



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

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

<b>Application Number</b>	<b>FUL/MAL/19/00533</b>
<b>Location</b>	Grove Farm, Stoney Hills, Burnham-on-Crouch, Essex
<b>Proposal</b>	Full planning application for replacement dwelling (Plot 6) and the erection of two detached bungalows at plots 3 and 7 (Plot 3 of outline planning permission OUT/MAL/15/01082) with associated cart lodge and garaging.
<b>Applicant</b>	Lauren Nicole Homes Ltd
<b>Agent</b>	Mr Russell Forde – Smart Planning
<b>Target Decision Date</b>	25.07.2019
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017

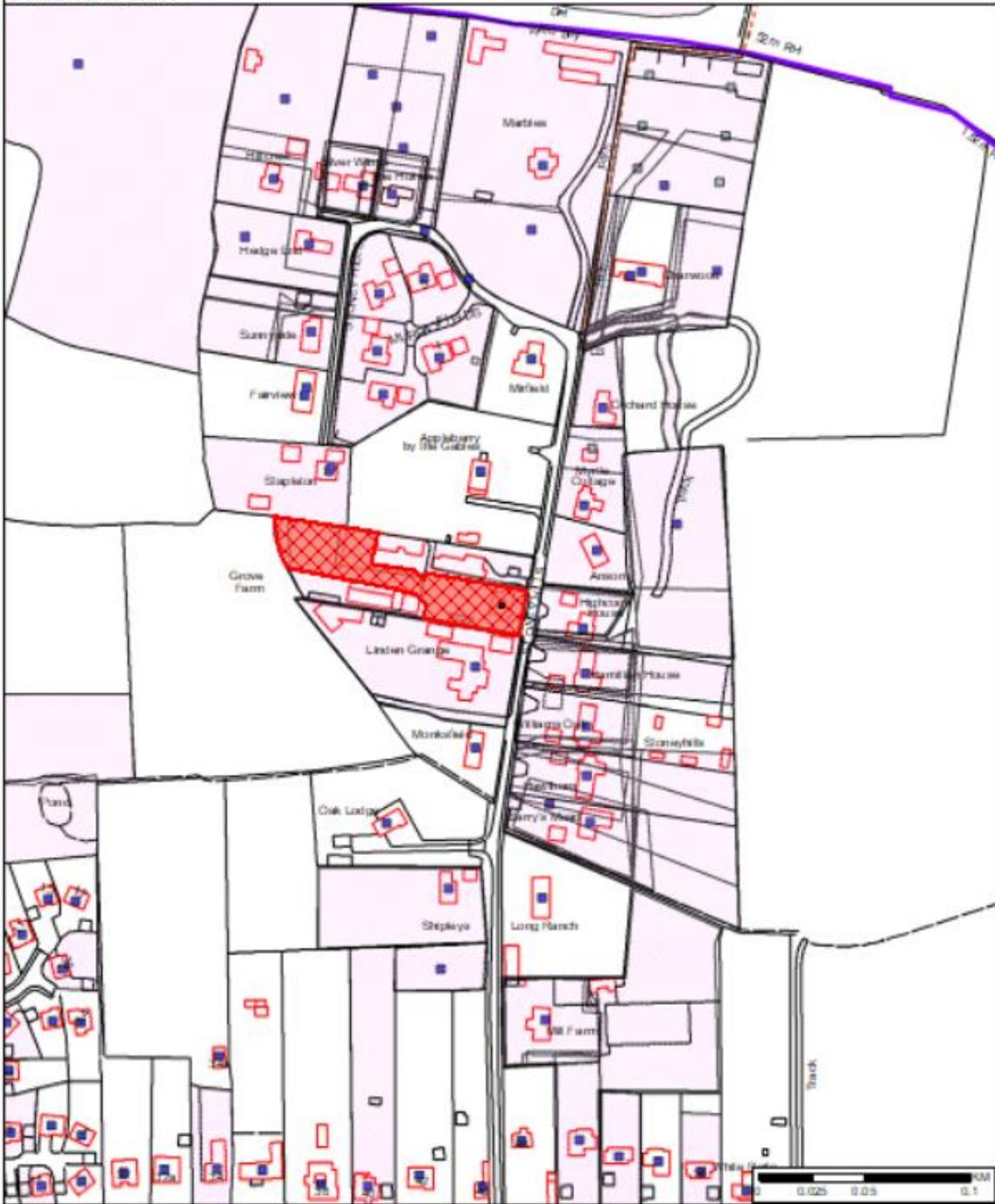
**1. RECOMMENDATION**

**APPROVE** subject to the conditions detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Grove Farm, Stoney Hills**  
**FUL/MA L/19/00533**



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	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p>
	<p>Department: Department</p>	<p>Comments: SEAC</p>
	<p>Date: 27/06/2019</p>	<p>MSA Number: 100018588</p>

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Application Site

- 3.1.1 The application site is located on the western side of Stoney Hills. The application site has recently been cleared, leaving only the existing dwelling at the site. However, prior to the demolition works the site also included a number of single storey outbuildings.
- 3.1.2 Stoney Hills 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 changed its character, from a rural character to a more suburban style. The properties within the wider area are mainly individual detached bungalows and dwellings which vary in terms of style, scale and form. 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.

##### Proposal

- 3.1.3 Planning permission is sought to erect three bungalows within the site, one of which would be a replacement of the existing dwelling to the front of the site and associated garages/cart lodge.
- 3.1.4 What is referred to as plot 6 on the Block Plan, would be located within the eastern part of the site and would be accessed from the southern side of the plot from the access road taken from the western side of Stoney Hills. The main part of the proposed bungalow would have a hipped roof measuring 2.3m to the eaves and 6.1m to the ridge. It would have a width of 8.9m and a depth of 12.8m. There would be a small front projection, with a hipped roof measuring 2.3m to the eaves and 4.4m to the ridge. It would have a width of 5.8m and a depth of 2.4m. A similar projection is included to the rear, which would be 4.8m in width, 0.4m in depth and 2.3m to the eaves and 5m to the ridge. The proposed dwelling would have three bedrooms, an open plan lounge, diner and kitchen, a bathroom and three bedrooms, one of which will be en-suite.
- 3.1.5 Forward of the dwelling would be a detached cart lodge, which would have two bays, would be open on the front and would have a pitched roof. The cart lodge would measure 2.2m to the eaves on the southern side, which would be reduced to 1.5m on the northern side. The ridge height would be 5.3m and the width would be 5.5m with depth of 7m running north to south.
- 3.1.6 What is referred to as Plots 3 on the block plan is located within the northwest of the site and would consist of a single storey dwelling, with rooms in the roof space. The main part of the dwelling would feature a gable roof running north to south and there would be a single storey hipped roof projection. The main part of the dwelling would measure 10.5m in width and 7.2m in depth, with a height of 2.5m to the eaves and 5.9m to the ridge. The single storey rear projection would measure 5.6m in width, 3.6m in depth and a height of 2.3m to the eaves and 5.1m to the ridge. The dwelling

would consist of a kitchen, dining room/lounge, an en-suite, WC and bathroom and three bedrooms, one of which would be provided in the roof space and would be served by one of the baths.

- 3.1.7 Plot 7 would be located to the west of the dwelling proposed at plot 3 and would consist of a single storey dwelling with a hipped roof and a smaller hipped roof rear projection. The bulk of the dwelling would measure 13.2m in width and a depth of 7.9m. It would have an eaves height of 2.3m and a ridge height of 5.5m. The rear projection would extend 4.3m beyond the rear elevation and would have a width of 5.7m. It's eaves height would match the main dwelling and the ridge height would be 5m. The dwelling would consist of three bedrooms, one of which would be en-suite, an open plan lounge, dining and kitchen area, a utility room and a bathroom.
- 3.1.8 Between plots 3 and 7 would be a double detached garage measuring 6.4m in width and 7m in depth, with an eaves height of 2.3m and a ridge height of 5.3m.
- 3.1.9 The proposed dwellings and outbuildings will be constructed from facing brickwork and feather edged boarding, clay tiles or similar and UPVc openings.

#### Background

- 3.1.10 It is noted that outline planning permission including access and layout was granted on appeal (APP/X1545/W/16/3147227) in October 2016 for five bungalows. This application relates to one of those dwellings and omits plots 1, 2, 4 and 5. This application also includes an additional dwelling at plot 3, hence there now being a plot 7 and includes the existing dwelling which is to be replaced and is known as plot 6. Therefore, the wider site is now proposed to provide seven dwellings as opposed to six.
- 3.1.11 The full application being considered as part of this report has been submitted in full rather than as a reserved matters application, because the proposal features a revision to the layout and the number of units which was approved in outline as part of the appeal decision. The application site and proposal, as stated above, now also includes a replacement dwelling at the front of the site. The alterations to the layout in relation to the previous permission consist of:
- An additional dwelling will be provided within the northwest of the site
  - An additional garage is proposed between plots 3 and 7
  - The design and scale of the dwelling at plot 3 has been altered and is as set out above.
- 3.1.12 It should also be noted that the scale of the dwellings proposed as part of this application differ to what was shown indicatively on the block plan (13.2169/P204 Rev A) approved as part of the outline application. Nevertheless, scale was a matter reserved for future consideration and therefore, was not considered in full.
- 3.1.13 More recently planning permission was granted under application FUL/MAL/18/01477 which related to plots 1,2 4 and 5 at the site. That application featured the following amendments to the outline permission:

- The dwelling at plot 1 was brought forward by 3m.
- The existing garage previously retained in plot 1 was removed and a double garage was proposed.
- A shared double garage was proposed between plots 4 and 5 opposed to parking spaces only.
- Plot 2 was re-configured, and a garage is now proposed.

3.1.14 It should be noted that plots 1, 2,4 and 5 are not for consideration as part of this application.

### **3.2 Conclusion**

3.2.1 It is noted that the proposal is contrary to policy S8 of the Local Development Plan (LDP). However, having taken all material planning considerations into account, including the extant outline planning permission (APP/X1545/W/16/3147227), it is found that the principle of erecting dwellinghouses in this location has been accepted. Therefore, it is not considered that one additional dwelling and a replacement dwelling would provide any considerations that would alter this stance. The impact of the development on the character of the area and the countryside has been assessed and having regard to the previous appeal decision, the proposal is not considered to result in material harm to the character and appearance of the area or the intrinsic character and beauty of the countryside. The development would not cause a detrimental impact on the amenity of the neighbouring occupiers and it would provide a suitable living environment for the future occupiers. Off-street parking could be provided in accordance with the Vehicle Parking Standards subject to a condition, and the local planning authority is satisfied that the development would not adversely impact on the public rights of way. Therefore, whilst the development would not wholly accord with the approved LDP and the guidance contained in the National Planning Policy Framework (NPPF) and the supplementary Maldon District Design Guide (MDDG), subject to conditions, it is considered that the proposed development cannot be deemed to be unsustainable and should not therefore be refused.

## **4. MAIN RELEVANT POLICIES**

### **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
- 77-79 Rural Housing
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 178-183 Ground conditions and Pollution

#### **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 Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD
- Burnham-on-Crouch Neighbourhood Development Plan

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies beyond the development boundaries of Burnham-on-Crouch, in an area that forms a separate ‘suburban’ style development extending into the open countryside.

5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (MDLDP) seek to support sustainable developments within the defined 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 Policy HO.1 of the Burnham Neighbourhood Plan states that “Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan”.

5.1.4 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. 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 an accessible location. It has also been acknowledged that the character of the area has evolved over time so it is no longer an area of scattered residential development but a more suburban residential one.

- 5.1.5 It is also noted that the site benefits from an extant outline planning permission for the erection of one dwelling and that policy H4 supports the construction of replacement dwellings in principle subject to certain criteria. The current proposal, as noted above, has been altered in terms of the layout, and the number of dwellings. However, the principle of the erection of a dwelling within the application site has been previously found to be acceptable and it is not considered that an additional dwelling, garage and replacement dwelling would provide any considerations which would alter that stance. Therefore, although the principle of development is contrary to Policy S8 of the LDP, having regard to the previous decision, which is a material consideration, it is considered that the principle of the erection of two dwellinghouses, a garage and replacement dwelling in this locality would be acceptable.
- 5.1.6 Other material planning considerations, including design and impact on the character of the area, the impact on neighbouring occupiers and any traffic or transport issues are discussed below.

## **5.2 Housing Need**

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which 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.
- 5.2.4 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. In this respect, the proposal would not meet this policy requirement and therefore, is of negligible benefit in terms of improving the Council's housing stock in terms of dwelling size.

## **5.3 Affordable Housing**

- 5.3.1 Policy H1 of the LDP states that housing developments of more than 10 dwellings or more than 1,000sqm will be expected to contribute towards affordable housing. Within the Strategic Allocations the expected requirement is 40%. Any relaxation of this requirement will only be considered where the Council is satisfied that such requirement will render any development proposals unviable.
- 5.3.2 In addition to the supporting text within the policy it states that '*the need for a contribution towards affordable housing will be based upon the gross number of homes developed on all sites in cases where a site segregated into smaller units.*' Case law also supports this stance.

5.3.3 However, the combined footprint of the development (approx. 910sqm) proposed under the terms of this application and that which was approved under the terms of application FUL/MAL/18/01477 does not exceed 1,000sqm. Therefore, there is no requirement for affordable housing to be provided as part of this application.

#### **5.4 Design and Impact on the Character of the Area**

5.4.1 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.

5.4.2 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”.

5.4.3 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.

5.4.4 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.

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

- 5.4.6 Policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.4.7 As discussed above, outline planning permission for the erection of a bungalow including the layout and access to the site, was previously granted at the site in 2016 as part of an appeal. It is therefore, relevant to firstly consider the amendments to the layout in relation to the previous application.
- 5.4.8 The proposed revisions to the layout consist of adding an additional dwelling at plot 3 to create plot 7 and also the addition of a double garage within this part of the site. This has also resulted in the scale of the dwelling at plot three being altered.
- 5.4.9 The additional bungalow within the site would result in a higher density of dwellings within the rear of the site and would create two plots that are approximately 100sqm smaller than the next smallest plot (plot 4). However, although the density would increase, it is considered that a suitable separation distance would be maintained between the dwellings and that the additional dwelling would not materially alter the character of the site in relation to the previous approved layout.
- 5.4.10 The addition of the shared double garage between plots 3 and 7 will further increase the built form at the site. However, it is not an overly large structure and would not materially alter the character of the site. Therefore, it is not considered that the addition of the garage in relation to scale, bulk and layout would cause material harm to the character and appearance of the site, particularly in relation to the layout as previously approved.
- 5.4.11 In relation to above it is noted that the Inspector as part of the previous application considered that ‘The layout would be in keeping with recent developments including Mill Farm and land west of Mirfield where houses are set back from the frontage of Stoney Hills and layouts respond to site constraints and opportunities rather than following a rigid linear form.’ It is not considered that the revisions to the layout would alter this stance and therefore, there are no objections in this regard.
- 5.4.12 In terms of design, the proposed bungalows are of a fairly generic design for this type of development. The bungalow within plot 7 follows the design principles of the dwellings approved under the terms of application FUL/MAL/18/01477, located within the wider site and in terms of scale, bulk and footprint is a replica of the dwelling approved at plot 2 to the east, although there are some design differences such as the positioning of doors. Having regard to this it is considered that the design of the proposed dwelling at plot 7 would be acceptable.
- 5.4.13 The dwelling proposed at plot 3 is the only dwelling, including those within the wider site that do not form part of this application, which proposed a first-floor level of accommodation. However, with a ridge height of 5.9m, the proposed dwelling would be 0.2m lower than the ridge height of the replacement dwelling proposed at plot 6 and the one approved at plot 1. Furthermore, whilst the scale and bulk of the bungalows proposed differ, it is noted dwellings within Stoney Hills are of varying heights and therefore, this would not have a harmful impact on the site or the surrounding area.

- 5.4.14 In addition to the above, although the appearance of the dwelling proposed at plot 3 would be slightly different in relation to the other approved and proposed dwellings within the site and the wider site, the underlying architectural style of the dwelling is in keeping with the other dwellings to an acceptable degree, but also provides a degree of variation to provide architectural interest. Having regard to this there is no objection to the design, style, scale or bulk of the dwelling proposed at plot 3.
- 5.4.15 In relation to the replacement dwelling, whilst it is noted that the proposal is of a differing design to the existing single storey bungalow, the proposed dwelling would be a handed version of the neighbouring dwelling approved under the terms of application FUL/MAL/18/01477 within plot 1 located to the north of the application site. Furthermore, the dwelling would have a width that is approximately 2.5m lesser in width than the existing dwelling. Having regard to this it is considered that the proposed replacement dwelling would be in keeping with the character and appearance of the surrounding area to an acceptable degree.
- 5.4.16 The siting of the proposed detached garage to serve the replacement dwelling would be situated almost on the site frontage and would fill approximately half the width of the plot. Therefore, the proposal would create an increased level of built form adjacent to the public realm which would be highly prominent from the streetscene. However, it is noted that Linden Grange, the site to the south of Grove Farm has a large detached garage situated in a similar position to the proposed garage and there are a number of other dwellings within Stoney Hills which have detached garages situated to the front of the site. Furthermore, to the north of the replacement dwelling within plot 1 a similar garage, albeit slightly further back from the highway was approved under the terms of application FUL/MAL/18/01477. Therefore, given the presence of other garages of a similar positioning within the surrounding area as that of the proposed garage, it is not considered that the resulting level of harm would be so significant as to justify the refusal of the application.
- 5.4.17 Having regard to the above assessment and subject to conditions requiring full details of materials, it is not considered that the development will result in detrimental harm to the character and appearance of the site or the surrounding area in accordance with policies S1, S8 and D1 of the LDP, policy HO.8 of the BOCNDP and guidance contained within the MDDG and the NPPF.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 The proposed bungalows towards the northern boundary of the site would be located a minimum of 3.6m away from the boundary shared with Stapleton to the north and approximately 26m from that neighbouring dwelling. It is noted that there is an extant outline permission for three houses (OUT/MAL/18/00544) within the neighbouring site. Although indicative as layout is a matter reserved for future consideration plan 1734-101 submitted as part of that permission shows that the closest dwelling would be located approximately 9.37m from the shared boundary.

The proposed garage serving plots 3 and 7 would be situated on the northern boundary.

- 5.5.3 The roof lights proposed within plot 3 would face towards the eastern side elevation of plot 7. However, there are no windows within the eastern side elevation of plot 7 that would be directly viewable from the rooflights. Furthermore, given that the proposed dwellings would only be single storey and taking into account the separation distance between the development and the neighbouring dwellings, it is considered that the development at plots 3 and 7 would not have a materially harmful impact on the residential amenity of the nearby occupiers by being overbearing or resulting in a loss of light or privacy.
- 5.5.4 The replacement dwelling at plot 6 would be located 3m from the dwelling approved to the north and 1.8m from the estate road. There would be one window and door in the northern side elevation which would serve the dining/kitchen area. The neighbouring dwelling would also feature the same openings. Whilst the separation distance is not overly great, given that there will likely be a boundary treatment situated between the dwellings at this point and that these rooms are not habitable rooms of accommodation it would not be reasonable to object to the application on those grounds. However, a boundary treatment condition would be necessary to ensure that appropriate mitigation is included.
- 5.5.5 The access to the south of the site which would serve plots 7 and 3, would be located directly adjacent to Grove Farm, the existing bungalow at the site. There is a window in the southern side elevation of the replacement dwelling and so there is concern that the vehicular movements associated with people accessing the rear plots would result in harm by way of noise disturbance and light pollution. However, given that the access has not differed from what was previously approved at appeal and the window would serve an en-suite, it would not be reasonable to raise an objection in this regard.
- 5.5.6 In terms of the interrelationship of the dwellings, it is noted that due to their orientation and separation distance, they would not result in dominance or in overshadowing to habitable rooms. Furthermore, a condition can be imposed requiring details of boundary treatments to ensure that rear gardens remain private, as well as ensuring that they are appropriate for the area.
- 5.5.7 Having regard to the above it is not considered that the development would result in undue harm to the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the LDP and guidance contained within the MDDG.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 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.

- 5.6.2 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 is 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.
- 5.6.3 The adopted Vehicle parking standards state that a three bedroom dwelling should provide space to park two vehicles within parking bays measuring 2.9x5.5m or within garages measuring 3mx7m for a one car garage or 6mx7m for a double garage. The submitted plans demonstrate that there is sufficient parking provided within the site to meet these standards. Therefore, there is no objection in this regard.
- 5.6.4 As previously outlined the access was previously approved as part of the outline application. As there are no alterations to the proposal in relation to access there is also no objection in relation to this.
- 5.6.5 The proposal is therefore, in accordance with policies S1, T1 and T2 of the LDP.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.7.2 The proposal relates to three, three-bedroom bungalows and therefore, there is a requirement for 100m<sup>2</sup> of amenity space per dwelling. The submitted information demonstrates that each dwelling will be provided with amenity space in excess of the stated requirement and therefore, there is no objection in this regard. Whilst there are concerns in regards to the position of the amenity spaces, most notably serving plot 6, due to it being adjacent to the estate road, given that layout was previously approved and the siting of the rear amenity space has not altered it is not considered reasonable to raise an objection in this regard.

## **5.8 Contamination**

- 5.8.1 Policy D2 of the Approved Maldon District Local Development Plan 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.

- 5.8.2 Following the approval of application FUL/MAL/18/01477 where full land contamination conditions were imposed that application as submitted contamination assessments by Brown 2 Green (Phase 1, April 2019 and Phase 2, May 2019), which identified a single action in relation to identified asbestos-containing fragments on site (section 8.2). Therefore, following consultation with Environmental Health, it is no longer considered necessary to re-impose the previous conditions relating to contamination. However, conditions relating to the potential risk of contamination have been recommended and are considered necessary.

## **5.9 Waste Storage and Collection**

- 5.9.1 The clarification for Policy D2 of the Approved Maldon District Local Development Plan states that ‘New development should seek to minimize the amount of waste produced and to ensure that it is treated and disposed of in an environmentally acceptable way. New Developments should provide adequate facilities for storage, recycling and collection of waste during occupation’
- 5.9.2 Section C09 of the MDDG states that ‘the management of waste needs to be considered early on in the design to avoid inconvenient waste storage for residents, inefficient waste collections of waste produced or unsightly bin storage areas.
- 5.9.3 The proposed block plan shows that a refuse store would be provided on the southern side of the site, 34m to the west of the access. The refuse store would be located a large distance from the proposed dwellings which may prevent it being used. However, there is sufficient space within the site close to the dwellings where waste storage could be provided and so there is no objection in that regard.

## **5.10 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS**

- 5.10.1 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.
- 5.10.2 Natural England anticipate that, in the context of the Local Planning Authority’s (LPA) 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 sites 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.

- 5.10.3 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 a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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.
- 5.10.5 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 would 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.
- 5.10.6 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 specified development types? Yes – The proposal is for two dwellings and one replacement dwelling

HRA Stage 2: Appropriate Assessment - 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

Summary of Appropriate Assessment

- 5.10.7 As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it

is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

## 5.11 Conclusion

5.11.1 Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

## 5.12 Other Matters

5.12.1 The conditions imposed by the Inspector as part of APP/X1545/W/16/3147227 have been considered in relation to this application and can be re-imposed where relevant and necessary in order to provide consistency. Where required the conditions were updated to reflect changing guidance, which includes resisting the use of pre-commencement conditions unless necessary.

5.12.2 It is also noted that a drainage strategy was submitted with the application (Civilistix drainage strategy 31<sup>st</sup> May 2019), which provided suitable content and recommendations in relation to the disposal of both surface and foul water drainage. Therefore, conditions relating to those matters have been updated to reflect this.

## 5.13 Pre-Commencement Conditions

5.13.1 One pre-commencement condition is proposed relating to the disposal of asbestos related materials. It is important that this is dealt with prior to the commencement of the development to ensure that there is no risk to the health of the workers of site or the future occupiers.

5.13.2 The applicant's agent in a letter/email dated 01<sup>st</sup> July 2019 agreed to the imposition of this pre-commencement condition.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/18/01477** - Erection of four detached bungalows (Plots 1, 2, 4 & 5 of outline planning permission OUT/MAL/15/01082) with associated garaging. **Approved**
- **DEMPA/MAL/18/00150** - Prior notification for the demolition of eight timber framed outbuildings. **Prior Approval Required and Approved.**
- **OUT/MAL/15/01082** - Outline application for the erection of five bungalows in lieu of existing commercial and agricultural buildings. **Appeal Allowed**
- **OUT/MAL/15/00445** - Outline application for one dwelling including determination of access. **Appeal Allowed**

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
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<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	No response received at the time of writing this report	Any future response will be communicated by Members update.

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Local Highway Authority	No response received at the time of writing this report	Any future response will be communicated by Members update.
Natural England	No response received at the time of writing this report	Any future response will be communicated by Members update.

## 7.3 Internal Consultees

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	<p>The Brown 2 Green contamination assessments (Phase 1, April 2019 and Phase2, May 2019) and am satisfied with their content. The Phase 2 report advises an action in relation to asbestos-containing fragments on site. Therefore, conditions in relation to this are proposed.</p> <p>The Civilistix drainage strategy (31<sup>st</sup> May 2019) is satisfactory. Conditions are recommended in relation to the disposal of surface and foul water drainage relating to the reports recommendations.</p>	Noted, the proposed conditions are addressed at sections 5.8 and 5.11.

## 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 17.4387/P222 Rev A, 17.4387/M001, 17.4387/E101A, 17.4387/M002 Rev A, 17.4387/P202 Rev F, 17.4387/P214, 17.4387/P215, 17.4387/P216, 17.4387/P217, 17.4387/P218, 17.4387/P219, 17.4387/P220, 17.4387/P221, Brown 2 Green Phase Geo-Environmental Desk Study Report April 2019, Civilistix Grove Farm, Stoney Hill Drainage Strategy 31 May 2019, Brown 2 Green Geo-Environmental Site Investigation Report May 2019.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. No development works above ground level shall take place until details or samples of the facing material to be used, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development.
4. A surface water drainage system in accordance with section 3 of the Civilistix drainage strategy (dated 31st May 2019) shall be provided to the site and be operational prior to first occupation of any residential dwelling on site. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan detailed within section 3.8 of the document stated above.  
REASON To ensure that adequate provision is made for surface water and foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.
5. Foul drainage shall be connected to the combined public sewer in accordance with details contained in section 4 of the Civilistix drainage strategy (dated 31st May 2019).  
REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.
6. All asbestos-containing fragments must be removed from the site prior to the commencement of the development. The remediation should consist of a site walkover to hand pick the fragments that are present. All asbestos containing materials should be disposed of to a licenced waste disposal facility.

Following the removal of the fragment's validation should be undertaken by a Contaminated Land Consultant. The validation should consist of a detailed walk-over of the site to confirm that all fragments have been removed.

On completion of the validation a report should be prepared that provides details of the site inspection, photographs of the inspected area and copies of all waste disposal notes. This report must be provided to the Local Planning Authority for approval.

REASON To prevent undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved Maldon District Local Development Plan.

7. 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 undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved Maldon District Local Development Plan.

8. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development.

9. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policy D1 of the approved Local Development Plan.

10. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 17.4387/P202 F for six cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for such purposes in perpetuity.

REASON To ensure that there is sufficient parking at the site to prevent an increase in on-street parking in accordance with policies S1 and T2 of the LDP.

11. The garages shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON To ensure that there is sufficient parking at the site to prevent an increase in on-street parking in accordance with policies S1 and T2 of the LDP.

12. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON In the interest of the character and appearance of the area and residential amenity in accordance with policy D1 of the approved Local Development Plan.

13. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policy D1 of the approved Local Development Plan.