



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**
to
SOUTH EASTERN AREA PLANNING COMMITTEE
13 MARCH 2017

Application Number	FUL/MAL/16/01481
Location	Land South West of High House, Green Lane, Burnham
Proposal	Erection of a four bedroom detached chalet style dwelling.
Applicant	Mr S Latif
Agent	Raymond Stemp Associates
Date Valid	21 December 2016
Target Decision Date	17 March 2017
Case Officer	Rebecca Greasley
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Parish Trigger Departure from the Local Plan 2005

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land South West of High House, Green Lane, Burnham On Crouch
FUL/MAL/16/01481



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 16/01481/FUL
	Date:	28/02/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Green Lane, Burnham-on-Crouch. To the north of the site is Green Lane, with agricultural land located beyond. To the west of the site is land which is subject to extant permission for a new dwelling (FUL/MAL/15/01046), to the east and south of the site is agricultural land.

3.2 Conclusion

- 3.2.1 The recent appeal decisions in the immediate locality are material considerations in determining the current application. Whilst the proposal would result in some encroachment into the rural character and appearance of the locality, the site is not isolated or remote from other properties and is situated within an area that is undergoing considerable change. The existing detached property at High House lies a short distance to the north-east of the appeal site on the opposite side of Green Lane with two detached dwellings under construction to its east. As such, the proposal is not considered to result in such a level of harm to warrant a reason for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- Chapter 7 – requiring good design
- Chapter 11 – conserving and enhancing the natural environment

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development Outside Development Boundaries
- H1 Location of New Housing
- B1 Design of New development and Landscaping
- CC6 Landscape Protection
- CC7 Special Landscape Area
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Development
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective use of Land
- T1 Sustainable Transport

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Planning History

- 5.1.1 Planning permission was granted at appeal under reference FUL/MAL/15/01046 for ‘the erection of a four bedroom detached dwelling’. The Inspector’s decision in relation to allowing the appeal is, therefore, a material consideration in determining the scheme subject of this application on the adjacent site.
- 5.1.2 The comments made by the Inspector in allowing the appeal for the adjacent site will be covered in detail within the report.

5.2 Principle of Development

- 5.2.1 The proposal is for a new dwelling outside of the settlement boundary of Burnham-On-Crouch, as defined by the adopted Local Plan and the Pre-submission Draft Local Plan and is, therefore, considered contrary to policy in principle.
- 5.2.2 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development, in the interests of protecting the countryside and coastal landscapes of the District. This principle is brought forward within Policy S8 of the LDP.
- 5.2.2 On balance, whilst the site is not considered to be located in the most sustainable location, weight must be given the appeal decision at the adjoining site, and the applications approved at committee in the immediate vicinity.
- 5.2.4 As such, there is no objection to the principle of the site accommodating a residential unit, subject to the scheme causing no demonstrable harm to the character and appearance of the locality, to the neighbouring amenity, and ensuring that parking and amenity space provisions are met.

5.3 Design and Impact on the Character of the Area

- 5.3.1 Policy BE1 of the adopted Local Plan states that development proposals will be permitted if they are a) compatible with their surroundings in terms of factors including i) layout, iv) scale/bulk/height, v) external materials, vi) visual impact and vii) effect on the safety and or amenity of neighbouring properties or the occupiers therein, and b) make a positive contribution to the landscape and open countryside.
- 5.3.2 Further, paragraph 55 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” and that “Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst others:

- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area”.

5.3.3 The application site currently contributes to the rural character and appearance of the streetscene. The application site is open to the east, and given the topography of the site any new development on the site would be highly visible from public vistas. The site currently forms an important gap in development ensuring that an open countryside setting is maintained.

5.3.4 Notwithstanding this, there are a number of schemes that have been allowed at appeal in the immediate locality which will inevitably change the character and appearance at this end of Green Lane. One new dwelling has been approved at land to the west of the application site (15/01046) and six new residential units have been allowed at land to the south of the application site (16/00120). As such and, on balance, the impact of the development on the character and appearance of the locality, when considering the recently approved development in the immediate locality is not considered to be so demonstrable to the rural character and appearance of the locality to warrant a reason for refusal.

5.3.5 In terms of design, it is noted that the design is identical to that of the dwelling approved on the adjoining plot of land, as no concerns were raised with the design of the scheme approved by the Inspector, it would be unreasonable for the council to raise concerns with an identical scheme.

5.3.6 In light of the above assessment, the proposal by reason of its siting, design, scale and bulk is not considered to result in demonstrable harm to the character and appearance of the locality.

5.4 Impact on Residential Amenity

5.4.1 In terms of the impact of the proposal on residential amenity, whilst it is noted that the site has no immediate neighbours, weight must be given to the extant permission on the adjacent plot which could be built out.

5.4.2 One window is located on the eastern flank elevation of the new dwelling. This window would be able to directly overlook the private amenity space of the extant permission on the adjoining plot. The window is a rooflight serving a secondary source of light to a bedroom. As such a condition could be imposed ensuring that this window would be obscure glazed and non-openable to avoid any form of overlooking to the neighbouring property.

- 5.4.3 In terms of overshadowing, given the distance of the new dwelling from the extant permission on the adjoining site measuring approximately 10m, any loss of light is not considered to be demonstrable to the amenity of the neighbouring property.

5.5 Access, Parking and Highway Safety

- 5.5.1 The access approved under extant permission FUL/MAL/15/01046 would be extended and utilised as part of the current application. Essex County Highways have raised no objection to the proposal subject to a number of conditions.
- 5.5.2 The conditions suggested include no unbound material to be used within 6m of the highway boundary, the provision of bicycle storage and ensuring that no discharge of surface water onto the highway. Whilst the first and second conditions are considered to meet the tests for conditions, the final condition proposed would not meet the tests.

In terms of parking, in order to comply with Policy T8, for a 4 bedroom dwelling a maximum of 3 spaces is required. The proposal shows a formal parking arrangement for two parking spaces. However, the site is considered to be large enough to accommodate one additional parking space to meet the requirement of a four bedroom dwelling.

5.6 Private Amenity Space and Landscaping

The proposal is considered to provide sufficient amenity space to meet the criteria of 100sqm for a four bedroom property as set out in the Essex Design Guide.

5.7 Other Material Considerations

- 5.7.1 The conditions recommended are reflective of those imposed on the extant permission on the adjoining site, and those that would meet the tests suggested by statutory consultees.

6. ANY RELEVANT SITE HISTORY

- 14/01216/FUL - Erection of a 5 bedroom dwelling and a detached double garage. Refused 02.03.2015
- 15/01046/FUL - Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216. Refused 14.12.2015. APPEAL ALLOWED

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	Object – the proposal would result in backland development, urbanizing the rural locality.	Covered in detail within the officer report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection, subject to conditions	Not all of the conditions suggested meet the tests for conditions, those that are relevant and necessary are evident in the officer recommendation.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding surface water and foul drainage details to be submitted.	The suggested conditions would meet the tests for conditions.

7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Barrie Stamp - 62 Maldon Road, Burnham on Crouch
- Wendy Stamp - 62 Maldon Road, Burnham on Crouch
- Mrs Natalie Bettany (on behalf of BROOD) - 11 Chandlers, Burnham-on-Crouch.
- Glyn and John Hitcham – Creeksea Lodge, Creeksea Lane, Burnham on Crouch
- Mr John Wallis - Primrose Hill, 6 Green Lane, Burnham-On-Crouch

Objection Comment	Officer Response
Fails to comply with the development plan, is outside of the settlement boundary and the council is able to demonstrate in excess of a 5 year supply of housing.	The decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
Unacceptable design & bulk would have a detrimental impact upon the character & appearance of the area	See section 5.3
The applicant who has recently won one house application on appeal said he wanted only one house to live in for	Not a material planning consideration

Objection Comment	Officer Response
himself as he returning from America and wanted to be near his parents.	
The proposed development would result in an isolated residential development that would not respect the existing pattern of houses already there.	See section 5.3
The LDP inspector has recently said that although adjacent to a strategic site is completely different from being actually on the site itself	See section 5 of the report
The Council themselves @ the recent EiP are now only targeting 100 'windfall' houses across the complete District over the next 5 years	N/A
The entrance/exit to this dwelling is over a already established passing place on a blind bend on a single track lane & is therefore dangerous	Permission has already been granted for this area to be used as an access point.

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, SP02, X01, X02 and 05.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
3. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: To protect the landscape character of the area in accordance with policy CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted LDP and the National Planning Policy Framework.
4. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (a) means of boundary enclosure (b) hard surfacing materials (c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and (d) implementation timetables. All hard and soft landscape works shall be carried out in accordance with the approved details. Any plant material removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
REASON: To protect the landscape character of the area in accordance with policy CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted LDP and the National Planning Policy Framework.

5. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include delivery, demolition and construction working hours and the approved Statement shall be adhered to throughout the construction period for the development.
REASON: To protect the amenity of the neighbouring occupiers, in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted LDP and the National Planning Policy Framework.
6. No development shall commence until details for the storage of bicycles has been submitted to and approved in writing by the local planning authority. The storage shall be provided prior to the first occupation of the development and shall thereafter been retained as such.
REASON: To promote and secure the provision of sustainable transport in new development, in accordance with policy T1 of the submitted Local Plan and the National Planning Policy Framework.
7. Prior to the first occupation of the development, the vehicular access, parking and turning areas shall be provided in accordance with the approved site plan SP02 and retained as such thereafter. No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
REASON: In the interests of highway safety and free flow of traffic and in accordance with policy T2 of the Maldon District Replacement Local Plan, T2 of the submitted Local Plan and the National Planning Policy Framework.
8. Prior to the commencement of the development details of the surface water drainage strategy and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: to ensure that there is an appropriate foul and surface water drainage scheme in place, in accordance with policy CON5 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework.