

MEMBERS' UPDATE

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

20 March 2019

Dear Councillor

COUNCIL EXTRAORDINARY - PLANNING - THURSDAY 21 MARCH 2019

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

4. **RES/MAL/18/01440 - Land South of Wycke Hill and Limebrook Way, Maldon, Essex** (Pages 3 - 4)
6. **FUL/MAL/17/01262 - Land Bounded by Maldon Road and Creeksea Lane, Burnham-on-Crouch, Essex** (Pages 5 - 8)

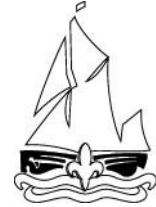
Yours faithfully



Head of Paid Service

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**CIRCULATED PRIOR
TO THE MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COUNCIL (EXTRAORDINARY)
21 MARCH 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 4

Application Number	RES/MAL/18/01440
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	25.03.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	At the discretion of the Director of Strategy, Performance and Governance This application was deferred from the last Council (Extraordinary) Committee – Agenda Item 5 (28 February 2019) due to a lack of technical information in the Officer report

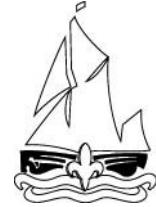
16. CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 34 – 38)

16.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Following the re-consultation regarding the correction to the proposal the previous comments have been amended so that the previously recommended condition referring to 'Phase 1 of the Eastern Parcel' has been removed as it was not applicable to this phase of the proposal. The other comments previously made still stand.	Noted - refer to paragraphs 11.5 - 11.9 of report and recommended condition 3 with respect to flood risk, and section 12 of report with respect to nature conservation.

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**CIRCULATED PRIOR
TO THE MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
COUNCIL (EXTRAORDINARY)
21 MARCH 2019

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	FUL/MAL/17/01262
Location	Land Bounded by Maldon Road and Creeksea Lane Burnham-on-Crouch
Proposal	4 new homes and garages, access to Maldon Road, amenity space and associated infrastructure.
Applicant	Mr S Butler-Finbow – Pigeon Land Ltd
Agent	Mr Simon Charter- Parc Design Solutions Ltd.
Target Decision Date	22.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

3. SUMMARY (PAGES 61 – 62)

3.1 Proposal / brief overview, including any relevant background information

3.1.5 This paragraph should read ‘To the north west of the application site is a 0.22 hectare parcel of land that is shown to be within the applicant’s control.’

3.1.7 The last sentence of this paragraph should read ‘The permission allows for the erection of 180 dwellings at the site, which would be accessed from Maldon Road.’

5. MAIN CONSIDERATIONS (PAGES 63 – 74)

5.15 Pre-Commencement Conditions

5.15.1 Pre-commencement conditions are recommended and approval for the use of these conditions has been provided by the applicant in correspondence received on 14.03.2019

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 75 – 80)

7.1 Representations received from Parish / Town Councils

7.1.1

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support the proposal for an Archaeological Survey Report before the application is progressed.	This has been included as a condition as addressed at section 5.13 of the report.
	Planning on the two associated houses in this group of six appears to be covered under permission FUL/MAL/14/00356. However, there is a lack of common detailed conditions and obligations regarding the two sub groups, this should be remedied.	The dwellings were all approved under FUL/MAL/14/00356. The conditions from that permission have been carried over to this proposal where still relevant and applicable.
	A condition for a common workable SuDS scheme should be included covering all six units. Perhaps connecting to the adjacent development SuDS.	The developer has no obligation to connect to the neighbouring system. However, a Sustainable Drainage System (SuDS) scheme has been submitted and there is no objection raised by the Lead Local Flood Authority (LLFA) as discussed within section 5.8 of the report.
	In line with FUL/MAL/14/00356, all construction and employee site access should be from Springfield Industrial Estate to minimise congestion on artery Maldon Road and Creeksea Lane which is unsuitable for HGV's.	This will be addressed as part of a discharge of conditions in relation to condition 10, which requires a construction management plan.
	The developer should be obliged to fund remodelling of the	As the application relates to four dwellings and contributions will be

Name of Parish / Town Council	Comment	Officer Response
	Creeksea Lane Triangle in line with the BOCNDP.	provided as part of FUL/MAL/14/00356 it is not considered reasonable to seek further contributions as part of this permission.
	Conflicts of the layout with the gas main easement areas need satisfactory resolution.	It is not considered that any dwellings would be located within the easement. However, this would not prevent planning permission from being granted, but an informative can be included on the decision notice if an application is approved.
	Size of properties are overbearing in close proximity to Creeksea Lane and Maldon Road.	The dwellings do not differ in scale, bulk and design in relation to what was approved under FUL/MAL/14/00356. Design is addressed at section 5.3 of the Officers report.

7.4 Representations received from Interested Parties *(summarised)*

- 7.4.1 An additional letter of objection has been received from a neighbouring occupier. The objector has previously provided a number of representations on the application but has come forward with further points which are summarised as set out in the table below:

Objection Comment	Officer Response
The Officer's report refers to 'blockages' in the ditch system. This is not due to the accumulation of silt but to a substantial three chamber concrete Septic Tank/Cess Pit structure built along the historical ex-ditch line with the northern boundary by a previous owner, with overflow foul water piped to a soak-away trench to the NE corner of the property.	It should be noted that plan 1303-34/FRA/03 approved as part of application FUL/MAL/14/00356 includes runoff flows and flows from the attenuation pond into the ditch system as proposed as part of this application. Given that the proposal is therefore, not fundamentally different to what was previously approved and that the LLFA have raised no objection to the proposed use of the ditches across both applications it is not considered

Objection Comment	Officer Response
	reasonable to refuse the application on these grounds.
<p>As the body with statutory responsibility for the operability of SuDS schemes, MDC's SuDS specialists should visit the site to verify the facts regarding the blockages with a representative from Pigeon Land Ltd. It may be worth deferring the application if this cannot occur prior to the Council meeting so a workable scheme can be agreed with all parties.</p>	<p>Whilst the Council's Environmental Health Department would usually be the consultee for smaller developments, as the application relates to a strategic site and in part relates to the previous approval (FUL/MAL/14/00356) it is considered that it is appropriate and reasonable for the advice and comments from the LLFA to be considered as part of this application as it provides a holistic approach to the applications. The LLFA have raised no objection to the proposed scheme.</p>
<p>It is unreasonable for the SuDS plan to rely on the adjacent property owner undertaking expensive and disfiguring excavation works in their domestic garden to facilitate the construction of an effective dedicated overflow system with an associated maintenance obligation in perpetuity. This outcome could be avoided by adopting a low cost redesign or the utilisation of a nearby connection to the tailor-made SuDS tail in the plans approved on the neighbouring site.</p>	<p>The proposed conditions relate to the application site only and it is not possible to impose or enforce conditions on land outside of the application site. The implementation of the scheme is considered a civil matter between the land owners.</p>
<p>Access to the development site for construction purposes should be through the Springfield Industrial Estate access, operating for the construction of the adjacent site.</p>	<p>This will be dealt with via proposed condition number 10 which requires details of the access arrangements to the site in conjunction with demolition/construction operations.</p>
<p>Paragraph 5.14.3 agrees that 1.8m high fences are appropriate to the rear gardens of the proposed 4 properties. BDWH have supplied and fitted at their expense similar 1.8 metre fencing to the joint boundaries on the Eastern and Southern boundaries of Creeksea Lodge. The policy of fencing around the northern boundary of Creeksea Lodge should be extended to this application.</p>	<p>Given the dense tree line/ hedgerow along the northern boundary of the neighbouring site it is not considered that a form of boundary treatment is required here. Therefore, it is not something that would be necessary or reasonable for the Council to impose via a condition.</p>