



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00268
Location	Longmead, 1 Marine Parade, Mayland, Essex
Proposal	Erect two detached bungalows on No's 1 Marine Parade and 51A Imperial Avenue
Applicant	Mr and Mrs J Osborn
Agent	Chris Cumbers - CBS Cumbers MCIAT
Decision Date	08/05/2018 (Extension of time agreed: 24/05/2018)
Case Officer	Anna Tastsoglou 01621 875741
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In The application has been called-in by Cllrs Channer and Helm on the grounds of public interest, local knowledge and the views of the Parish Council.

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Longmead 1 Marine Parade Mayland
FUL/MAL/18/00268



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located to the north of Imperial Avenue and to the west of Marine Parade. The site is 'L' shaped with a frontage width of 15.6 metres to the south and 15.8 metres to the east. The site area measures 1070 square metres.

3.1.2 The application site is currently vacant scrub land.

3.1.3 The site surrounds the property of 51 Imperial Avenue which is a two storey detached dwelling. To the north of the site are two properties, 53 Imperial Avenue and 3 Marine Parade. To the west is 55 Imperial Avenue. These are single storey dwellings.

3.2 Proposal

3.2.1 Planning permission is sought for the construction of two dwellings at the application site, one fronting Marine Parade and one fronting Imperial Avenue.

3.2.2 The main part of each dwelling would measure 11 metres in depth and 7.3 metres wide with a pitched roof that would be built to an eaves height of 2.4 metres and a ridge height of 5.3 metres. A gable end projection would be provided at the side of the dwelling that would measure 7.1 metres deep and project by 0.2 metres with a matching eaves height and a ridge height of 5.2 metres. Single storey projections would be provided to the front and rear that would measure 5.3 and 4.4 metres wide respectively and 3.7 and 3 metres deep. The eaves height of these projections would match the remainder of the dwelling and the ridge heights would be 4.5 and 4.3 metres. Detached single garages would be provided to the side of each dwelling that would measure 5 metres deep and 3 metres wide with a maximum height of 3.7 metres and an eaves height of 2.2 metres.

3.2.3 The dwelling to the west would be positioned 4.9 metres from the west boundary, 2.7 metres from the south boundary and 5.8 metres from the north boundary. The dwelling to the east would be positioned 5 metres from the north boundary, 1.6 metres from the south boundary and 10 metres from the east boundary.

3.2.4 Two vehicle accesses would be provided to serve the site, one from each highway, being positioned at the westernmost and northernmost edges of the site.

3.3 Conclusion

3.3.1 The erection of dwellings within the settlement boundary of Mayland is considered to be acceptable in principle. In this case the proposals would not cause material harm to the character or appearance of the site or the surrounding area or the amenities of neighbouring occupants to an extent that would justify the refusal of the application. The proposed dwellings would be served by ample parking and amenity space. The proposals would therefore comply with the policies of the Local Development Plan

(LDP) and the guidance contained within the 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 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 Maldon District Local Development Plan adopted by the Secretary of State for in July 2017:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

- 5.1.2 Policies S1, S2 and S8 of the approved LDP 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.
- 5.1.3 Policy H4 specifically addresses infill developments such as this and states that Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. 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.
- 5.1.4 The application site is located within the defined settlement boundary of Mayland and therefore the principle of development is not objected to.
- 5.1.5 In respect of this, paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policy T2 of the Local Plan which relates directly to accessibility, by requiring all new development proposals to ‘*provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*’. The proposal would comply with this requirement.

5.2 Housing need and Supply

- 5.2.1 The proposal would provide a pair of three bedroom dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when 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, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a three bedroom dwellings would not contribute towards the identified need for smaller houses.

5.2.4 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.3 Design and Impact on the Character of the Area

5.3.1 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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that 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.”

5.3.5 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.7 The proposed bungalows would each have a frontage onto the public domain and would therefore sit reasonably comfortably within both streetscenes. It is noted that the main part of the westernmost dwelling would be positioned to stagger the differing building lines of 51 Imperial Avenue and 55 Imperial Avenue and therefore, whilst the single storey front projection would extend to align with 51 Imperial Avenue, it would appropriately 'bridge' the differing building lines and therefore sit appropriately within the streetscene. Likewise, whilst the proposed dwelling to the east would project slightly further forward of both neighbours, it would sit behind the building line of 5 Marine Parade and it is relevant to note that it is only the front projection that would extend beyond its neighbours, with the main part of the dwelling aligning with 3 Marine Parade. For these reasons it is considered that the positioning of the dwellings can be found acceptable.
- 5.3.8 The proposed dwellings would be bungalows. The surrounding area features a variety of single and two storey dwellings with no fixed design or scale to replicate. As such it is considered that the provision of single storey dwellings would not be out-of-keeping with the character of the wider area and would not look under-scaled within the surrounding context.
- 5.3.9 The dwellings are considered to be of acceptable design. Whilst the front, rear and side projections would result in the dwellings having a slight convoluted form, it is considered that this could equally be argued to be adding interest to the appearance of the dwellings and as such, despite the misalignment of the ridge lines at the frontages of the dwellings, it is not considered that the proposed bungalows are visually unacceptable. Given the mixed character and design of properties within the surrounding area it is considered that the dwellings would not harmfully conflict with the prevailing character of the area.
- 5.3.10 The proposed garages would be small scale additions to the site which would be discreetly located at the side of the dwellings, well recessed from the public highway. The garages would therefore not become dominant or visually unacceptable additions to the site.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The proposed dwellings would surround 51 Imperial Avenue which is a two storey, chalet style dwelling with a window, a conservatory and a door to the west elevation and two windows and two rooflights to the north. The proposed dwelling fronting Marine Parade would be positioned 1.6 metres from the easternmost part of 51

Imperial Avenue. It is noted that the north elevation of the neighbouring property features two rooflights to the first floor and two windows at ground floor. The plans approved in 2001 for that dwelling show that the ground floor windows serve a study and laundry room and the first floor windows serve a bedroom and a bathroom. Due to the separation distance and the single storey scale and positioning of the proposed dwelling, it is considered that the proposed bungalow would not cause a loss of light to the neighbouring property or result in harm by way of loss of privacy or outlook to an extent that would justify the refusal of the application on those grounds.

- 5.4.3 The proposed dwelling fronting Imperial Avenue would be positioned 13.6 metres from the rear elevation of 51 Imperial Avenue. Due to the separation distance and the single storey scale and positioning of the proposed dwelling, it is considered that the proposed bungalow would not cause a loss of light to the neighbouring property or result in harm by way of loss of privacy or outlook.
- 5.4.4 The neighbouring properties of 3 Marine Parade and 53 Imperial Avenue to the north are located 10.1 and 13.5 metres from the north elevations of the proposed dwellings. The main outlook for the neighbouring dwellings is to the west and east respectively and therefore, again due to the separation distances and the scale of the proposed dwellings, it is considered that the developments will not cause an unacceptable loss of light, privacy or outlook.
- 5.4.5 The access to 53 Imperial Avenue runs adjacent to the west boundary of the application site, separating 55 Imperial Avenue from that boundary. The neighbouring dwelling to the west is therefore 5 metres from the proposed garage and 9 metres from the proposed dwelling. The proposal would therefore not cause harm to the amenities of that property for similar reasons as set out above. Likewise, other properties further to the south and east would not be harmfully affected by the proposed development.
- 5.4.6 Therefore, it is not considered that the dwelling would cause harm to the amenities of the existing neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Each dwelling would have an access to the public highway and the proposed accessed have been found acceptable by the Highway Authority. The access from Marine Parade is an existing access.

- 5.5.4 Each dwelling would be served by garages and hardstanding that would be more than adequate to enable the parking of more than 2 cars at each site. It is therefore considered that the provision of parking can be found acceptable and would not lead to on-street parking that would detract from highway safety.
- 5.5.5 The existing dwelling already has access from the Imperial Avenue frontage and space to park at least three cars. The proposal would therefore not cause that dwelling to have inadequate parking provision.
- 5.5.6 The use of the proposed accesses and parking areas would not cause unacceptable levels of disturbance to neighbouring residents.

5.6 Private Amenity Space and Landscaping

- 5.6.1. Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed dwellings would be served by amenity areas measuring 190 and 195 square metres. The existing dwelling would retain an amenity area measuring 152 square metres. The proposal would therefore comply with the abovementioned policies.

6. ANY RELEVANT SITE HISTORY

- 6.1 A bungalow was proposed on a small parcel of land to the west of 51 Imperial Avenue under the terms of application **FUL/MAL/10/00409**. That application was refused.
- 6.2 A 6ft fence was approved at the rear boundary of 51 Imperial Avenue under the terms of application **FUL/MAL/01/00931**.
- 6.3 Application **FUL/MAL/01/00931** sought the retention of two roof lights in the north elevation of 51 Imperial Avenue contrary to a condition of **FUL/MAL/98/0057**. That application was approved.
- 6.4 **FUL/MAL/98/00571** was approved to allow a three bedroom single storey dwelling at 51 Imperial Avenue.
- 6.5 A bungalow on land adjoining Longmead was approved under the terms of application **FUL/MAL/95/00144**.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
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Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	No comments received at the time of writing the report	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority	No objection subject to the imposition of conditions.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection, subject to conditions regarding surface water and foul drainage.	Comments noted and condition imposed.
Tree Officer	No comments at the time of writing the report.	

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Two letters of **objection** have been received from the following objectors:

Derek Alfred Banks, 3 Marine Parade, Maylandsea
E T Mann & T M Mann, 53 Imperial Avenue, Mayland.

Objection Comment	Officer Response
Dormers have been included to enable future conversion of the roofspace. This would cause overlooking.	No dormers are proposed. There is a gable end, but this does not include windows. A condition could have been used to remove permitted development rights for the addition of dormers/rooflights at a later date, but it is considered that this is not necessary in this instance due to the relationship between existing and proposed dwellings.

8. **PROPOSED CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 546/01, 546/02, 546/03, 546/04A, 546/05A, 546/06A and 546/07A
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 No development shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 5 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework, policies D1 and T2 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 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 policies D1 and T2 of the submitted Local Development Plan.
- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.
REASON: To ensure that loose materials are not brought onto the highway in the interests of highway safety in accordance policies D1 and T2 of the Local Development Plan.
- 8 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 9 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.
- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any act or order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever or have outbuildings of any type added without the prior receipt of express specific planning permission in writing 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 National Planning Policy Framework.