place along the stretch of road. In addition to the dwellings that are currently being built at 34 Green Lane, another two were allowed to be erected at 32A Green Lane (Application reference no.: OUT/MAL/17/00204, Appeal reference no.: APP/X1545/W/17/3181143). A full application (FUL/MAL/18/00794) was recently approved for one of the two dwellings previously approved in outline. Planning permission for the erection of 180 dwellings has also been granted at land to the south of the application site (FUL/MAL/16/00093).
- 3.1.3 It should be noted that an application (FUL/MAL/15/00165) for the erection of the same style and size dwelling at the current application site was previously allowed on appeal (APP/X1545/W/15/3129414) on 15th November 2015, which the first condition imposed relating to the commencement of the development within three years of the permission. Given that the development was not commenced prior to 15th November 2018, this permission is no longer extant.

Description of proposal

- 3.1.4 Planning permission is sought to erect a detached chalet style, three-bedroom dwelling, with associated off-street parking to the front and amenity space. The dwelling would have a main gable roof with front and rear gable dormers and an attached double garage to the east of the main dwelling, with a gable roof, being set lower than the roof of the main dwelling.
- 3.1.5 The dwelling would be sited towards the front part of the application site, measuring a maximum of 16.8m wide, 8.8m deep, 2.7m high to the eaves, with a maximum height of 6.9m. the height of the proposed garage would be 5.7m. an open porch is proposed to be erected to the front projecting 800mm forward the front elevation of the main dwelling. The porch would have a width of 2.5m and a height of 3.7m to the top of the roof.

- 3.1.6 Internally the dwelling would accommodate an open plan kitchen/diner, a living room, a study and a WC at ground floor and three bedrooms (one en-suite) and a bathroom at first floor.
- 3.1.7 The site would be accessed off of Green Lane. Off street parking and turning facilities are proposed to be provided at the front curtilage of the dwelling.
- 3.1.8 The site would have an amenity area of around 0.45 hectares in size.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the planning history of the site and that of the surrounding area and it is found that the principle of erecting one dwelling at this location is acceptable. The proposed development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside and it would be of an expectable design. No objection is raised in relation to the impact of the development on residential amenity or the parking provision. 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 SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 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).
- 5.1.3 Along with policies S1 and S2, policy S8 of the approved 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.
- 5.1.4 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 application site is located outside the defined settlement boundary of Burnham-on-Crouch and the proposed development is a departure from the development plan, consideration should be had to the consideration regarding the acceptability of the principle of a dwelling of the same style and size at this location, albeit not an extant permission.
- 5.1.6 Whilst an appeal for the erection of a four bedroom dwelling on the Land west of High House was previously dismissed on appeal (Application reference: OUT/MAL/15/00972, Appeal reference: APP/X1545/W/16/3146480), where the Inspector came the view that the site would result in a harmful impact on the countryside, it is important to note that there have been recent infill developments taking place along the stretch of road. In addition to the dwellings that are currently being built to the west of the site, at 34 Green Lane and the two dwellings immediately adjacent to the west of the site allowed on appeal and the details of one of them recently approved by the Council, planning permission for the erection of 180 dwellings was granted in a land to the south of the application site. It is accepted that these recent permissions have changed the character of the Green Lane, with ribbon development along the stretch of the northern part of the road. Therefore, it is considered that the proposed residential development, which is sited between an existing residential site to the east and land with permission for the erection of two dwellings to the west, including further developed land beyond those immediately adjacent sites to the east and west, in this instance would be reasonable to be developed in principle, as it would still be contained within the envelop of the ribbon developed land.
- 5.1.7 The Inspector in his assessment for a development of a dwelling of the same size and design in the application site recognised the inevitable visual impact of a dwelling into the landscape. However, stated that *“this area is currently undergoing a change in character, and the scheme should be assessed having regard to this evolving context. Indeed, the general thrust of recent planning decisions in the vicinity seems to be appreciably less restrictive.”* Since this permission, the character of the area has further evolved with the permission of two houses on the adjacent site. Therefore, although the previous development was assessed prior to the adoption of the LDP, the Council could demonstrate a five year housing land supply at the time and further residential development along Green Lane in the vicinity of the site was recently approved. On that basis, taking into consideration that the thrust of the policies of the LDP has not materially changed from those of the Replacement Development Plan in respect of this type of development, it is considered that the principle of a residential dwelling in this location would be unreasonable to be objected to.
- 5.1.8 It should be noted also that the Inspector in his decision letter acknowledged that site is located in close proximity to the shops, local facilities and public transport in Burnham-on-Crouch, concluding that the site is located in an accessible location. The same approach was taken by the Inspector who assessed the erection of two dwellings to the west of the application site. Moreover, the Council never raised an objection in terms of the accessibility of the site to local amenities or public transport.
- 5.1.9 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 dwelling would

not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.

- 5.1.10 Having regard to the evolved character of the area and recent appeal decisions and approvals in the vicinity of the site, it is considered that the acceptability of the principle of an additional residential accommodation in the area is not reasonable to be objected to. The application site is contained within the envelop of the developed area along the northern part of Green Lane and 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 and the Inspectors assessment of a dwelling in the application site, 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 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 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 three-bedroom dwelling and therefore, although it would contribute to housing stock in the District, it would not 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 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.
- 5.3.7 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”*.
- 5.3.8 As noted above the appeal site forms an open green land, comprising a single storey timber framed stable block, almost centred at the application site, which is set well back from the road. Immediately adjacent to the site, is Brickfields Cottage, which is a detached timber boarded chalet style dwelling, while to the east is an open field with dense vegetation along the highway and its shared boundary with the application site, but as noted above it benefits from planning permission for the erection of two dwellings. To the north of the application site is the open countryside, while to the south the site is a large detached dwelling, known as Brickfield Farm, and one of the sites that have been allocated for residential development (180 dwellings) through the LDP and it currently under construction. Overall the character of Green Lane is verdant, having a semi-rural feel, which however, gradually evolves due to the development allowed or approved in the surrounding area.
- 5.3.9 As discussed in section 3 of the report, an application (FUL/MAL/15/00165) for the erection of a dwelling of the same size and style with the current proposal on the application site was previously allowed on appeal. Having regard to the changes incorporated into the scheme from a previous proposal (FUL/MAL/14/00461), the enclosed nature of the site and the evolved character of the wider area, the Inspector who assessed the previous proposal, concluded that the development would not harm

the character of the area. In particular it was stated that *“the development of the site with this revised proposal, comprising a modest sized house, would not alter the area’s character to any significant extent, nor would harm it. The dwelling itself would occupy a very small proportion of the overall site”*.

- 5.3.10 It should be noted that the nature of the proposal has not been amended, and the main thrust of the policies of the approved LDP and previous Replacement Local Plan for this type of development remain unaltered. Furthermore, since the determination of the abovementioned appeal, further development was allowed on appeal (OUT/MAL/17/00204 - erection of two dwellings on the adjacent site, land at 32A Green Lane) and approved (FUL/MAL/18/00794- full detailed application for the erection of one dwelling on part of the adjacent site, land at 32A Green Lane, benefiting from extant permission for the erection of two). On that basis and taking also into consideration the evolved character of the area, due to the construction of 180 dwellings to the south of the site, it is considered that Inspector’s position, in terms of minimal impact of the development on the character of the area, is due to be valid. Thus, the erection of one dwelling in this location is not considered to be materially harmful to the character or the intrinsic beauty of the countryside.
- 5.3.11 The dwellings along the northern part of Green Lane do not follow a strong front building line. The proposed dwelling would be located further back from the neighbouring property to the east (Brickfield Cottage), which is not considered to be unacceptable, given that it would minimise the prominence of the property when viewed as part of the streetscene. Furthermore, there are properties to the west of the application site which sit further back from the highway and thus, the layout of the dwelling would not appear at odds with the built pattern of the area.
- 5.3.12 The proposed dwelling would feature a chalet style dwelling with a gabled roof, with gabled roof dormers to front and rear and an attached site double garage of similar style to the main dwelling. The proposed dwelling would be of a scale that would respect and be sympathetic to the character of the area. The dwelling would be of similar style with the adjacent dwelling to the east (Brickfield Cottage) and therefore, it is acknowledged that consideration has been given to the character and appearance of the dwellings in the vicinity.
- 5.3.13 The Inspector assessing the proposal of a same style dwelling on the application site stated that *“the appellant has attempted to achieve an attractive high quality design that seeks to overcome the objections identified in an earlier refused scheme. In contrast to that earlier scheme..., a chalet style dwelling is now proposed of a smaller overall size and this an attractive garage. The proposed palette of materials, including facing white timber weather-boarding and red clay tiles to the roof, is intended to blend with the traditional ‘cottage style’ appearance to the dwelling”*.
- 5.3.14 Given that the scale, design and appearance of the proposed external finishing materials of the currently proposed dwelling remain unaltered from the development previously presented to the Inspector, it is considered that the proposed dwelling would be of an acceptable design and appearance, which would not detract from the visual amenity of the area or result in a development of limited architectural merit.
- 5.3.15 The development is therefore considered to be of acceptable scale, design and appearance and it would not have a detrimental impact on the character of the 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 proposed development would result in increased levels of activity, by reason of the erection of one dwelling on land which is currently open grassed land. 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 maintains a distance of 4.9m and 6.4m to the eastern and western boundaries, respectively. An additional 33m separation distance is maintained between the shared boundary and the dwelling at Brickfield Cottage. This separation distance is sufficient to prevent any unacceptable impact on the residential amenity of the neighbouring occupiers of the adjacent dwellings to the east, in terms of being overbearing, resulting in loss of light or sense of enclosure.
- 5.4.4 As noted above, the adjoining site to the west is currently an open field but benefits from extant permission of the erection of two dwellings. The proposed development would maintain a reasonable distance away from the shared boundary with the adjoining site to the west (6.4m) and thus, taking into account the overall scale and height of the development, it is not considered that the development would result in an unacceptable impact on the amenities of any potential future occupiers to the west, if a dwelling is being erected.
- 5.4.5 No windows are proposed to be installed on the side elevations of the dwelling and thus, the development would not result in a material increase in overlooking towards the neighbouring sites to the east and west.
- 5.4.6 An approximate 115m distance would be maintained between the proposed dwelling and the rear boundary. In any event, the house to the rear abuts the open countryside and thus, it is not expected to result in any detrimental impacts, by way of overshadowing or overlooking.
- 5.4.7 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 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.
- 5.5.3 An attached double garage to the east of the proposed dwelling is proposed to be erected, measuring 6m wide by 6m deep. The proposed garage would not accord with the standards as set out in the Vehicle Parking Standards SPD, requiring double garages to be of a 6m by 7m dimensions. However, it is noted that the reason for the required dimensions is to allow room for storage, particularly for cycles. It is considered that the proposed garage would be large enough to accommodate two vehicles and provide a level of storage. Furthermore, the site benefits from a large sized garden which can accommodate storage for cycles and as such, it is not considered reasonable an objection to be raised in respect of the proposed garage size. It is also noted that the proposal would have a deep enough front garden, incorporating hardstanding, which would be able to provide turning facilities and at least one more parking space. It is therefore considered that the development would be able to provide more than adequate off-street parking provision (three off-street parking spaces instead of the two that are required).
- 5.5.4 An access of 4.3m width is proposed to be provided. The development as noted above shows the provision of turning facilities, which are sufficient to allow a safe access and egress from site, without causing obstruction to the highway. It is also noted that the Highway Authority has been consulted and raised no objection to the proposed development.
- 5.5.5 Although no details of the provision of an onsite store for bicycles or refuse has been shown, it is noted that the site benefits from a large sized garden, which would be able to accommodate a bike and refuse store. Details of the bike and refuse store would be secured by the imposition of a condition.

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, the site benefits from an amenity area of around 0.45 hectares in size. As such, the proposed dwelling would be served by amenity space in excess of the minimum amenity area standards, as set out in the MDDG.
- 5.6.3 The submitted plans show that the proposed development would preserve the existing soft landscaping features of the site, including the existing hedgerows to the south along the highway and those along the boundaries with the neighbouring sites. The details of the hard and soft landscaping, ensuring retention of the existing hedgerows would be secured by condition.

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 has provided an 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 matters

- 5.8.1 It is noted that any alterations/extensions of the dwelling allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable impacts on the character and appearance of the area of the amenity of the neighbouring occupiers. For this reason, it is considered reasonable permitted development rights for the proposed dwellinghouse are removed.

5.9 Pre-Commencement Conditions

- 5.9.1 No pre-commencement conditions are suggested.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00461** – Construction of detached dwellinghouse and detached garage. Planning permission refused.
- **FUL/MAL/15/00165** – One detached dwelling. Planning permission allowed on appeal (APP/X1545/W/15/3129414).

History of the adjacent site to the west:

- **OUT/MAL/17/00204** – Outline planning application for the construction of 2no. two storey homes. Allowed on appeal (APP/X1545/W/17/3181143).
- **FUL/MAL/18/00794** – Erection of a detached four bedroom dwelling with detached garage and associated off-street parking, landscaping and amenity area. 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	Object to the application. The development would be above the five-year allocation, it would be outside the development boundary, it would constitute unacceptable infill development and it would raised traffic and access issues.	All of the matters raised are discussed within the main body of the report (predominantly in sections 5.1, 5.2, 5.3 and 5.5).

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objections subject to conditions.	Comments noted and conditions are imposed.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection subject to conditions, 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 Location Plan Rev A; 008 C; 007 and 006.
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, including the retention of the existing hedgerows along the south, east and west boundaries of the application site, 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 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interests of highway safety in accordance 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 and foul 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
REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
- 8 The double garage, vehicle parking area and associated turning facilities shown on plan 008C shall be provided prior to the occupation of the dwelling and be retained as such in perpetuity. The garage and off-street 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.
- 9 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.

- 10 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

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

- 11 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.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Local Development Plan.

- 13 There shall be no discharge of surface water from the development onto the Highway.

REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan.

INFORMATIVES

1. Construction

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.