



**REPORT of  
CHIEF EXECUTIVE**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
4 DECEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/01096</b>
<b>Location</b>	Land Adjacent 101 Maldon Road Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed new detached dwelling house
<b>Applicant</b>	Mr E J Dominic Savio
<b>Agent</b>	Greg Wiffen - Planman
<b>Target Decision Date</b>	22 November 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875822
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Chief Executive Call In

**1. CHIEF EXECUTIVE CALL IN**

- 1.1 This application is brought before the Area Planning Committee as the Chief Executive has called the application in due to an anomaly caused due to the removal of the parish trigger and subsequent change to the Member call in process. This will be a consistent approach taken in similar situations, during this transitional period.

**2. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 9 of this report).

**3. SITE MAP**

Please see overleaf.

**Land Adjacent 101 Maldon Road, Burnham-on-Crouch**  
**FUL/MAL/17/01096**



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 Maldon District Council 100018588 2014



**MALDON DISTRICT COUNCIL**

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01096/FUL

Date: 21/11/2017

MSA Number: 100018588

## **4. SUMMARY**

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

- 4.1.1 The application site is located on the southern side of Maldon Road within the settlement boundary of Burnham-On-Crouch. The site currently forms part of the residential curtilage of the property known as 101 Maldon Road and accommodates a detached garage that serves the existing dwelling on site. The development along the southern side of Maldon Road is mainly residential dwellings which vary in terms of house type, architectural style and features, finish materials and scale. Ormiston Rivers Academy is located opposite the site and there are residential dwellings to the rear.
- 4.1.2 Planning permission is sought for the division of the plot and erection of a two storey dwellinghouse. The dwelling would measure 8.5m in width, a maximum of 14.2m in depth including a single storey rear element and a two storey gable end projection located to the front. It would measure a maximum of 7.9m in height to the ridge and 5.1m in height to the eaves. The dwelling would accommodate a porch, study, sitting room, WC and an open plan dining / kitchen / living room at ground floor and four bedrooms, one with an en-suite and a family bathroom at first floor. The application follows the withdrawal of application reference FUL/MAL/17/00561.
- 4.1.3 The Burnham-on-Crouch Neighbourhood Development Plan (NDP) states ‘Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan’.

### **4.2 Conclusion**

- 4.2.1 The proposed development is considered to assimilate into the streetscene to an acceptable degree, it would not significantly impact the neighbouring occupiers to such a degree as to warrant a reason for refusal and the site provides adequate parking provision and amenity space, in accordance with policies S1, S8, D1, H4 and T2.

## **5. MAIN RELEVANT POLICIES**

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

### **5.1 National Planning Policy Framework 2012 including paragraphs:**

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 56-68 - Requiring Good Design
- 55 - Housing

### **5.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- H4 - Effective Use of Land

- N1 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

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

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

### **4.4 Burnham-On-Crouch Neighborhood Development Plan**

- H0.1 - New Development
- H0.2 - Range and Type of New Residential Development
- HC.2 - New Development Features
- H0.8 – Housing Design Principles

## **6. MAIN CONSIDERATIONS**

### **6.1 Principle of Development**

6.1.1 The site is located within the settlement boundary of Burnham-on-Crouch as identified in the Local Development Plan. Policy S8 is the strategic policy that would apply to this site, allowing development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed below. These material considerations would also include the impact on the character and appearance of the area, highway safety, and impact on the amenity of the neighbouring residential properties.

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

6.2.1 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.

6.2.2 The proposed dwelling would measure 8.5m in width, a maximum of 14.2m in depth including a single storey rear element and a two storey gable end projection located to the front of the dwelling. It would measure a maximum of 7.9m in height to the ridge and 5.1m in height to eaves. The proposed dwelling would be finished with a hipped roof, with a two storey front gable end projection and two gable end projections to the rear, there would also be a single storey flat roofed element to the rear of the dwelling.

6.2.3 The southern side of Maldon Road is residential in nature and the surrounding area to the application site is not considered to have a particularly defined or strict character given that it is made up of wide range of dwellings differing in house type,

architectural design and features, finish materials and layout. There are bungalows and two storey dwellings, detached and semi-detached properties, large dwellings set within spacious plots and smaller dwellings set within narrow plots. The ridge heights and roofscapes vary along the road. It is noted that this section of Maldon Road is largely fronted by soft boundary treatments with hedgerows and trees prevalent along the road frontage.

- 6.2.4 The application site has a maximum width 12.7 metres. Site widths along this stretch of Maldon Road range from around 9 metres to 28 metres. The siting and layout of the proposed development consists of the subdivision of the existing site from north to south with the proposed dwelling located in-line with the existing linear pattern of development, fronting Maldon Road. Whilst the proposed dwelling would be situated close to the eastern boundary at 1.6m and western boundary at 2.1m, given that the distances between properties and plot sizes along Maldon Road vary dramatically and the presence of comparable developments in terms of siting and layout, namely no. 107A and 109 which are detached properties which are situated close to the shared boundaries of the site and each other; it is not considered that the siting and layout of the proposed development appears out of keeping or cramped when viewing the site from public vistas.
- 6.2.5 In terms of design, the proposed dwelling is considered to be of adequate architectural merit, traditional in appearance and symmetrical when viewed from the front, with a central gable end projection and two bay windows either side. The front gable projection references those present at numbers 105 and 107 Maldon Road and the proposed roofform is not considered to be out of keeping in its setting given the variation of roofforms present along Maldon Road, especially at no. 101 which is of an unusual design. In terms of scale and bulk, the proposed dwelling would have a ridge height 0.38m taller than the dwelling at no. 101 and in line with the dwelling at no. 99. In terms of width the proposed dwelling is comparable, just slightly smaller than that at no. 101 and whilst the single storey rear element projects 2.2m further than the rear elevation of no. 101, given the modest projection and height of 2.9m to the top of the flat roof the depth is considered acceptable.
- 6.2.6 The proposed finish materials include the use of cladding, which is not a material present within the vicinity of the site. This material is not considered acceptable in this location. To ensure the use of acceptable materials a condition could be imposed, should the application be approved, to ensure details and samples are submitted to the Council prior to the commencement of the development.
- 6.2.7 Therefore, for the above reasons, the proposed development is considered to assimilate into the streetscene to an acceptable level in compliance with policies D1 and H4.

### **6.3 Impact on Residential Amenity**

- 6.3.1 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 overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers.

- 6.3.2 The application site has three adjacent neighbouring properties . To the east of the application site is no. 101 Maldon Road, to the west is no. 99 Maldon Road and to the rear of the application site is 103A Maldon Road.
- 6.3.3 The proposed dwelling would be located around 1.6m from the shared boundary with no. 101 and around a minimum of 2.2m from the existing dwelling. In terms of overlooking, there would be two windows located within the eastern side elevation of the proposed dwelling at ground floor that would face onto three existing windows located within the western side elevation of the existing dwelling. However, the proposed windows are to be obscure glazed, which could be secured via a condition, should the application be approved. This would mitigate any unacceptable levels of overlooking. In terms of a loss of light, the main windows affected are the three windows at ground floor level and one window at first floor level on the western side elevation. Two of the ground floor windows serve a lounge however; these windows are secondary sources of light, as the lounge is also served by French doors and windows located on the rear elevation. The third window at ground floor serves a study which is not considered habitable accommodation. Therefore a loss of light to these windows is not considered significant enough to warrant a reason for refusal. The window at first floor serves a bedroom the proposed dwelling would be located around 2.6m from the window. It is noted that this window would suffer a loss of light however, given the distance of 2.6m between the window and wall of the proposed dwelling, it is not considered that the loss of light would be significant enough to warrant a reason for refusal. It is noted that the dwelling is in close proximity to no. 101 and would therefore have an impact on the first floor bedroom window in the side elevation. However, on it is not considered that the proposed dwelling would form an overbearing addition to the detriment of the neighbouring occupiers; given the distance and that the dwelling is of a comparable scale. It is also be noted that the applicant owns no. 101 and therefore the impact would be self-imposed.
- 6.3.4 The proposed dwelling would be located around 2.1m from the shared boundary with no. 99 and the proposed dwelling would be located around 6.7m from the existing dwelling at no. 99. In terms of overlooking there are three windows proposed within the western side elevation of the proposed development, these windows are proposed to be obscure glazed and that would mitigate any significant overlooking. The proposed rear facing windows look out onto the private amenity space that would serve the existing dwelling; views of the rear garden at no. 99 could be afforded from the rear facing windows. However, it is not considered to significantly affect the living conditions of the neighbouring occupiers. In terms of a loss of light and forming an overbearing addition, given the distance of 6.7m from the existing dwelling at no. 99 it is not considered that a significant loss of light would occur to the main windows of the neighbouring dwelling.
- 6.3.5 The proposed dwelling is located 16m from the shared boundary with no. 103 Maldon Road and 29.8m from the dwelling on site. Give the distance; it is not considered that a loss of light, overlooking or an overbearing impact would occur to the detriment of this neighbouring property.
- 6.3.6 Therefore, for the above reasons, the proposed development is not considered to significantly impact the neighbouring occupiers as to warrant a reason for refusal.

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

- 6.4.1 Policy D1 of the approved Local Development Plan (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.
- 6.4.2 The proposed development would result in an additional vehicle access onto Maldon Road. The Highway Authority has been consulted and raised no objection to the proposal in terms of highway safety, subject to conditions.
- 6.4.3 The recommended parking provision standard for a four bedroom dwelling is a maximum of three car parking spaces. There is an area to the front of the proposed dwelling measuring 10m by 12.7m which could accommodate space to park three cars, in accordance with the recommended standard.
- 6.4.4 The proposed development would result in the division of the existing plot which accommodates no. 101 and removal of the existing garage which serves this property which would result in a loss of parking provision. However, there would still be a space measuring 11.2m by 11.6m to the front of the dwelling which could accommodate three car parking spaces on site.

## **6.5 Private Amenity Space and Landscaping**

- 6.5.1 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 Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 6.5.2 The proposed development would result in the division of the plot which accommodates no. 101; this would result in the loss of part of the private rear amenity space. However, the remaining space to the rear of the dwelling would measure 209sq.m, which is in excess of the recommended standard.
- 6.5.3 The rear amenity space to serve the proposed dwelling would measure 143sq.m. This is in excess of the recommended standard and therefore, no concerns are raised in relation to private amenity space.
- 6.5.4 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

## **6.6 Land Ownership**

- 6.6.1 Land ownership issues have been raised by a neighbouring property and a Land Registry plan submitted to substantiate the claim. However, it appears that the boundary line shown on the submitted location plan is in line with the Land Registry plan submitted by the neighbours. This has however been raised with the applicant and an update will be provided within the Members' Update. The primary purpose of

ownership certificate 'B' being signed is to ensure the relevant parties are notified of the development and have the right to comment, which has happened through the consultation letters sent and public notice erected at the site.

**7. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/17/00561** - Proposed new detached dwelling house. Withdrawn - 12.07.2017.

**8. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**8.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-On-Crouch Town Council	The proposed dwelling house would be out of character with the surrounding area and contrary to LDP policy D4 and NDP policy HO8.	Please see section 5.2 of the Officers report. Policy D4 is not considered relevant to this application. The application has been assessed against the policies within the NDP and it is considered to be compliant. In the absence of the specific criteria that the Town Council consider it to fail on, I am unable to fully address the objection.

**8.2 Statutory Consultees and Other Organisations (*summarised*)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
County Highways	No objection subject to conditions.	Please see conditions.

**8.3 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions.	Please see conditions.

**8.4 Representations received from Interested Parties (*summarised*)**

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

- David & Elizabeth Chapman - 103A Maldon Road Burnham-On-Crouch

- Trevor Hammans - 99 Maldon Road Burnham-On-Crouch
- Janet Hammans 99 Maldon Road Burnham-On-Crouch
- Carol Hughes 103B Maldon Road Burnham On Crouch

<b>Objection Comment</b>	<b>Officer Response</b>
Land Ownership Issues	Please see section 6.6 of the Officers report.
Large property on small plot	Please see section 6.2 of the Officers report.
Change to landscape if all the trees were to be removed	Please see section 6.5 of the Officers report.
Loss of non-residential space for no. 101 if garage is removed	The garage is a residential garage and there is no requirement to protect or provide ancillary space.
Loss of light and outlook	Please see paragraph 6.3 of the Officers report.
No two storey building should even be considered next to 101, particularly in such close proximity.	Please see paragraph 6.2 and 6.3 of the Officers report.
No detached properties along Maldon Road without a garage.	Please see section 6.2 of the Officers report.
Out of keeping.	Please see section 5.2 of the Officers report.
Overpowering.	Please see section 6.3 of the Officers report.
Tiny garden.	Please see section 6.5 of the Officers report
No. 101 would be devalued financially.	This is not a material planning consideration.
Could result in a loss of all the trees on site.	Please see section 6.5 of the Officers report.
Highway safety issues.	Please see section 6.4 of the Officers report.
Concerns raised in relation to highway safety during the construction of the development.	There is no evidence that highway safety would be demonstrably impacted on during the construction of the development above any other development.
Loss of wildlife.	There is no basis to believe that protected species use the site and the landscaping details for the scheme will be conditioned, should the application be approved.
The developer brought the land to make a huge and quick profit. The developer is not a member of our community. The developer makes no contribution financially to the town nor do they have a personal investment in the town.	These are not material planning considerations. The planning application is assessed on its planning merits.

<b>Objection Comment</b>	<b>Officer Response</b>
I would like MDC to ensure our boundary fence stays intact. We do not want trespassers on our land.	This is a civil matter and would not be the responsibility of the LPA.
Loss of hedge fronting Maldon Road.	Please see section 6.2 of the Officers report.
The streetscene drawing is misleading as it does not give a clear view of the existing dwellings.	The streetscene drawing is adequate. A site visit has been conducted by the Case Officer who is aware of the surrounding dwellings.
Visual harm caused to the surrounding area.	Please see section 6.2 of the Officers report.
Inadequate visibility splays.	The Highways Authority has not raised an objection to the visibility splay, which will be secured via a condition.
It appears that the developer is determined to get the application approved by building a relationship with the Case Officer.	This accusation is unfounded and every application is determined by the Council on its planning merits.
Plan inaccuracies.	These issues have been resolved and a location plan with the correct land outlined in blue has been submitted.

## 9. **PROPOSED CONDITIONS**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance policy D1 of the Local Development Plan.
- 3 No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior

to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 5 Prior to occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 6 Prior to occupation of the proposed dwelling and as shown in Drawing no SI 5 (Proposed block plan showing visibility splays), the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 8 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details are to be submitted to and approved in writing by the Local Planning Authority and the development is to be carried out in accordance with the approved details.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 9 Prior to the commencement of the development details of the surface water 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. The scheme shall ensure that for a minimum:
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 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).

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

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

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan.

- 10 Prior to the first occupation of the building hereby permitted, the windows in the east and west side elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON: To protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Local Development Plan.

### **INFORMATIVES**

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

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

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.