



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
17 FEBRUARY 2021**

<b>Application Number</b>	<b>20/01166/FUL</b>
<b>Location</b>	Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch
<b>Proposal</b>	Construct cul-de-sac road with turning head and vehicular and pedestrian access off Stoney Hills, erect one detached bungalow and garage, lay out parking spaces and garden
<b>Applicant</b>	Mr Burrows - Virium Technology Limited
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Target Decision Date</b>	22.02.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017 Member call in by Councillor Vanessa J Bell Reason: The proposed dwelling, as a result of its style, design and bulk, would result in a contrived and dominant development which would cause significant and undue harm to the character and the surrounding area. The proposal is contrary to policies S1, S2, D1 and H4 of the LDP. MDC has it's 5-year plus land supply. Overlooking loss of privacy to immediate property. This is an overdevelopment of the site having 53 houses already being approved on Stoney Hills, outside the NDP & LDP allocations. It is outside the development boundary. No difference to previous application.

**1. RECOMMENDATION**


**APPROVE** subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex Coast RAMS and the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

**Land South of Charwood And East Of Orchard House, Bumham-on-Crouch**  
20/01166/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	04/02/2021
	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site Description**

3.1.2 The site abuts the rear boundaries of Myrtle Cottage and Orchard House and it shares the access point from the eastern side of Stoney Hills with Charwood, and the other properties which have been approved surrounding Charwood, within the northeast corner of the Stoney Hills area. The application site is located to the north of a site that benefits from planning permission for the erection of six dwellings. The application site also forms an infill plot as the wider site, shown in blue on the location plan has permission for three dwellings. To the east there is a large open field.

3.1.3 Stoney Hills is located outside of the settlement boundary of Burnham-on-Crouch. 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 two storey dwellings, chalet style dwellings and bungalows 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 and this has been recognised by many Inspectors that have assessed appeals in the area.

3.1.4 Originally the area of Stoney Hills comprised of mainly large detached dwellings, set within large plots. However, the character has significantly changed with it adopting a less homogeneous or uniformed appearance. The area now comprises of a number of groups of new build dwellings, notably at land west of Mirfield (14/00224/OUT), three dwellings permitted at The Hollies (16/00408/FUL) and six bungalows currently being under construction north of Charwood (18/00217/FUL). It is also noted that a number of dwellings have recently been allowed on appeal, including six bungalows at the rear of Myrtle Cottage (APP/X1545/W/17/3187513), two dwellings to the rear of Hedge End (APP/X1545/W/18/3198533), four dwellings to the north of Hillcrest (APP/X1545/W/18/3211805) and three dwellings at Stapleton (APP/X1545/W/18/3207171).

3.1.5 Further applications include 18/01477/FUL at Grove Farm, 19/00400/FUL at Myrtle Cottage for one dwelling, 19/00681/FUL to the south of Charwood for six dwellings, 19/00864/FUL to the north of Charwood for one dwelling, 19/01189/FUL for three dwellings to the south of Charwood and for one dwelling east of Charwood (20/00087/OUT and 20/00945/RES).

3.1.6 Overall the character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via a single-track road.

#### **3.2 Proposal**

3.2.1 Planning permission is sought for one two-bedroom bungalow with a garage.

3.2.2 The proposed dwelling would measure 19.1 metres wide in total, 14.1 metres deep overall, with an eaves height of 2.7 metres and a ridge height of 5.6 metres. It will be

of a hipped roof design with gable projections and a lantern roofed projection to the south. It will have a porch on the front elevation and an attached garage on the northern side. The amenity space is situated on the southern side of the dwelling. Internally, there will be two bedrooms, one with an en-suite, a bathroom, a lounge, a kitchen/diner with a utility room linking through to the single garage.

- 3.2.3 The materials proposed are weatherboarding above a brick plinth, concrete tiles or slates, UPVC or aluminium windows and UPVC, composite or timber doors.
- 3.2.4 It is noted that this submission follows application 20/00365/OUT which was submitted last year for a dwelling on the application site. The application was outline in nature but had included an indicative layout as part of application. At this time concerns were raised as it was not clear under that application how a dwelling could be positioned on the site so that its amenity space was not impacted by overlooking from Orchard House. The reasons for refusal were:
1. *The proposal, by reason of layout, orientation and proximity, would result in demonstrable harm to the amenities and living conditions of the future occupiers of the proposed dwelling, due to overlooking from the neighbouring dwelling to the west, Orchard House. As such, the proposal would be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*
  2. *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and II of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*
- 3.2.5 The current application is for full planning permission and has been submitted in an attempt to formally agree the siting of the dwelling and to confirm that there would be no demonstrable harm to the future occupiers of the dwelling through the provision of an unacceptable standard of private amenity space. The layout of the dwelling, since the outline application, has been amended so that the amenity space is clearly located on the southern side of the dwelling on the site, to overcome the concern in relation to overlooking of the western side of the application site. The Agent has also stated they will submit a unilateral undertaking in relation to reason for refusal 2.

### **3.3 Conclusion**

- 3.3.1 The proposed development has been assessed against all material planning considerations, including the previous permissions and appeals allowed within Stoney Hills for similar types of developments, and as such it is considered that erecting one dwelling in this location is acceptable. It is considered that development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. The proposal is also considered acceptable in relation to the impact of the development on residential amenity, parking provision and amenity

space. Therefore, subject to appropriate conditions, the development is considered acceptable and in accordance with the aims of the Local Development Plan (LDP) and National Planning Policy Framework (NPPF).

#### **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
- I1 Infrastructure and Services

##### **4.3 Burnham-on-Crouch Neighbourhood Development Plan (7<sup>th</sup> September 2017):**

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles

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

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD (2017)

- Maldon District Vehicle Parking Standards SPD (VPS) (2018)

## 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 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”.
- 5.1.3 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS).
- 5.1.4 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘Tilted Balance’. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.5 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘*presumption*’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5-year housing

land supply cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).

- 5.1.6 It is necessary to assess whether the proposed development is ‘*sustainable development*’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘*presumption in favour of sustainable development*’ applies. However, where the development plan is ‘*absent, silent or relevant policies are out of date*’, planning permission should be granted ‘*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted*’.
- 5.1.7 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 reiterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.9 Paragraph 78 of the NPPF states that:  
‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.
- 5.1.10 The application site is located outside of the defined settlement boundary of Burnham-On-Crouch, a town that is classified as one of the ‘*main settlements*’ within the district, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.
- 5.1.11 Burnham-On-Crouch is a main settlement which contains a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. It is noted that the site is within the Stoney Hills area which lies to the north of the main Burnham-On-Crouch settlement. The nearest bus stops lie along Southminster Road, which would take approximately 15 minutes to walk to. These bus stops provide services to Maldon and into Chelmsford, where there is a wide range of facilities and train to London. The 31X and 31B, which are

the most frequent bus services between Burnham-on-Crouch and Chelmsford, run between 05:50 and 23:10, leaving Chelmsford and 05:58 and 20:23 leaving Burnham-on-Crouch, on weekdays, with similar hours on Saturdays and a reduced service on Sundays and public holidays. Burnham-on-Crouch train station is also located a half an hour walk away, which also provides services into Chelmsford and London. It is noted that the road leading to Stoney Hills is an unmade, unlit track, however a number of new dwellings that have been approved in the area in recent years, some of which on appeal (this is discussed further below) and 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 and therefore supports the direction of the NPPF which aims to focus growth within sustainable locations which offer a choice of transport modes and policy T2 of the LDP which aims to provide walking and cycling routes to public transport facilities. 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.

- 5.1.12 Two appeal decisions relating to Stoney Hills applications (at Grove Farm) are considered relevant; 15/00445/OUT - APP/X1545/W/16/3147227 and 15/01082/OUT - APP/X1545/W/16/3147572. Within these, the Inspector states *‘Although the appeal sites are outside the development boundary of Burnham-on-Crouch I consider them to be within a residential area. Based on the evidence before me and my observations during my visit to the area I also agree with previous Inspectors that Stoney Hills is a sustainable location for development. Moreover, I have not identified any harm in respect of character and appearance arising from the proposed developments...however, as stated I conclude that the location of the proposed developments would be suitable and sustainable, and no harm has been identified in terms of character or appearance. Further, although providing only a small number of dwellings, the proposals would make a contribution to the supply of housing to which I attach significant weight. They would also provide small scale units which is also policy compliant in terms of mix. They would therefore conform with paragraph 54 of the Framework which requires local planning authorities to respond to local circumstances and for housing to reflect local needs. As such I consider the proposals would meet the three dimensions.’*
- 5.1.13 In addition, the appeals for applications 15/00108/FUL (APP/X1545/W/15/3134072), 15/00402/FUL (APP/X1545/W/15/3134076) and 15/00420/FUL (APP/X1545/W/15/3134078) stated *‘I have found that the scheme would not harm the character and appearance of the area or highway safety and note that the Framework seeks to ‘...boost significantly the supply of housing’. In addition, there is no dispute that these are suitable locations for housing when considering access to services and facilities.’*
- 5.1.14 It is noted that a similar stance has been taken within the following appeal decisions: 15/00978/OUT - APP/X1545/W/16/3146160, 16/00196/OUT - APP/X1545/W/16/3157183, 16/00408/FUL - APP/X1545/W/16/3161178, 17/00752/OUT - APP/X1545/W/17/3187513, 17/01107/OUT - APP/X1545/W/17/3192426, 18/00005/OUT - APP/X1545/W/18/3198533, 18/00544/OUT - APP/X1545/W/18/3207171 and 18/00895/FUL - APP/X1545/W/18/3211805. Furthermore, it must be noted that costs were awarded against the Council for appeal APP/X1545/W/18/3211805, dated 2nd May 2019 -



18/00895/FUL (Land North of Hillcrest) and APP/X1545/W/17/3187513, dated 28th September 2018 - 17/00752/OUT (Land South of Charwood, which is to the southeast of the application site), as it was considered that the refusal of the planning application was grounds for unreasonable behaviour.

- 5.1.15 It is also noted that this application is a re-submission of a previous outline permission which, although it was refused, no objections were raised in relation to the principle of development or the sustainability or accessibility of the site.
- 5.1.16 Moreover, permission was granted under the terms of 19/01189/FUL for the erection of three dwellings within the site outlined in blue on the submitted location plan for this current application. These three dwellings would be positioned to the north, northeast and east of the dwelling proposed under this application. This application would therefore propose a new dwelling within the gap between these three dwellings approved under 19/01189/FUL and the six dwellings approved to the south under the terms of 19/00681/FUL. It is important to note that the Inspector considered, when allowing the appeal for six bungalows at the adjoining site, that it was reasonable for the Applicant to consider the increase of development from two dwellings to six as a reasonable increase. It is considered that the current application is similar in principle and resisting the development would be very difficult.
- 5.1.17 Having regard to the abovementioned appeal decisions and many others that have been previously allowed and some of them implemented, it is considered that the acceptability of the principle of additional residential accommodation in the area of Stoney Hills has been established. The application site is clearly contained within a residential enclave and would not represent sprawl into the open countryside. For the reasons stated, it is considered the introduction of a new dwelling in this location is acceptable.
- 5.1.18 According to policy H4 'Backland and infill development' will be permitted if all the following criteria are met:
- 1) There is a significant under-use of land and development would make more effective use of it;*
  - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
  - 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
  - 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*
- 5.1.19 Whilst there is not considered to be a significant under-use of the land, it is considered that the site is located in an accessible location and due to the infill nature of the plot, a dwelling in this location would not be detrimental to the character of the area. The proposal would not have an unacceptable material impact on neighbouring sites. The proposal would not result in loss of land which is of local, social, economic, historic or environmental significance and the site is not known to host any important landscape, heritage features or ecology interests.

5.1.20 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 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need. The application is for one three-bedroom dwelling.

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 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 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.

5.2.5 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, although the proposal is a limited scale as it is for one dwelling, it would meet this policy requirement as the proposed dwelling has 2 bedrooms and does contribute to the Council's housing stock in terms of dwelling size.

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

5.3.1 The planning system promotes high quality development through inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning, and 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;*

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

5.3.5 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”.*

5.3.6 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 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.

5.3.8 The site is located outside of the defined settlement boundaries of the District, but within the envelope of the residential area of Stoney Hills. The site is contained

within the existing envelope of development, with residential development on all sides of the site, although some surrounding developments which have been approved have not yet been built. On that basis, it is considered that the development would not result in demonstrable harm on the visual amenity of the countryside, in terms of sprawling development onto the open countryside or result in unacceptable urbanisation effect.

- 5.3.9 With regard to the formation of the access road off of Stoney Hills, it is noted that the development would utilise a previously approved access for the development of six bungalows to the south of the application site, which was approved again under the terms of 19/01189/FUL for the erection of three dwellings. Overall the road would provide access to Charwood, the dwellings which have recently gained approval surrounding Charwood and the six dwellings which have been approved to the south of the site. As noted suburban style developments, in a form of a small cul-de-sac, are characteristic for the area of Stoney Hills, as it has been evolved in recent years. Therefore, it is not considered that the proposal would appear out of keeping with the area.
- 5.3.10 It is considered that the positioning of a dwelling within the site would infill a plot which would have dwellings positioned on all sides. Therefore, a dwelling in this location would align with those approved to the north, east and south of the site and therefore it would be in keeping with the character of the area. Furthermore, it is considered that the provision of a dwelling on this site would infill a redundant piece of land in this instance due to the nature of development surrounding the application site.
- 5.3.11 All the dwellings surrounding the site to the north, east and south are single storey and therefore the proposed bungalow would be in keeping with the streetscene.
- 5.3.12 In terms of design, the hipped roof and gable projections would follow design cues from the dwellings within the surrounding area, particularly those approved immediately surrounding the site. The fenestration pattern, including the lantern roof and the use of subservient projections would add some architectural interest to the dwelling. Whilst the link attaching the garage to the dwelling is not considered to be a highly attractive form of development as it adds to the bulk on the side of the dwelling, it is noted the agent has stated this will be used as a larger utility room which is required for the installation of an air source heat pump. This is a renewable energy source which is supported by policy D2 of the LDP and therefore it is considered that the benefits of having a renewable energy source installed in the property will outweigh the concerns regarding the design. A condition will be included to ensure an air source heat pump will be installed.
- 5.3.13 The materials proposed are weatherboarding above a brick plinth, concrete tiles or slates, UPVC or aluminium windows and UPVC, composite or timber doors. These materials are in keeping with the materials within the surrounding area and therefore there are no fundamental objections to this, although it is noted that plain tiles would be more in keeping with the 6 dwellings approved to the south. A condition will be included to ensure full details of materials are submitted.
- 5.3.14 It is therefore considered that constructing a dwelling in this location would not be harmful to the character of the area. The development would accord with policies S8,

D1 and H4 of the LDP, the housing design principles set out in the Neighbourhood Plan and the guidance contained within the MDDG and NPPF.

#### **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 Whilst the proposal would increase the activity levels of the site it is considered this would not be materially harmful to the residential amenity of neighbouring occupiers by way of noise and disturbance.
- 5.4.3 Application 19/01189/FUL approved 3 dwellings to the north and east of the site. Application 19/00681/FUL approved 6 dwellings to the south of the site. Due to the separation distance and the fact the proposed dwelling is single storey, it is considered that the dwelling is positioned within the application site so that it would not result in significant harm to the neighbouring sites to the north, east and south by way of a loss of privacy or a loss of light.
- 5.4.4 Orchard House lies to the west of the application site. Due to the proposed dwelling being single storey with no windows on the western elevation and set away from the boundary, it is not considered that the proposed dwelling would result in overlooking or a loss of privacy to Orchard House.
- 5.4.5 It is noted that an objection has been received relating to the impact of the development on Orchard House. The objector has raised concerns regarding noise and disturbance from the build and from the occupiers of the site. Noise from building works is not a material consideration. Any noise resulting from the residential use of the site would be typical for a new residential dwelling and would not be considered to be materially harmful to the occupiers of Orchard House. Concerns have been raised that the proposal will result in a loss of light to the internal rooms of Orchard House. The proposed dwelling would be located 9.2 metres from the closest wall of Orchard House. Due to this separation distance and the single storey nature of the proposed dwelling, it is not considered that this would result in a direct loss of light to the habitable rooms of this neighbour. Concerns have also been raised regarding the overbearing nature of the proposal and its impact on the patio area which lies along the western boundary of the application site. It is noted that there will be a 19.1 metre projection of the dwelling along the shared boundary where the neighbouring patio area is positioned. It is acknowledged that the proposed dwelling would be visible from the neighbouring amenity area and there would be some impact on this seating area. However, due to the separation distance of 4.6 between the shared boundary and the proposed dwelling, and the single storey nature of the proposed dwelling, it is not considered that the impact would be so detrimental to justify the refusal of the application. It is also noted that this area of the site is part of a large garden area which further limits the impact and the ability to demonstrate harm to the occupiers of the adjoining property. Overall, whilst there may be some impact on Orchard House, it is not considered to be to such a degree as to be material or to justify the refusal of the application.

- 5.4.6 There is a two-storey dwelling being built to the south west of the application site, which was approved under the terms of 19/00400/FUL. Due to the proposal relating to a bungalow, the proposed development will not have a harmful impact on the residential amenity of this neighbour in terms of a loss of light or loss of privacy. This neighbouring dwelling has a first-floor window facing the amenity area of the application site which is located a minimum distance of 9.6 metres from the shared boundary between the two sites. Whilst there may be some views of the amenity area on the application site from this window, due to the separation distance, it is not considered that this would result in a harmful impact on the privacy of the occupiers of the dwelling on the application site to an extent that would justify the refusal of the application.
- 5.4.7 All other dwellings are considered to be located at a distance where the proposal would not result in significant harm to the residential amenity of other surrounding dwellings.

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

- 5.5.1 Policy T2 of the LDP 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, which are expressed as minimum 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.
- 5.5.2 Access to the site would be gained off of Stoney Hills, utilising partially an existing vehicular access. A new private access would also be formed to provide access to the dwelling on the site and the other dwellings within the cul-de-sac. The development would provide sufficient turning facilities within the site and as such, no adverse impact onto the existing network or the highway safety are raised. It is also noted that this access has been approved under the previous applications at the site. It is noted that footpath number 5 runs adjacent to the site known as Charwood, abutting the proposed access and therefore it is considered necessary to include a condition requiring the footpath to remain unobstructed at all times.
- 5.5.3 The dwelling will have two bedrooms and therefore two parking spaces are required. There would be one parking space on the drive measuring the required bay size of 2.9 metres by 5.5 metres. There will also be another parking space within the garage, which accords with the required internal measurements of 3 metres wide by 7 metres deep. Therefore, there are no objections in terms of parking provision. Conditions have been imposed to ensure the parking spaces will be set out and retained as such and so the garage will always remain available for parking.

## **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 supplementary planning 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 The garden area will measure over 189sqm and therefore there are no objections in relation to amenity space.
- 5.6.3 The dwelling would be positioned within the site so that the future occupiers of the dwelling would have suitable living conditions in terms of daylight and sunlight, outlook, access. The dwelling has been positioned with the lounge leading directly out to the garden to the south. It is considered that the main garden area is a fully usable amenity area and that the occupiers of the dwelling would not use the western area as primary private amenity area and therefore would not suffer from a loss of privacy.

**5.7 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

- 5.7.1 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 residential developments could potentially have a significant effect on the sensitive features of these coastal European Designated Sites, through increased recreational pressure etc.
- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and standard advice an 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. The findings from the HRA Stage 1: Screening Assessment are listed below:

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 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.

- 5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the

integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be re-consulted on this Appropriate Assessment.

- 5.7.4 It is noted that the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS) is an adopted document. A flat rate tariff of £125.58 per new dwelling is identified within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) as the contribution to mitigate the impact of a new residential property. The agent has submitted a legal agreement to secure the abovementioned contribution and therefore, the impact of the development will be considered to be mitigated.

## **5.8 Sustainability and Planning Balance**

- 5.8.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration.
- 5.8.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.8.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.8.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the harm identified (if any) arising from the proposed development.
- 5.8.5 With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional unit may support local businesses within Burnham-on-Crouch such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal.
- 5.8.6 In social terms the proposal would provide some support towards a vibrant and healthy community as the dwellings would be located within Burnham-on-Crouch where there is access to local facilities, however this is limited, as mentioned in section 5.1, the occupiers of the site would still be reliant on private cars due to the proximity between the site and Burnham-on-Crouch town centre and public transport



routes. The dwelling proposed has two bedrooms and therefore provides some benefits towards the housing mix.

5.8.7 In environmental terms, whilst there are public transport links along Southminster Road, due to the location of the site along a private unmade unlit road with no footpath, it is not likely that the use of private cars will be decreased. However, the agent has confirmed that an air source heat pump, which is a renewable energy source, will be installed, which weighs in favour of the development.

5.8.8 It is noted that, as outlined in section 5.1, Inspectors have found the Stoney Hills area to be suitably accessible and sustainable and a suitable area for new housing. It is also considered that the fact it contributes towards the housing mix and provides benefits in terms of renewable energy and climate change would weigh in favour of the proposal and therefore the development can be found sustainable.

## **5.9 Other Material Considerations**

5.9.1 Policy D2 of the approved Maldon District Local Development Plan (MDLDP) states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. Environmental Health have recommended conditions in relation to contamination; these are considered reasonable and therefore these will be imposed.

5.9.2 An Arboricultural report has been submitted detailing trees to be removed and retained. It is noted there is an Oak tree subject to a Tree Preservation Order (TPO) (12/20) located within the northern access to the site. The Council's Tree Consultant has stated that there are creative construction techniques that could be utilised to facilitate the retention of this tree. The Agent has stated that they are agreeable to retaining the tree. Condition 21 has been imposed to ensure details regarding the protection and retention of this tree are submitted prior to commencement.

## **6 Pre-Commencement Conditions**

6.1 Pre-commencement conditions are recommended in relation to a Construction Method Statement, contamination, trees and ground levels and approval for the use of these conditions has been provided by the applicant's agent on 04.02.2021.

## **7 ANY RELEVANT SITE HISTORY**

- **20/00365/OUT** - Construct Cul-de-Sac Road with turning head and vehicular and pedestrian Access off Stoney Hills, erect one detached bungalow and detached garage, lay out parking spaces and garden – Refused
- **19/01189/FUL** - Construct cul-de-sac road with turning head and vehicular and pedestrian access off stoney hills, erect three detached bungalows and three detached garages, lay out parking spaces and form gardens and amenity areas (amended proposal) – Approved
- **19/00873/FUL** - Form Cul-de-Sac road with turning head and vehicular and pedestrian access off Stoney Hills, erect four detached bungalows, with associated detached garages, parking spaces and amenity areas – Withdrawn

## 8 CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	<p>Object - The proposed dwelling, as a result of its style, design and bulk, would result in a contrived and dominant development which would cause significant and undue harm to the character and the surrounding area. The proposal is contrary to policies S1, S2, D1 and H4 of the LDP.</p> <p>MDC has it's 5-year plus land supply.</p> <p>Overlooking loss of privacy to immediate property.</p> <p>This is an overdevelopment of the site having 53 houses already being approved on Stoney Hills, outside the NDP &amp; LDP allocations. It is outside the development boundary.</p>	<p>Comments noted. See section 5.3.</p> <p>The Council does not have a 5YHLS. See section 5.1.</p> <p>Comments noted. See section 5.4 and 5.6.</p> <p>See section 5.1. The site is an infill plot and would not result in overdevelopment. Toney Hills has been considered a sustainable location by Inspectors.</p>

### 8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No response at the time of writing this report.	Any comments will be included within the members update.

### 8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objections subject to conditions.	Comments noted.

### 8.4 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	The TPO Oak tree near to the access can be retained if creative construction techniques are used.	Comments noted. The Agent has confirmed they are agreeable to retaining this tree. Condition 21 imposed to ensure further details are submitted.

### 8.5 Representations received objecting to the application:

1 letter of **objection** has been received.

Objection Comment	Officer Response
<p>The development is not sustainable.</p> <p>The land has restrictive covenants to protect against overdevelopment, impact on neighbours, highway safety, landscaping, noise etc.</p> <p>Permission was only granted for the other 3 bungalows around the site when the bungalow on the application site was removed due to its impact on Orchard House.</p> <p>Previous application was refused and not much has changed in this application.</p> <p>Concerns over impact on Orchard House and their amenity space/patio area which lies along the boundary with the application site. – loss of light to habitable rooms, noise pollution, privacy, overlooking, dominate the side/back of orchard house, noise and disturbance from the build and occupants of both properties</p>	<p>Please see section 5.1 and 5.8.</p> <p>Restrictive covenants are not a material planning consideration.</p> <p>Comments noted. The concerns raised were regarding the impact from Orchard House on the application site.</p> <p>Comments noted. Amended plans have now been received showing a different layout.</p> <p>Comments noted. See section 5.4.</p> <p>This is not a material planning</p>

<b>Objection Comment</b>	<b>Officer Response</b>
<p>Loss of view</p> <p>The proposal will impact on the permitted development rights of orchard house along the eastern boundary.</p> <p>Plans are not accurate as they do not show the dwelling approved to the south of orchard house</p> <p>Traffic, emergency vehicle access, suitability of Stoney Hills to take these kinds of developments</p> <p>Lack of infrastructure to take additional development.</p>	<p>consideration.</p> <p>Comments noted. It is not clear exactly which permitted development rights are being referred to however speculative future development is not a reason to object to the proposal.</p> <p>Comments noted. An amended location and site plan have been provided showing the dwelling being built to the south west of the site.</p> <p>Comments noted. Within the appeal decisions for new dwellings in Stoney Hills, Inspectors have accepted this to be a reason to object to new development in the area.</p> <p>Within the appeal decisions for new dwellings in Stoney Hills, Inspectors have not raised a lack of infrastructure as a concern; it would be unreasonable to raise this as a concern now.</p>

**9 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: 1150/10 rev A, 1150/18 rev A, 1150/19 rev A, 1150/20, 1150/21.

REASON: To ensure that the development is carried out in accordance with the details as approved.

3 Prior to their use in the development hereby approved, written details and photographs of the external materials to be used in the development hereby approved shall be submitted to and approved by the LPA. The development shall be undertaken in accordance with the details as approved.

REASON: In the interest of the character and appearance of the conservation area in accordance with policy D1 of the approved LPD and the guidance contained in the MDDP (2017) and the NPPF.

4 Prior to works above ground level, 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: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area, in accordance with policy D1 of the approved LDP and the guidance contained in the MDDG (2017) and the NPPF.

- 5 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: To ensure the use of appropriate details to safeguard the character and appearance of the area, in accordance with policy D1 of the approved LDP and the guidance contained in the MDDG (2017) and the NPPF.

- 6 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 amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the NPPF.

7 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 hereby permitted without planning permission having been obtained from the local planning authority.

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 MDDG.

8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan

9 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the LPA. The report of the findings must include:

- i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
- ii) A survey of the extent, scale and nature of contamination;
- iii) an assessment of the potential risks to:
  - a) Human health,
  - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land,
  - d) Groundwaters and surface waters,
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments;
- iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

10 No development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance,

removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been conducted and submitted to and approved in writing by the local planning authority. The report of the findings must include:

- This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- This shall include an appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works.
- This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the LPA.

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

- 11 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the LPA. The LPA may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented

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

- 12 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the LPA for approval. The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency
- ii) All imported material is suitable for its intended use
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the LPA.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan

- 13 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan

- 14 An Air Source Heat Pump shall be installed at the site and shall be retained as such thereafter.

REASON: In the interests of renewable energy and climate change, in accordance with policies D1 and D2 of the Maldon District Development Local Plan

- 15 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the LPA. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

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

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



- 16 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the development is in keeping with the character and appearance of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 17 The dwelling hereby approved shall not be occupied until two car parking spaces have been provided, one on the driveway and one in the garage, as shown on plan 1150/18. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.  
REASON: To ensure appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the adopted Maldon District Vehicle Parking Standards (VPS).
- 18 The garage hereby approved 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 appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the Council's adopted VPS.
- 19 The public's rights and ease of passage over footpath number 5 shall be maintained free and unobstructed at all times.  
REASON: To ensure appropriate access to the public right of way in the interest of accessibility, in accordance with policy T2 of the Maldon District Local Development Plan
- 20 The trees and hedges identified for retention in the Arboricultural Impact Assessment & Method Statement, dated 28 June 2019, which is attached to and forms part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the LPA. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the LPA, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the LPA.  
REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the MDDG.
- 21 Notwithstanding condition 20, prior to the commencement of the development, further details in relation to the construction techniques to ensure retention and protection of the Oak tree T1 shall be submitted to and approved in writing by the LPA.

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

**INFORMATIVE:**

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council (ECC).