



**REPORT of
CHIEF EXECUTIVE**

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

Application Number	OUT/MAL/17/01123
Location	Land To The Rear Of 60A Maldon Road, Burnham-On-Crouch, Essex
Proposal	Proposed erection of 6 residential dwellings and ancillary works with shared surface access off Green Lane and pedestrian/ cycle link to Maldon Road.
Applicant	Dr Hamid Latif
Agent	Mr David Devries
Target Decision Date	24 November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 975741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land To The Rear Of 60A, Maldon Road, Burnham-on-Crouch
OUT/MAL/17/011213



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 17/01123/OUT
Date:	21/11/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site lies to the north side of properties no's 58 - 62 Maldon Road and to the south of two recently approved dwellings onto Green Lane. One of these two dwellings was already erected at the time of the site visit. The site which totals 0.9 hectares encompasses a parcel of land which is broadly open and flat and it is covered by grass and a group of trees. There are some outbuildings to the rear of the garden to No 58.

3.1.2 No's 58 and 60A form part of a linear layout comprising of large detached dwellings fronting Maldon Road and contained within large plots. The settlement boundary is shown running behind the dwellings but not including the whole depth of the rear gardens. To the west of the site is an area of woodland and to the east open grassland.

3.1.3 The site as shown on the location plan submitted would be accessed from both Maldon Road and Green Lane, albeit with pedestrian/cycle access only to Maldon Road.

3.1.4 It is noted that the area around and mainly to the east of the application site is undergoing considerable change, given that large scale developments that have been granted permission to the east (the area forms one of the strategic development sites in Burnham) and smaller scale developments to the north including the erection of two dwellings onto Green Lane.

3.1.5 Description of proposal

3.1.5.1 Outline planning permission with all matters reserved is sought to erect six dwellings, form vehicular access off Green Lane between the two recently approved dwellings onto Green Lane and from pedestrian/cycle access off Maldon Road, between no's 60 and 60A.

3.1.5.2 The site has a trapezium shape measuring a maximum of 132.46m deep by 75m wide.

3.1.5.3 An indicative plan has been submitted with the application which shows a 3 metres wide pedestrian/cycle access off Maldon Road and a 6m wide vehicular access off Green Lane. The road within the housing development would traverse the site. Four dwellings have been shown to the west of the road and two to the south.

3.1.5.4 A planning statement has also been submitted in support of the application, where it is stated that although all matters are reserved for a future submission, the design intention is that the dwellings would be traditional two / two and a half storeys, with rooms in the roof.

3.1.6 Background of the application

3.1.6.1 It is noted that two applications proposing the erection of 6 dwellings were previously refused (OUT/MAL/14/01200 and OUT/MAL/16/00120), with the second one

allowed on appeal. The differences between the previous applications and the current proposal are, as follows:

- The boundary of the application site has been amended. No. 58 Maldon Road is no longer included within the application site. The application site, where the proposed houses are to be erected, is slightly smaller than the one for earlier applications, as an area measuring 34m by 37m has been excluded.
- The dwelling at no. 58 is no longer proposed to be demolished.
- A new vehicular access has been shown to the north of the site connecting it with Green Lane.
- A footpath has been shown between no's 60 and 60A. That was previously proposed to be conjoined with the vehicle access off Maldon Road.

3.1.6.2 Prior to the decision of the Inspector to allow the appeal, an application for the erection of twelve dwellings, was refused, on the grounds of the contrived isolated and backland form of development, which was considered to result in a development that would not respect the existing pattern and urban grain. The application site of the current proposal, except from the access, is the same with this last submission, which was allowed at appeal.

3.2 Conclusion

3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch and so is in principle contrary to policies that seek to direct new residential development to established settlements. However, a recent appeal decision (Appeal ref: APP/X1545/W/16/3160991) for a similar proposal was allowed on 23 January 2017. On the basis of the recent appeal decision where the principle of six dwellings in that location was considered acceptable, no objection is raised to the principle of the development or impact of the development on the character and appearance of the area. Other material planning considerations would be fully assessed at the reserved matters stage.

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:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

4.2 Approved Maldon District Local Development Plan (July 2017):

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7 September 2017):

- Policy HO.1 – New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application site lies beyond the development boundaries of Burnham-on-Crouch and therefore within the Countryside. Policies S1, S2 and S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined Settlement Boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.2 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 The site is located outside the development boundary, to the rear of properties along Maldon Road which broadly has a linear built form with a large area to the rear of houses along Maldon Road being undeveloped. However, there are examples of backland development, such as Pinnars Close, The Hawthorns and Corinthia Mews. Furthermore, the area to the north of Maldon Road is undergoing considerable

development and that was recognised by the Inspector. In particular, a large development to the east of the application site was recently approved, which, if developed, would become more urban in character (Planning Application Ref FUL/MAL/16/00093 for 180 dwellings within an allocation of Natural and Semi Natural Open Space abutting the application site to the east). The Inspector considered that there is nothing to suggest that this development would not proceed and therefore, the proposed development for six houses within the application site, would not be contrived, isolated or overly prominent when viewed from Green Lane or elsewhere.

- 5.1.4 Although there are differences in terms of the access and the layout proposed as part of the current application when compared to these included with the scheme recently allowed at appeal, given that both applications are outline with all matters reserved, it is considered that the similarities of the two schemes are more significant than the differences. The Inspector's decision is a material consideration and therefore, it is considered that the provision of six houses in this location is acceptable in principle and it would not result in a materially harmful impact on the character of the surrounding area.
- 5.1.5 The site would be visible from Green Lane; however, it would maintain a reasonable set back from the highway, similar to the development to the east. As shown on the indicative plan, a high level of the existing vegetation would be retained, including further soft landscaping and therefore, a development would be largely concealed and a large part of the site would remain undeveloped.
- 5.1.6 Whilst the submitted layout is only indicative, it is reasonable to conclude that given the size and configuration of the site, six dwellings are likely to be able to be accommodated within the site, without resulting in a development being at odds or harmful to its surroundings.
- 5.1.7 The development would not extend further out to the west, towards the open countryside, from the previously submitted application. No objection was previously raised regarding the sustainability of the site, in terms of access to public transportation or services/facilities. Thus, the development is considered to be, acceptable in principle.

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy H4 of the Maldon District Local Development Plan (MDLDP) states that "*All development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties.*"

- 5.2.2 The application is for an outline planning permission with all matters reserved for future consideration. A reserved matters application would be required to be submitted, if outline approval is to be granted and detailed matters of layout, scale and design and access would be dealt with at that stage.
- 5.2.3 As stated above, the character following the construction of the approved developments adjacent to the site would be materially altered from a rural to a more urban nature. Therefore, the pattern of the proposed dwelling within the application site would not be at odds with the grain of the surrounding area. Whilst the development would be visible from public vantage points it is considered that by reason of the nearby developments and the appropriate number of dwellings proposed within such an area, the proposal would not result in significant harm to the wider area.
- 5.2.4 In terms of the amended vehicular access proposed off Green Lane, although this is to be agreed at reserved matters stage, it is considered that it would avoid the creation of a gap within the streetscene of Maldon Road, which was previously considered to result in a disruption of its linear character. Although a similar gap would be created onto Green Lane, given the broadly underdeveloped character of Green Lane in comparison to Maldon Road, it is considered that the impact would be less than that caused by the previously proposed gap onto Maldon Road.
- 5.2.5 The proposed pedestrian access off Maldon Road would not result in an unacceptable gap between the dwellings and as shown on the indicative block plan, soft landscaping would be incorporated. Similarly, a level of soft landscaping has been shown on either side of the proposed vehicle access. This plan is indicative; however, it shows that soft landscaping would be outside the application boundary. This is therefore given little weight as it cannot be secured in the long-term.
- 5.2.6 Although indicative, the block plan submitted can demonstrate that the proposed development would be of low density achieving spacious gaps between the dwellings and high levels of soft landscaping. The Inspector considered that *“Such a verdant layout would assist in integrating the development with the softer, more rural character of Green Lane and the countryside beyond”*.
- 5.2.7 In light of the above, it is considered that the development, as currently proposed, would not be out of keeping with the character of the area and it would not result in a greater impact to the grain of the area such that to warrant refusal of the outline application on these grounds.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 and H4 of the approved MDLDP 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.
- 5.3.2 The application has been submitted in outline and so the detailed layout and design of the housing would be determined at the reserved matters stage. Given the size and siting of the proposed development in conjunction with the size of the site, it is considered unlikely that there will be any demonstrable harm arising in terms of

overlooking, overshadowing or domination that cannot be resolved at the reserved matters stage.

- 5.3.3 The proposed access is to be formed between two recently approved dwellings (one already built) onto Green Lane. Whilst these two properties would be exposed to noise and disturbance generated from traffic from the development, the Environmental Health team has raised no objection. A similar arrangement was previously proposed between properties 56 and 60 Maldon Road and no objection was raised in the previous applications in that respect.

5.4 Access, Parking and Highway Safety

- 5.4.1 Whilst access is a reserved matter, given the boundaries of the application site, the point of access will be as shown. The highway authority has not raised an objection to the formation of the access onto Green Lane. The indicative plan suggests that there will be ample off street parking or garaging for all units when considered against the Council's adopted parking standards.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Private amenity and landscaping issues would be dealt with in detail by way of reserved matters submissions. However, the site is likely to be capable of accommodating an acceptable level of private amenity space to meet the needs of the future occupiers. Furthermore, the formal rear garden area for No 60A would not be affected.
- 5.5.2 The size of the proposed dwellings, as shown on the indicative plan, would be large enough to provide a good level of accommodation.
- 5.5.3 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with as part of the submission of a reserved matters application.

5.6 Other matters

5.6.1 Archaeology

- 5.6.1.1 The proposed development site has the potential to impact on archaeological remains. A Historic Environment Officer has been consulted and stated that the site is located within a zone of high Palaeolithic potential. Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation. This would be secured by condition.

5.6.2 Impact on previous permissions

- 5.6.2.1 It is noted that the current proposal would provide an access off Green Lane between two recently approved dwellings (FUL/MAL/15/01046 and FUL/MAL/16/01481). As shown on the submitted indicative block plan the development, if implemented as shown, would affect the ability of the aforementioned application to comply with their conditions. It is noted that this would result in potential breach of condition to

implement the developments in accordance with their approved plans. An informative would be added as a reminder for the applicant.

5.6.3 Sustainable Urban Drainage Schemes (SUDs)

5.6.3 It is noted that a condition in relation to the submission of details of SUDs has been imposed, which was not part of the conditions imposed at appeal (OUT/MAL/16/00120). Since the determination of this appeal, the LDP has been approved, which requires developments to minimize the risk of flooding through appropriate measures such as SUDSs (Policy D5) and therefore, it is considered reasonable this condition be imposed for the current proposal.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/07/01317** - Change of use of land to part residential (garden retreat) retention of outbuilding: Approved 12/02/08.
- **OUT/MAL/14/01200** - Outline planning for proposed demolition of No. 58 Maldon Road and the erection of six new dwellings of 232-350 sq metres on land at the rear of 60a Maldon Road and change of land use to C3. Maldon Road and change of land use to C3: Refused 12/03/15
- **OUT/MAL/16/00120** - Demolition of 58 Maldon Road and erection of 6 residential units with ancillary works including new vehicular and pedestrian access off Maldon Road (Re-submission of OUT/MAL/14/01200): Appeal allowed 16.02.2017.
- **OUT/MAL/16/01246** - Proposed demolition of No.58 Maldon Road and the erection of 12 residential units of 80-240Sqm with ancillary works including new vehicular and pedestrian access off Maldon Road on land forming part of the rear garden to No.60a Maldon Road. Refused 16.01.2017.

Wider Area:

- **FUL/MAL/16/01481** - Erection of a four bedroom detached chalet style dwelling. Approved 14.03.2017.
- **FUL/MAL/ 15/01046** - Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216. Allowed on appeal 30.06.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

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

Name of Parish / Town Council	Comment	Officer Response
Burnham-On- Crouch Town Council	No comments received at the time of writing of the report.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council(ECC) Highway Authority	No objection subject to conditions.	Comments noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding SuDS and foul drainage.	Comments noted.
Archaeology	The site is located within a zone of high Palaeolithic potential and therefore, a programme of archaeological investigation should be submitted.	Comments noted and condition imposed.
Essex and Suffolk Water	No objection subject to compliance with their requirements.	Comments noted.

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:

- Mr Terry and Mrs Valerie Hatcliff, 24 green Lane, Burnham-on-Crouch, Essex, CM0 8PX

Objection Comment	Officer Response
The proposed six houses would be over and above the 3 major developments planned for the town.	Please refer to 'Principle of development' and 'Impact on the character of the area' sections of the report.
The development along Green Lane has reduced the attractiveness of the previously rural character of the road.	Please refer to 'Impact on the character of the area' section of the report.
Green Lane is a predominantly one-track country lane and the proposed development would increase passing traffic and will destroy the road surface.	The Highways Authority has been consulted and raised no objection to the proposed development.
Concerns are raised regarding the external finishing materials.	External finishes are matters that area reserved for a future submission.

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr Ian Parsons, 58 Maldon Road, Burnham-on-Crouch, Essex, CM0 8NR

Supporting Comment	Officer Response
The site is well related to the existing town and additionally adjoining the proposed allocations.	Comments noted.
The site has been previously acknowledged by officers to be in a sustainable location.	
The site is not part of the wider countryside.	
The development would be for local people and it would not result in squeezed development.	
The development would not interrupt the rhythm of the street scene and would be sympathetic to its surroundings.	
An application for a similar proposal was previously allowed on appeal.	
The previously proposed demolition on no. 58 Maldon Road is no longer part of the proposal.	

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, access, scale, appearance and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 Prior to their use in the construction of the development, details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure that the details of the development are satisfactory in accordance with policies D1 and H4 of the Maldon District Replacement Local Plan.

- 5 Any boundary screening approved pursuant to the submission of reserved matters shall be constructed, erected or planted prior to the first use/occupation of the development to which it relates and shall thereafter be retained in its approved form.

REASON: To ensure that the details of the development are satisfactory in accordance with policies D1 and H4 of the Maldon District Replacement Local Plan.

- 6 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
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction
- Hours and days of construction operations.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

- 7 No demolition/development or ground works shall commence until a Written Scheme of Archaeological Investigation, in response to an archaeological brief, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

- 8 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition (7).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this

condition (7) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

- 9 Any hard landscape works approved pursuant to the submission of the reserved matters 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.

Any soft landscape works approved pursuant to the submission of the reserved matters 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

- 10 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

- 11 The development shall comprise of no more than 6 dwellings. The total floor area of the proposed bungalows and associated outbuildings shall not exceed 999sqm.

REASON: To ensure that the development is as applied for and that it does not exceed the minimum threshold for affordable housing contribution in accordance with Policy H1 of the approved Maldon District Development Local Plan.

- 12 Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

REASON: To avoid the risk of surface water flooding of adjacent land in accordance with policy D5 of the Maldon District Local Development Plan.

- 13 Prior to the commencement of the development details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be implemented in full prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 14 Prior to occupation of the third dwelling, the proposed footpaths as detailed in the submitted in the drawing 06A shall be constructed and completed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that safe and direct walking and cycling access is provided in accordance with policy T2 of the Maldon District Local Development Plan.

17/17/