

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

03 August 2016

Dear Councillor

You are summoned to attend the meeting of the;

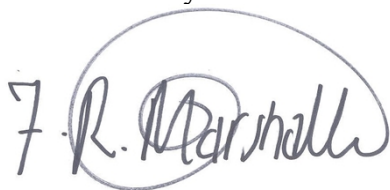
**EXTRAORDINARY MEETING OF THE MALDON DISTRICT COUNCIL**

on **THURSDAY 11 AUGUST 2016 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

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**AGENDA  
COUNCIL (EXTRAORDINARY)**

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**THURSDAY 11 AUGUST 2016**

1. Chairman's notices (see page 4).

2. Apologies for absence.

3. **Disclosure of Interests**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **FUL/MAL/14/00356 - Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch, Essex** (Pages 7 - 78)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

**Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item 4.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7:00pm and 7:20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

## **NOTICES**

### **Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

### **Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

### **Closed-Circuit Television (CCTV)**

Meetings held in the Council Chamber are monitored and recorded by CCTV.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) and Technical Guidance
  - Planning Practice Guidance (PPG)
  - Planning policy for traveler sites
  - Planning practice guidance for renewable and low carbon energy
  - Relevant government circulars
- ii) Essex County Council
  - Essex Design Guide 1997
- iii) Maldon District Council
  - Submission Local Development Plan (April 2014) (as amended)
  - Five Year Housing Land Supply Statement 2014/15
  - Planning Policy Advice Note v.4 (October 2015)
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015)
  - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours



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

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to  
**COUNCIL (EXTRAORDINARY)**  
**11 AUGUST 2016**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/14/00356</b>  |
| <b>Location</b>                                       | Land Between Chandlers and Creeksea Lane Maldon Road<br>Burnham-On-Crouch Essex  |
| <b>Proposal</b>                                       | Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 1.7 hectares of temporary private amenity space, and 0.5 hectares of allotments. |
| <b>Applicant</b>                                      | Mr Simon Butler-Finbow - Pigeon Land Ltd   |
| <b>Agent</b>  | Mr David Barker - Evolution Town Planning LLP  |
| <b>Target Decision Date</b>                           | 31 August 2016 (extension of time agreed)  |
| <b>Case Officer</b>                                   | Debi Sherman TEL: 01621 875862   |
| <b>Parish</b>   | <b>BURNHAM NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Major Application<br>Strategic Site within the submitted Local Development Plan<br>Departure from the Local Plan 2005<br>Parish Trigger  |

**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 4.

**2. SITE MAP**

Please see overleaf.

**Land Between Chandlers and Creeksea Lane - Maldon Road**  
Burnham on Crouch



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Maldon District Council 100018588 2014

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

Scale: 1:6,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 14/00356/FUL

Date: 02/08/2016

MSA Number: 100018588



### 3. **UPDATED REPORT**

3.1 This application was deferred by Members at the Extraordinary meeting of Full Council on 31 March 2016. The application was deferred in part to enable Members to carry out a site visit. That site visit took place on 12 May 2016. The other reasons for deferral are summarised as follows:

- Actual need for a nursing home
- Distribution of affordable housing
- Flooding/surface water run off
- Enforceability of planning conditions
- Conflict in use of spine road and its giving access to employment land
- Separating residential traffic from employment traffic
- Future potential access to the land also in the ownership of the applicant but not currently part of the application site
- Future use and management of open space at the south of the site.

3.2 The scheme has been amended and further information submitted to address the issues raised above. A summary table showing the further revisions is set out below for ease of reference:

| <b><u>PROPOSAL</u></b>                      | <b>Original Scheme</b>   | <b>Amended Scheme 1</b>  | <b>Amended Scheme 2</b>          | <b>Amended Scheme 3</b>  | <b>Change</b>   |
|---|--|--|----------------------------------|--------------------------|---|
| Site Area                                   | 30.34 hectares   | 30.34 hectares   | 22.37 hectares                   | 20.32 hectares           | Reduction of 10.02 hectares                                 |
| Total number of dwellings proposed          | 298  | 213  | 180                              | No change - 180          | Overall reduction of 118 dwellings                          |
| No. of dwellings with full application      | 113  | 108 (inc. 18 bungalows )                                       | All 180 dwellings                | No change - 180          | All dwellings now included in full element of application   |
| No. of dwellings within outline application | 185 (including 14 sheltered bungalows, 5 self-build market dwellings and 14 self-build affordable dwellings) | 105 (including 10 sheltered bungalows and 19 self-build homes) | None                             | None                     | No dwellings now included in outline element of application |
| Affordable housing (AH)                     | 120 units in total (40.2% AH level)  | 84 units in total (39.4% AH level)                             | 72 units in total (40% AH level) | No change (40% AH level) | 40% AH proposed which is policy compliant                   |

| <b><u>PROPOSAL</u></b>                       | <b>Original Scheme</b>   | <b>Amended Scheme 1</b>  | <b>Amended Scheme 2</b>                      | <b>Amended Scheme 3</b>   | <b>Change</b>  |
|--|--|--|--|---|--|
|  | Phase 1: 54 AH units (47.7 AH level)<br><br>Phase 2: 66 units (35% AH level) | Phase 1: 38 AH units (35% AH level)<br><br>Phase 2: 46 AH units (43.8% AH level) |  |   |  |
| Access onto site                             | Realignment of Maldon Road and a compact roundabout access junction          | A priority junction onto Maldon Road   | Retains a priority junction onto Maldon Road | No change   | Removal of proposals to realign Maldon Road, and removal of roundabout                                   |
| Care home (Outline)                          | 50-60 bed care home  | 50-60 bed care home  | 50-60 bed care home                          | 50-60 bed care home   | No change  |
| Early Years and Childcare Facility (Outline) | Nursery site included  | Nursery site included  | Nursery site included                        | Nursery site included   | No change  |
| Employment land (Outline)                    | 4.32 hectares of B1 and B8   | 3.4 hectares of B1, B2, and B8<br><br>Reserve site for further employment land   | 3.4 hectares of B1, B2, and B8               | 3.4 hectares of B1, B2 and B8 Reserve site for further employment land/ temporary private amenity space removed | Reduction in proposed employment land of 0.92 hectares. Temporary amenity space of 1.7 hectares omitted. |
| Medical centre (outline)                     | Site reserved for a medical centre   | Not included   | Not included                                 | Not included  | Reserve site for medical centre removed  |
| Town uses (outline)                          | Not included   | Site reserved for 'town uses', proposed to be gifted                             | Not included                                 | Not included  | Reserve site for Town Uses removed   |

| <b><u>PROPOSAL</u></b>                                    | <b>Original Scheme</b>                       | <b>Amended Scheme 1</b>                      | <b>Amended Scheme 2</b>            | <b>Amended Scheme 3</b>                      | <b>Change</b>  |
|---|--|--|------------------------------------|--|--|
|   |  | to the Town Council                          |                                    |  |  |
| Primary School  | Reserve site for 2 form entry primary school | Reserve site for 2 form entry primary school | Not included                       | Not included                                 | Reserve site for 2 form entry primary school removed from the scheme |
| Allotments  | Not included                                 | 0.83 hectares of allotments                  | 0.5 hectares of allotments         | 0.65 hectares of allotments                  | Inclusion of allotments within the scheme                            |
| Public Amenity space                                      | 5 hectares of amenity space                  | 4.41 hectares of amenity space               | 2.32 hectares of public open space | 2.32 hectares of public open space           | Reduction in overall public amenity space                            |
| Landscape buffer strip on western and southern boundaries | Not included                                 | Not included                                 | Not included                       | Two areas of 0.88 hectares and 0.28 hectares | A total of 1.16 hectares tree planting                               |

- 3.3 The site has been reduced in overall size by a further 2.05 hectares to 20.32 hectares. It extends 9.84 hectares beyond the residential (S2(i) - 6.2 hectares) and employment (E1(j) 4.28 hectares) allocations as set out in the submitted Local Development Plan.
- 3.4 The scheme has sought to address the issues raised which will be set out as follows:
- 3.5 Actual need for a nursing home  
The care home has been the subject of discussions with Essex County Council's Social Care Team and MDC Housing Service. No objections have been raised to the proposal from either Service.
- 3.6 Distribution of affordable housing  
The distribution of affordable housing through the development site seeks to ensure an even spread of housing provision and mix throughout the site without limiting the affordable housing provision to one particular area of the site. The proposed flats facing onto the public open space have been separated into two individual blocks to reduce the overall massing.
- 3.7 Flooding/surface water run off  
The SuDS attenuation feature has been taken out of the application site but remains on land within the control of the applicant. No objections are raised to the proposed SuDS scheme for the site and the S106 legal agreement would ensure that the attenuation features are retained for the proposed development site at all times in the future.
- 3.8 Enforceability of planning conditions

The proposed planning conditions meet the tests set out in the NPPF, are robust and can be enforced if necessary. There are no residual issues in this regard.

3.9 Conflict in use of spine road and its giving access to employment land and separating residential traffic from employment traffic

The proposed spine road has been amended to separate the vehicular traffic associated with the residential, children's nursery and B1 office uses from the B2 and B8 industrial uses. Vehicular access to the B2 and B8 uses would be taken via Springfield Industrial Estate. The spine road through the development site would terminate in a turning head and spur road to the proposed allotments with a further turning head adjacent to the proposed allotments car park. In the event that a commercial vehicle entered the development site erroneously seeking to access Springfield Industrial Estate the Highways Authority has advised that there would be adequate turning space to enable any such vehicle to exit the site without causing a traffic hazard.

Pedestrian and cycle access would remain between the application site and Springfield Industrial Estate.

3.10 Future potential access to the land also in the ownership of the applicant but not currently part of the application site

The area of land previously of concern has been removed from the development proposal and is no longer contained within the application site.

3.11 Future use and management of open space at the south of the site

The land to the south of the proposed B2 and B8 uses would be planted with tree and shrub buffer planting to filter views of the industrial area from the River Crouch estuary.

3.12 Other matters

The western boundary of the site is now shown to incorporate a 30m wide woodland planting buffer strip for the majority of its length, the exception of the enlarged allotments in the south western section of the site. Enhancements to the existing public footpath are also proposed further to the west on land in the control of the applicant as a further measure of mitigation.

The remainder of the report remains as set out below. The recommendation is for approval subject to the following S106 heads of terms and conditions (amended to take account of revisions and changes to the development proposal).

4. **SUM PROPOSED CONDITIONS OR REASONS FOR REFUSAL,  
INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- 40% Affordable Housing.
- £23,200 towards B1010/B1021 junction improvements which is part of a pooled contribution across the strategic Burnham-on-Crouch sites.

- Healthcare contribution of £67,480 to be used towards the provision of additional capacity at the health centre(s) within the parish of Burnham-on-Crouch.
  - Education contributions of up to £144,400 towards the provision of additional capacity at the primary schools within the parish of Burnham-on-Crouch and up to £461,256 towards early years and childcare places.
  - £97,500 towards teen shelters, skateboard facilities and access to shared community facilities as part of a pooled contribution across the strategic Burnham-on-Crouch sites.
  - Management and maintenance information relating to Green Infrastructure, including public open space, the areas of private amenity space, woodland and tree planting areas, allotments and SuDS.
  - Ensure retention of the SuDS attenuation features on land within the control of the applicant in connection with the development
- **PROPOSED CONDITIONS:**

#### **OUTLINE Consent**

- 1 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).
- 2 Application 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 shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the 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.
- 4 The residential care home hereby approved shall only be used as a residential care home and for no other purpose including any purpose as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 5 The B1 office units as shown on plan reference MDC1 which is attached to and forms part of this planning permission shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision

equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 6 The day nursery hereby approved shall only be used as a children's day nursery and for no other purpose including any purpose as defined within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 7 The development submitted pursuant to the reserved matters application shall accord with the non-residential building heights plan drawing number 013-004-A09 which forms part of the application hereby approved.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.

- 8 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include 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 that tree or plant, or any tree or plant planted in its replacement, is removed, 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.

- 9 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any

building the associated 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 policy T8 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.

- 10 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emission's generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

REASON: In the interests of pollution and environmental control to the benefit of future occupiers and users of the site and in the interests of ecology in accordance with policies CON5, BE1 and CC5 of the adopted Replacement Local Plan and policies I1, D1, D2 and N2 of the Submitted Local Development Plan.

- 11 Deliveries to and collections from any commercial premises shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 12 No machinery shall be operated and no process shall be undertaken outside of any of the B1/B2/B8 units.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 13 The hours of operation of the B1 / B2 / B8 units hereby permitted shall be between 08:00 hours and 19:00 hours on weekdays and between 08:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 14 There shall be no container handling, no loading or unloading of goods vehicles or containers, and no use of fork lift trucks or other goods handling vehicles, HGC's etc. on the industrial/commercial areas of the site between the hours of 19:00 and 08:00 hours.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 15 There shall be no burning of waste, either liquid or solid, on any commercial premises.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement

- Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 16 Before the installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property, shall be submitted to and agreed in writing by the Local Planning Authority. Only approved plant shall be installed and retained in the approved form thereafter. REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 17 Acoustic Barriers shall form the boundary fence between the industrial estates and adjacent non industrial areas. Prior to the commencement of development of the commercial areas of the site details of the design and construction of the acoustic barrier including materials of construction, height and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority and retained in the approved form thereafter. REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

#### **FULL Consent**

- 18 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 by Section 51 of the Planning and Compulsory Purchase Act 2004
- 19 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: To ensure the development complies with the application as submitted.
- 20 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved. REASON: To ensure that development is completed in accordance with an agreed phasing of development having regard to the provisions and guidance of the National Planning Policy Framework, and policies S2, D1, T2 and N2 of the Maldon District Submission Local Development Plan.
- 21 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted 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 the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the



National Planning Policy Framework and policy D1 of the Submitted Local Development Plan.

- 22 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

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 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

Hard Landscape works:

- 1) Details of walls with brick types, construction design and dimensions
- 2) Details of paved surfacing, with materials finishing and edgings
- 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.

- 23 Notwithstanding the details submitted no development shall commence until details of the two proposed Local Equipped Areas for Play (LEAPs) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAPs shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAPs shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: In order to ensure that adequate play space is provided on site and remains available for subsequent use by the occupiers of the development

- hereby permitted, in accordance with policies REC3 and BE1 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.
- 24 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.  
REASON: To ensure that adequate public open space is provided within the development in accordance with policies BE1 and REC3 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.
- 25 The allotments shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The allotments shall be made available for use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The allotments shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.  
REASON: To ensure provision of allotments within the development in accordance with policies BE1 and REC3 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.
- 26 Prior to commencement of the development a scheme for the upgrading of public footpaths no.3 & 4 Burnham-On-Crouch within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and any road crossing point works shall be implemented before the relevant road is open to traffic.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policy T2 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.
- 27 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the provision and location of two new bus stops on B1010 within the vicinity of the proposed pedestrian access to the east of the site, subject to a Stage 1 Road Safety Audit, to include the following:
- The provision of bus shelters with raised kerbs, to Essex County Council specification, on the north and south side of the B1010.
- The approved scheme of works shall be implemented prior to first occupation of the development.  
REASON: To enhance sustainable transport to the site and improve accessibility in the locality in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

- 28 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.  
REASON: In the interests of increasing the use of sustainable transport in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.
- 29 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.  
REASON: In the interests of highway safety in accordance with policies BE1 and T2 of the adopted Replacement Local Plan and policies D1 and T2 of the submitted Local Development Plan.
- 30 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.  
REASON: To improve and enhance biodiversity value of the site in accordance with policy CC5 of the adopted Replacement Local Plan and policy N2 of the Submitted Local Development Plan.
- 31 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Somins Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.
- 32 No development shall commence until a noise assessment determining the effects of noise from the existing Springfield Industrial Estate and Burnham Business Park on the proposed residential dwellings has been submitted to and approved in writing by the Local Planning Authority. Where identified as necessary the noise assessment shall recommend mitigation measures to ensure that internal and external noise levels are acceptable with regards to the amenity of future occupiers of the dwellings. The development shall be carried out in accordance with any agreed mitigation measures.  
REASON: In the interests of protecting the amenities of future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.

- 33 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Submitted Local Development Plan and the National Planning Policy Framework.

**Both OUTLINE and FULL Consents**

- 34 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.
- 35 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- REASON: In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with policy BE1 of the adopted Replacement Local Plan, the NPPF and policy D1 of the submitted Local Development Plan.
- 36 With the exception of those shown for removal on approved plan reference 3532-D-1 revision C no trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.
- REASON: To protect the existing landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.
- 37 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree retention protection plan;

- Method statement for any changes within the RPA of any retained tree
- Tree constraints plan;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.

REASON: To protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submitted Local Development Plan.

- 38 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment in accordance with policy CON5 of the adopted Replacement Local Plan and policy S2 of the submitted Local Development Plan.

- 39 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and hydrological and hydrogeological assessments, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord with the details contained within the submitted Flood Risk Assessment undertaken by Transport Planning Associates, dated September 2014 and referenced 1303-34/FRA/03.

- The scheme shall also include:
  - details of how the scheme shall be maintained and managed after completion
  - a discharge rate to the ordinary watercourse at the agreed rate of Qbar for outfall 1 through to 6, and discharge from point 7 at Qbar of 18.6/s for return periods up to and including the 30 year storm, and Q30 of 59.4l/s for return periods between 31 and the 100 year return period.
  - a detailed drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
  - details of culverts over the ordinary watercourse and agreement from Essex County Council
  - the outcome of investigation into Outfall 1's downstream connectivity.
  - attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.

- calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
  - details of any exceedance and conveyance routes
  - details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: This condition has been included to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy D2 of the submitted Local Development Plan.

40 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:

- Access arrangements to the site in conjunction with demolition/construction operations.
- 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 and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.
- All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

REASON: In the interests of amenity, highway safety and biodiversity having regard to policies CON5, CC5, BE1 and T2 of the adopted Replacement Local Plan, and policies D1, T2 and N2 of the submitted Local Development Plan.

41 Prior to first occupation of the development the highway works as shown in principle on Parc drawing no.013-004-2007 revision C, shall be implemented, to include, but not limited to the following:

- The provision of a priority junction as shown in principle on TPA drawing no.1203-03-SK11.
- Both new accesses onto the B1010 shall have clear to ground visibility splays of 2.4m x 90m to remain in perpetuity.

- The provision of a new priority junction onto the B1010 to the southeast of the Creeksea Lane junction.
- The provision of a new pedestrian/cycle access onto Creeksea Lane.
- The provision of a 2m wide footway across the entire site frontage to tie into the existing footway at Chandlers.
- The provision of at least 2 crossing points on the B1010 to consist of dropped kerbs and tactile paving.
- The provision of physical measures to prevent HGV's from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, shall tie into the existing road from Springfield Industrial Estate and shall be the same width as the existing road.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

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

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 condition (A) 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 BE17 of the adopted Replacement Local Plan and policy D3 of the submitted Local Development Plan.

43 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Ecology Report, dated May 2015. The scheme shall also include:

- full mitigation for Great Crested Newts;
- details of how the scheme shall be maintained and managed after completion;
- details of scheduling of mitigation works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and policy N2 of the Maldon District Pre-Submission Local Development Plan.

- 44 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse and recycling provision throughout the development in accordance with policies CON5 and BE1 of the adopted Replacement Local Plan and Policies D1 and D2 of the submitted Local Development Plan.

- 45 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies CON5, BE1 and CC5 of the adopted Replacement Local Plan and policies D1, D2 and N2 of the submitted Local Development Plan.

- 46 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Somins Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.

- 47 Where identified as necessary in accordance with the requirements of condition 46, no development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless



otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

**REASON:** In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.

- 48 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emission's generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

**REASON:** In the interests of pollution and environmental control to the benefit of future occupiers and users of the site and in the interests of ecology in accordance with policies CON5, BE1 and CC5 of the adopted Replacement Local Plan and policies I1, D1, D2 and N2 of the Submitted Local Development Plan.

## **ORIGINAL REPORT**

### **5. SUMMARY**

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

- 5.1.1 The application site measures 22.37 hectares, and is located on the western edge of Burnham-on-Crouch, south east of Ostend and north of Creeksea. The application was submitted in April 2014 as a 'hybrid application', containing Phase 1 of the scheme where full planning permission was sought, and Phase 2 where outline permission was sought.
- 5.1.2 Since the original submission of this application the proposed development has been formally amended twice to seek to address concerns raised in consultation responses from the Town Council, Burnham Residents Opposed to Over Development (BROOD), and other public representations.
- 5.1.3 The following table sets out the main features of the original scheme, and the subsequent amendments which have been made:

| <b>Proposal</b>                              | <b>Original scheme</b>  | <b>Amended scheme 1</b>  | <b>Amended Scheme 2</b>                      | <b>Change</b>  |
|--|---|--|--|--|
| Total number of dwellings proposed           | 298   | 213  | 180  | Overall reduction of 118 dwellings                                     |
| No. of dwellings with full application       | 113   | 108 (including 18 bungalows)   | All 180 dwellings                            | All dwellings now included in full element of application              |
| No. of dwellings within outline application  | 185 (including 14 sheltered bungalows, 5 self-build market dwellings and 14 self-build affordable dwellings)            | 105 (including 10 sheltered bungalows and 19 self-build homes)   | None   | No dwellings now included in outline element of application            |
| Affordable housing (AH)                      | 120 units in total (40.2% AH level)<br><br>Phase 1: 54 AH units (47.7 AH level)<br><br>Phase 2: 66 units (35% AH level) | 84 units in total (39.4% AH level)<br><br>Phase 1: 38 AH units (35% AH level)<br><br>Phase 2: 46 AH units (43.8% AH level) | 72 units in total (40% AH level)             | 40% AH proposed which is policy compliant                              |
| Access onto site                             | Realignment of Maldon Road and a compact roundabout access junction   | A priority junction onto Maldon Road   | Retains a priority junction onto Maldon Road | Removal of proposals to realign Maldon Road, and removal of roundabout |
| Care home (Outline)                          | 50-60 bed care home   | 50-60 bed care home  | 50-60 bed care home                          | No change  |
| Early Years and Childcare Facility (Outline) | Nursery site included   | Nursery site included  | Nursery site included                        | No change  |
| Employment land (Outline)                    | 4.32 hectares of B1 and B8  | 3.4 hectares of B1, B2, and B8<br><br>Reserve site for further employment land   | 3.4 hectares of B1, B2, and B8               | Reduction in proposed employment land of 0.92 hectares                 |
| Medical centre (outline)                     | Site reserved for a medical centre  | Not included   | Not included                                 | Reserve site for medical centre removed                                |
| Town uses (outline)                          | Not included  | Site reserved for 'town uses', proposed to be  | Not included                                 | Reserve site for Town Uses removed                                     |

| Proposal             | Original scheme                              | Amended scheme 1                             | Amended Scheme 2                   | Change   |
|----------------------|--|--|------------------------------------|--|
|                      |  | gifted to the Town Council                   |                                    |  |
| Primary School       | Reserve site for 2 form entry primary school | Reserve site for 2 form entry primary school | Not included                       | Reserve site for 2 form entry primary school removed from the scheme |
| Allotments           | Not included                                 | 0.83 hectares of allotments                  | 0.5 hectares of allotments         | Inclusion of allotments within the scheme                            |
| Public Amenity space | 5 hectares of amenity space                  | 4.41 hectares of amenity space               | 2.32 hectares of public open space | Reduction in overall public amenity space                            |

5.1.4 This report therefore assesses the current proposal and all representations and consultation responses are summarized in so far as they relate to the current proposal.

## 5.2 Application for determination

5.2.1 Including the amendments outlined in the table above, the application being presented to Council for determination now seeks planning permission for the following:

### 5.2.2 Full planning permission:

- 180 new dwellings, of which 40% are proposed to be affordable homes;
- New access into the site from a priority junction onto Maldon Road;
- 2.32 hectares of public open space;
- 0.5 hectares of allotments;
- 1.09 hectares of Sustainable Drainage System (SuDS) infrastructure;
- 1.70 hectares of temporary private amenity space.

### 5.2.3 Outline planning permission

- 50-60 bed care home;
- A nursery school;
- 3.4 hectares of B1, B2 and B8 employment land.

### **5.3 Conclusion**

- 5.3.1 Sections of the application site are allocated as sites S2(i) and E1(j) in the submitted Local Development Plan (LDP) for the development of 180 dwellings and 3.4 hectares of B1, B2 and B8 use. The site is one of three strategic allocations in Burnham-on-Crouch, proposed to provide 450 dwellings. The principle of development is therefore established in the submitted LDP, and the site has been acknowledged by the Council as being a sustainable location for growth. Whilst this application includes a larger site area than the LDP allocations the scale of growth proposed is consistent with the level of growth proposed in the submitted LDP.
- 5.3.2 Submitted LDP Policy S2 identifies site S2(i) as delivering 150 dwellings within the first five years of the Plan. The application site is therefore a key part of the Council's five year housing land supply.
- 5.3.3 It is considered that the design, scale and layout of the proposal is reflective of the application site's position on the edge of Burnham-on-Crouch, and that subject to an appropriate soft landscaping scheme, the development will function successfully as an extension to Burnham-on-Crouch.
- 5.3.4 The development includes contributions to all relevant infrastructure requirements as well as 40% affordable housing and a draft Section 106 agreement has been submitted to support the application.
- 5.3.5 Overall, the proposed development is considered to represent sustainable development as set out in the National Planning Policy Framework.

## **6. MAIN RELEVANT POLICIES**

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

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

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 – Conserving and Enhancing the Natural Environment
- Decision - Taking
- Annex 1: Implementation

### **6.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CON6 – Contamination
- CC5 – Protection of Wildlife on Development Sites
- CC6 - Landscape Protection
- CC7 – Special Landscape Areas
- CC11 – Coastal Zone
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- BE1 – Design of New Development
- BE3 – Public and private amenity spaces
- BE8 - Lighting
- REC3 – Children’s Play Space associated with new housing developments and elsewhere in the district
- T1 – Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Developments
- T4 – Cycle Routes
- T6 - Improvement to Pedestrian Facilities
- T8 - Vehicle Parking Standards
- PU1 – Provision of Educational Facilities
- PU2 – Recycling Facilities in New Developments

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

- S1 – Sustainable Development
- S2 – Strategic Growth
- S3 – Place Shaping
- S6 – Burnham-on-Crouch Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D5 – Flood Risk and Coastal Management
- E1 - Employment
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H3 – Accommodation for ‘Specialist’ Needs
- H4 – Effective Use of Land
- N1 – Green Infrastructure Network

- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services
- I2 – Health and Wellbeing

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

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Guidance (NPPG)
- Burnham-on-Crouch Draft Neighbourhood Plan (Emerging)

#### **6.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

6.5.1 The below list has been taken from the Infrastructure Delivery Plan (IDP) as well as relevant LDP policies.

- 40% affordable housing
- B1010 / B1021 Junction Improvements
- Healthcare provision
- Education provision (Primary School as well as Early Years and Childcare)
- Youth and children's facilities
- Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Areas for Play (LEAPs)
- Allotments

### **7. MAIN CONSIDERATIONS**

#### **7.1 Principle of Development**

7.1.1 The application site is located between Chandlers and Creeksea Lane to the south of Maldon Road in Burnham-on-Crouch. From the Local Plan Proposal's Map it is evident that the application site lies outside of the defined development boundary for Burnham-on-Crouch.

7.1.2 Policy S2 of the Replacement Local Plan (RLP) provides the strategic position for the District through defined development boundaries for villages / urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy H1 does not allow new housing outside development boundaries unless it complies with other policies in the Local Plan. The proposal is contrary to policies S2 and H1 because the site is located outside of the development boundary for Burnham-on-Crouch and is within the countryside.

- 7.1.3 The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given.
- 7.1.4 In terms of the progress of the LDP, the Plan has been published and submitted for Examination-in-Public (EIP). It has been the subject of extensive consultation at each stage of the Plan's preparation. Public hearing sessions for the housing and infrastructure related policies (LDP Policy S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2) took place between 20 January and 4 February 2015.
- 7.1.5 The Inspector issued his interim findings on 8 May 2015. Following this, the Secretary of State formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004 "to test whether the planning inspector has taken a proportionate and balanced view on the local plan as a whole in the light of national planning policy". On 6 March 2016, the Council received a letter from the Secretary of State confirming that "it was not proportionate for the inspector to find the whole plan unsound because he had not examined the whole plan" and that the Council should be given the opportunity to rectify these issues by continuing the examination of the LDP. The Secretary of State has resumed the examination of the LDP and therefore the policies which have been subject to public hearings are at a very advanced stage in their preparation.
- 7.1.6 With regards to compliance with the NPPF, the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation. Having regard to the Secretary of State's letter, it is reasonable for the Council to afford the relevant LDP policies (as amended), with the exception of Policy H6, weight in decision making.
- 7.1.7 Based on the above considerations the Council is satisfied that material weight should be given to LDP Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, I1 and I2 in decision making.
- 7.1.8 Sections of the application site are allocated as sites S2(i) and E1(q) in the submitted LDP for the development of 180 dwellings and 3.4 hectares of B1, B2 and B8 use. The table below shows what the allocations relate to for this site compared to what is proposed:

| <b>Allocated</b>                | <b>Not Allocated</b> |
|---------------------------------|----------------------|
| 180 dwellings on 6.2 hectares   | Care home            |
| Employment land on 3.4 hectares | Nursery site         |
|                                 | Allotments           |

- 7.1.9 This application site therefore forms part of the Council's five year land supply and the principle of development is established in the submitted Local Development Plan

(LDP). Furthermore, the Council agreed in July 2014 to invite and proactively encourage the submission of planning applications which are in accordance with the submitted LDP in order to boost the five year supply of deliverable housing land and demonstrate the deliverability of the LDP (Minute No. 245 refers).

- 7.1.10 LDP policy S3 (Place Shaping) states that the Garden Suburbs and Strategic allocations at Maldon, Heybridge and Burnham-on-Crouch will be planned as high quality, vibrant and distinctive neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. Eleven development principles are contained within LDP policy S3. LDP policy S6 (Burnham-on-Crouch Strategic Growth) goes on to set out the requirements of the strategic growth in Burnham-on-Crouch. This application will therefore need to be assessed against these policies.
- 7.1.11 The proposal also has to be considered under national planning guidance and within the NPPF there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF. The development therefore has to be assessed as a whole to determine whether it represents sustainable development.

## **7.2 Sustainability**

- 7.2.1 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 7.2.2 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through the pre-amble to policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan.
- 7.2.3 The northern part of the application site is allocated through LDP policy S2 for 180 dwellings as a sustainable extension to Burnham-on-Crouch. Furthermore, LDP policy E1 allocates part of the southern section of the application site for 3.4 hectares of new class B use employment. As a result of being part of an allocation within the submitted LDP the site has already been considered an appropriate and sustainable location for new growth in principle.



### **7.3 Housing Land Supply, Need, Mix and Affordable Housing**

- 7.3.1 Paragraph 47 of the NPPF requires local planning authorities to identify an annual supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer as appropriate to comply with national policy.
- 7.3.2 The Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. The Five Year Land Supply Statement (July 2015) has been updated in September 2015 and identifies 2,127 dwellings are deemed to be deliverable over the next five years (a 5% local slippage rate has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of six years' worth of housing land supply against an identified housing target of 1,777 dwellings over the next five years (a 5% buffer has been applied to the five year requirement in accordance with NPPF paragraph 47).
- 7.3.3 There are two main factors behind the rapid improvement of the Council's housing supply. First of all in 2014 the Council resolved to invite and proactively encourage planning applications which are in accordance with Policy S2 of the LDP. The Council also resolved to proactively encourage planning applications which are considered to be sustainable and will contribute positively to the five year supply of deliverable housing land and will assist in demonstrating the deliverability of the LDP (Minute No. 245 refers). As a result of the Council's proactive approach, by the end of March 2015 there are a total of 944 dwellings with extant planning permission, which is significantly higher than last year's figure of 497 dwellings.
- 7.3.4 Secondly, the Council has made significant progress in bringing forward strategic allocations identified in the LDP. There are in total 11 strategic housing allocations in the LDP, including this application site, and planning permission has already been granted or resolved to be approved on three of these sites for a total of 1,251 new homes. Planning applications have also been submitted on five allocated sites, including this site (minimum 1,595 new homes), and the Council expects planning applications on the three remaining sites in the near future (minimum 490 new homes). Given the progress made on these strategic allocations, and the Council's intention to attribute weight to relevant housing policies in the LDP the Council considers that it is appropriate to include the LDP strategic allocations and windfall allowance into the Council's five year housing land supply calculation.
- 7.3.5 Sections of the application site is allocated as sites S2(i) and E1(q) in the submitted LDP for the development of 180 dwellings and 3.4 hectares of B1, B2 and B8 use. This application site therefore forms part of the Council's five year land supply.
- 7.3.6 There are no policies in the current Local Plan regarding housing mix but the submitted LDP policy H2 on housing mix requires all development *'to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population'*. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to *"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community"* and *"identify the size, type,*

*tenure and range of housing that is required in particular locations, reflecting local demand*’.

7.3.7 The Council’s Strategic Housing Market Assessment (SHMA) identifies that for all housing types one and two bedroom units are required to balance the District’s housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are required. For market sector housing this includes one, two and three bedroom units with a surplus of four bedroom plus units in the District.

7.3.8 The proposed development would provide 180 dwellings of mixed size and accommodation. The table below shows the proposed housing mix

|                  | 1 bed units | 2 bed units | 3 bed units | 4 bed units | 5 bed units | <b>Total</b> |
|------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Market Homes     | 0           | 45          | 37          | 12          | 14          | <b>108</b>   |
| Affordable Homes | 26          | 38          | 8           | 0           | 0           | <b>72</b>    |

7.3.9 The above housing mix includes 12 affordable bungalows and 8 market bungalows. Maldon District Council (MDC) Strategic Housing Services has confirmed that the proposed unit sizes for the affordable element of the scheme set out in the table above are in general accordance with the Council’s 2014 Strategic Housing Market Assessment (SHMA).

7.3.10 In relation to the open market element of the scheme, the housing mix provides a higher number of larger dwellings than the level recommended in the SHMA. The Council’s Strategic Housing Services have not objected to the, and fully support the application where a SHMA compliant mix is proposed for the affordable element of the scheme.

7.3.11 RLP Policy H9 requires the provision of 30% affordable dwellings across the District, and LDP Policy H1 requires the provision of 40% affordable dwellings for all LDP Strategic Allocations in Burnham-on-Crouch. The application is proposing the provision of 40% affordable dwellings, to be provided on site, with a mix as set out above. The affordable housing element of the application therefore meets the requirements of LDP Policy H1.

## **7.4 Care Home**

7.4.1 The application includes a 50-60 bed care home as part of the outline element. It is stated within the application that this building would be two storeys in height and located to the south of the public footpath which runs west to east diagonally across the site adjacent to the western boundary of the application site.

7.4.2 LDP policy S6 which relates to Burnham-on-Crouch strategic growth states that permission will be given for development at the strategic allocations provided that (as well as other criteria) ‘*A significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of*

*bungalows, sheltered housing, extra care housing, private retirement homes and lifetime homes etc.*’ As detailed in section 5.3 this application includes 20 bungalows and the inclusion of a care home is also in line with the requirements of LDP policy S6.

- 7.4.3 The proposed care home use is included in this report as part of the wider development in terms of impacts on the site and its wider surroundings.

## **7.5 Landscape and Visual Impact Assessment**

- 7.5.1 The core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. RLP policy CC6 seeks to ensure that no harm is caused to the landscape character of the locality of the application site.
- 7.5.2 The core principles of the NPPF seek to protect the ‘intrinsic character and beauty of the countryside’ and submitted LDP policy S8 refers to protecting the countryside along with policy N2. These policies are further reinforced by submitted LDP policies D1 and D3 which stress the importance of protecting and enhancing the character of a locality.
- 7.5.3 The application site is located within the Coastal Zone as defined by RLP policy CC11, with the northern and western section of the application site also located within a Special Landscape Area as defined by RLP policy CC7.
- 7.5.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted to support the application, with an update submitted in May 2015. The original LVIA states that the site itself is considered to make a positive contribution to the local landscape character. The application site currently consists of farmland which slopes from north to south towards the railway line which forms the southern boundary of the application site. The application site is generally characterised as open arable land bounded, in whole or part by native hedgerows with occasional mature hedgerow trees. To the north of the application site is Maldon Road which has dwellings along the northern side in ribbon development form. To the east of the application site is the Chandlers residential development, the Ramblers football ground and Springfield Industrial Estate / Burnham Business Park. To the west of the application site is agricultural land and Creeksea Lane which is characterized by very low density sporadic dwellings. The application site therefore currently forms the edge of Burnham-on-Crouch and transition to rural countryside.
- 7.5.5 In allocating this site for development through the LDP the level of development proposed would inevitably change the character of the application site and its immediate surroundings. The application site is well contained in terms of long views to the north and east by existing built development with further views possible to the south and the east.
- 7.5.6 The submitted LVIA considers that the application site is peri-urban in character, a landscape type where urban and rural uses mix, where the urban edge of Burnham-on-Crouch extends an influence over the area. From the application, site built development is visible along Maldon Road and to the east of the site; furthermore the

floodlights from the Ramblers football ground are highly visible as are telegraph poles running across the site. The site therefore currently reflects the transition nature of the area where the rural landscape is adjoined and influenced by the urban fringe.

- 7.5.7 In terms of the landscape impact the submitted LVIA concludes that the development will result in a direct effect to the site which has been assessed as a slight adverse effect, however with appropriate mitigation the impact will be limited. The LVIA concludes that once the landscaping scheme has established the significance of the landscape effects will change to represent a slight beneficial effect on the landscape resource and landscape character.
- 7.5.8 The submitted LVIA considers as number of viewpoints and the impact that the proposed development would cause. These viewpoints are both from public and private land. Upon completion of the development the visual effect of the proposed development is considered to represent a slight adverse effect for the majority of receptors. As the proposed scheme matures (10 – 15 years) the landscaping will provide increased screening of the built form resulting in the overall significance of the visual effect for the majority of receptors to be only negligible or neutral effect.
- 7.5.9 The Countryside and Coast Officer has been consulted on this application and has raised no objection to the development in terms of its overall impact on the landscape. It is acknowledged that the application site is larger than the strategic allocation; however, this does not result in a significantly greater impact upon the landscape and allows for further landscaping and amenity space to be incorporated into the development.
- 7.5.10 Overall, subject to appropriate conditions to control the landscaping it is considered that the landscape and visual impact of the proposed development would be acceptable and would accord with the RLP, LDP and guidance within the NPPF.

## **7.6 Layout, Scale, Design and Impact on the Character and Appearance of the Area**

- 7.6.1 The NPPF advises on good design and in paragraph 56 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.’*

- 7.6.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development. Policies CC6 and CC11 would also apply to the application site which seek to protect the landscape character. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.
- 7.6.3 This application has been submitted as a hybrid application with some elements of the scheme in outline. The full element of the application relates to:
- 180 new dwellings, of which 40% are proposed to be affordable homes;

- New access into the site from a priority junction onto Maldon Road;
- 2.32 hectares of public open space;
- 0.5 hectares of allotments;
- 1.09 hectares of SuDS infrastructure;
- 1.70 hectares of temporary private amenity space.

The outline elements of the scheme relate to:

- 50 - 60 bed care home;
- A nursery school;
- 3.4 hectares of B1, B2 and B8 employment land.

7.6.4 The elements of the scheme that are in outline format have their appearance, layout, scale and landscaping reserved for a subsequent reserved matters application. Only access is for consideration, along with the principle of development in relation to the outline matters. This section of the report will therefore focus in detail on the elements of the scheme which form the full part of the application.

7.6.5 Two access points are proposed off Maldon Road, one which would provide the spine road through the development, with the other access point creating a cul-de-sac in the north western section of the site, adjacent to Creeksea Lane. The main spine road would run north south through the centre of the application site leading to the proposed employment land. The main spine road would be narrowed past the B1 office units before widening out again to ensure that larger vehicles would only be able to gain access to the B2 and B8 industrial units through Burnham Business Park which the road links into. Seven of the proposed dwellings would be accessed directly from the main spine road, two from Creeksea Lane, and the remainder accessed from cul-de-sacs leading off from the main spine road (with the exception of four dwellings which are situated on the cul-de-sac off Maldon Road).

7.6.6 180 residential dwellings are proposed which would comprise the following house types:

Market:

| House Type             | Height                       | Number of unit type |
|------------------------|------------------------------|---------------------|
| Two bedroom flat       | Flat within two storey block | 36                  |
| Two bedroom house      | Two storey                   | 9                   |
| Three bedroom house    | Two storey                   | 28                  |
| Three bedroom bungalow | Single storey                | 9                   |
| Four bedroom house     | Two storey                   | 12                  |
| Five bedroom house     | Two storey                   | 14                  |

### Affordable

| House Type           | Height                       | Number of unit type |
|----------------------|------------------------------|---------------------|
| One bedroom flat     | Flat within two storey block | 20                  |
| One bedroom bungalow | Single storey                | 6                   |
| Two bedroom flat     | Flat within two storey block | 18                  |
| Two bedroom bungalow | Single storey                | 6                   |
| Two bedroom house    | Two storey                   | 14                  |
| Three bedroom house  | Two storey                   | 8                   |

- 7.6.7 A number of varying house design and types are proposed within the development ranging from modest two bedroom dwellings to large five bedroom properties. All house types proposed are of a high quality design and the variation in house types will provide interest within the overall scheme. All dwellings are a maximum of two storeys in height. The flat units proposed within blocks will be no more than two storeys in height.
- 7.6.8 The development comprises three distinct character areas. The northern section of the application site close to Maldon Road represents one character area which is designed as a low density development with larger dwellings in more spacious plots with significant amounts of green landscaping to reflect the existing low density development along Maldon Road. The second character area is the central and southern sections of housing which contains a higher density than the northern section of the site and contains a greater mix of house types and sizes. Within this section of the site bungalows are proposed along the eastern boundary of the site which backs onto the existing development within Chandlers to ensure that no loss of privacy or overbearing impact will occur to existing residents. Footways and cycle ways are proposed throughout the development to link the cul-de-sacs. The third character area of the application comprises the non-residential uses to the south of the site. The proposed employment units are located along the southern boundary of the site and adjacent to the existing employment site at Springfield Industrial Park and the Burnham Business Park. The proposed B1 offices, along with a nursery site and public open space is proposed between the residential element of the scheme and the B2 and B8 uses which will provide a transition in land uses.
- 7.6.9 The main section of public open space is proposed along the public footpath which runs from west to east across the application site within the northern section and would contain a local equipped area of play (LEAP). A smaller section of open space containing a second LEAP is proposed adjacent to the proposed nursery site. 0.64 hectares of allotments are proposed in the south west corner of the application site. The majority of existing hedgerows and trees which form field boundaries are being retained as part of the development.
- 7.6.10 Submitted LDP Policy S2 identifies site S2(i) for 180 dwellings. The area allocated in LDP Policy S2 for the 180 dwellings is 6.2 hectares, with a further 3.4 hectares of employment land allocated within submitted LDP policy E1. The total area allocated for residential growth and employment land within the submitted LDP is therefore 9.6 hectares compared with the current site area of 22.37 hectares.

- 7.6.11 The allocated land of 6.2 hectares within the submitted LDP is based on the development having a density of 29 dwellings per hectare (dph) and does not take into account layout considerations or provision of any public amenity space which would be required for a development of this size. This application includes additional land uses to those allocated within the submitted LDP and has a larger land take for the residential element than allocated in the submitted LDP. However, the application has to be considered on its merits, taking into account the development plan. In this instance it is considered that the proposed design and layout of the development responds to the existing surrounding land uses and character and will integrate with the existing built development as well as the wider landscape. The level of open space within the proposed development, as well as the retention of most existing hedgerows and trees will ensure that the development will function successfully as an extension to Burnham-on-Crouch.
- 7.6.12 Overall it is considered that the design, scale and layout of the proposal accords with the RLP, LDP and NPPF.

## **7.7 Housing Density**

- 7.7.1 The NPPF takes precedence as the more up to date policy position than RLP policy H6 which set density levels of between 30-50(dph. However, the NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. Submitted LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development.
- 7.7.2 The application site has an overall density of development of 15 dph (when looking at the residential areas only but including the public and private amenity spaces), however as detailed within section 5.5 the development is separated into character areas with the northern section of the development along Maldon Road comprising larger dwellings on more spacious plots to reflect the existing development along Maldon Road. The northern section of the proposed development therefore has a density of development of 5 dph with the central and southern sections of housing have a density of development of 22dph.
- 7.7.3 The surrounding area has a variety of densities in terms of existing residential development. Creeksea Lane is very low density with sporadic dwellings located along the Lane, the majority of which are situated relatively close to the Maldon Road junction. Maldon Road itself is comprised of ribbon development which equates to 7.5 dph along the section closest to the application site. The Chandlers development to the east is a more modern cul-de-sac style development with a density of 13 dph.
- 7.7.4 The proposed development would not appear out of character with the existing density of surrounding development and has sought, through the use of distinct character areas, to reflect the density of the existing development which adjoins the site. Therefore whilst this application includes more land than is allocated for strategic site S2(i) (which would result in a density of 29dph) in the submitted LDP this has allowed for a lower density of development which is more reflective of the surrounding built form.

## **7.8 Flood Risk and Drainage**

- 7.8.1 The NPPF provides the most up to date policy position when assessing flood risk and supersedes any out dated RLP policies on flood risk. Policy D5 of the submitted LDP provides local flood risk considerations and seeks to direct development to the lower risk zones, which this site falls within.
- 7.8.2 The site is more than 1 hectare in size and based on the Environment Agency requirements and the National Planning Practice Guidance (NPPG) requires a Flood Risk Assessment (FRA), although the site does not fall within a high risk flood zone. The site falls within the lowest flood risk area, Flood Zone (FZ) 1, and is identified in the FRA to be at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.
- 7.8.3 The FRA identifies that the application site is underlain by the London Clay Formation and therefore soakaways are not a feasible solution for discharging surface water. There are existing open ditches wrapping around the site which form an existing land drainage network which directs flows through the site to the outfall in the south west corner of the site. The Surface Water Management Plan (SWMP) submitted as part of the FRA identifies that although the impermeable area on site will be increased through hard surfacing, the additional run-off volume that is created will be attenuated on site and discharged at equal to or less than greenfield run-off rates. The submitted FRA also states that the use of granular filtration systems will cleanse the run-off improving its quality before entering the watercourse where feasible. Furthermore the Sustainable urban Drainage System (SuDS) proposed to serve the development will reduce the rate of run-off from the site which will have a benefit to the local surface watercourses and reduce the risk of flooding.
- 7.8.4 The Environment Agency and Essex County Council Flood and Water Management Team have both been consulted on this application and have raised no objection to the proposed drainage strategy. The SWMP clearly sets out the drainage strategy for the development, which incorporates appropriate SuDS.
- 7.8.5 Foul water from the site will be discharged into public foul sewers off site under agreement with the adopting water authority, Anglian Water. Anglian Water have been consulted on the application and have confirmed that the foul drainage from this development is in the catchment of Burnham-on-Crouch water recycling centre that will have the available capacity. Anglian Water has requested that the foul drainage details be dealt with through a planning condition.
- 7.8.6 Overall it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

## **7.9 Employment Land**

- 7.9.1 LDP policy S6 requires the provision of Class B use employment which is identified in LDP policy E1 for this area as an expansion of the Burnham Business Park. Policy E1 identifies a land area of 3.4 hectares for employment uses B1 (Office / Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution).



- 7.9.2 This application includes 3.4 hectares of B1, B2 and B8 land which is therefore policy compliant in terms of the amount of employment land. The proposed employment uses have been separated into an office park and a separate area for B2 and B8 uses. The main spine road would be narrowed past the majority of the B1 units before widening out again to ensure that larger vehicles would only be able to gain access to the B2 and B8 industrial units through the Burnham Business Park which the road links into.
- 7.9.3 This element of the application is in outline form with only access in detail. The access arrangements proposed are acceptable and Essex County Council Highways have raised no objection. The principle of 3.4 hectares of employment land is accepted as it is compliant with LDP policies S6 and E1.
- 7.9.4 Environmental Health has recommended conditions relating to delivery/collection times, hours of use, use of acoustic barriers and to ensure that no B1 or B2 activities take place outside of the buildings. Subject to appropriate conditions the employment land proposed is considered to be acceptable and accords with LDP policies S6 and E1.

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

- 7.10.1 This section of the report needs to be assessed with RLP policies T1, T2, T4, T6 and T8 as well as the NPPF. The submitted LDP policies relevant to this section are S6, T1, T2 and I1. Also applicable are Maldon's adopted Vehicle Parking Standards.
- 7.10.2 The main access point for the development is shown off Maldon Road as a priority junction which will create the spine road through the development which will run north south and then link into the Burnham Business Park.
- 7.10.3 A Transport Assessment has been submitted in support of the application as well as a Transport Statement. The submitted Transport Statement concludes that the proposed priority junction onto Maldon Road will operate well within capacity and is appropriate for the development proposed.
- 7.10.4 Essex County Council (ECC) Highways have commented on the application and advise that in line with current National and Local policy and safety criteria the proposed development has been found acceptable to the satisfaction of the Highway Authority in terms of safety and capacity impact upon the local and wider highway network. ECC Highways further comment that the proposed access arrangements have been safety audited, with no adverse comments being raised and the access will operate well under capacity now and in the future. Further to this appropriate visibility splays are being provided onto the Maldon Road for each access point. Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.
- 7.10.5 ECC Highways have further confirmed that the driveways for the two dwellings which would take access directly from Creeksea Lane are an acceptable distance away from the junction of Creeksea Lane and Maldon Road.
- 7.10.6 ECC Highways therefore raise no objection to the proposed development subject to conditions relating to the following:

- Submission of a construction management plan;
- Submission of a scheme for the upgrading of public footpaths numbers 3 and 4 within the site;
- Implementation of highway works shown prior to first occupation of the development;
- Submission of details of two new bus stops on the B1010 (Maldon Road);
- Provision of a residential travel information pack per dwelling prior to occupation;
- No discharge of surface water onto the highway.

7.10.7 ECC Highway also request contribution to the local and strategic infrastructure as identified in the LDP. Submitted LDP Policy I1 and the IDP identify LDP site S2(i) as a contributor towards pooled S106 contributions towards highway improvements in Burnham-on-Crouch related to the B1010/B1021 junction. This highways project relates to improving the flow of traffic at the junction during peak times, which would improve access into and out of Burnham-on-Crouch on the B1010 Maldon Road.

7.10.8 The Infrastructure Delivery Plan (IDP) identifies this amount as £23,200 for this site. The submitted application agrees to this contribution request; however it would be dealt with through the S106 agreement rather than a condition.

7.10.9 In terms of parking provision a parking space allocations plan has been submitted to support the application. This plan indicates the parking spaces for each dwelling and shows that the development conforms to the adopted Vehicle Parking Standards for the residential element of the scheme, and in many instances exceeds the required number of spaces. 27 parking spaces are also shown to serve the proposed allotments. As the other elements of the proposed development are in outline format with only the principle and access for determination there are no details of the parking space provision as this would be dealt with as part of the 'layout' considerations of any reserved matters application.

7.10.10 There are two public footpaths which run through the application site, one going west to east diagonally across the site and one running north to south which crosses the application site at the southern section. The position of both public footpaths would be retained as part of the development with the footpath running diagonally west to east across the site being incorporated into the main section of public open space. A number of additional footpaths are proposed within the development which will connect with the existing public footpaths as well as providing linkages to Maldon Road and within the proposed development.

## **7.11 Amenity Space and Landscaping**

7.11.1 RLP policy BE1 parts e) and f) both require amenity space and landscaping provision for new developments. Further to this RLP policy BE3 identifies certain criteria for applications which involve the creation of public and private open spaces and these criteria include space and functionality requirements and appropriate surfacing treatment. LDP policies N1, N2 and N3 refer to green infrastructure, natural environment, geodiversity and biodiversity, open space, sport and leisure.

- 7.11.2 The application included 2.32 hectares of public open space. The main area of public open space proposed for the development is located along the public footpath which runs diagonally across the site from west to east. A LEAP is proposed within this area of public open space. A second smaller area of public open space is proposed adjacent to the nursery site which would also contain a LEAP as well as parking provision for those visiting the LEAP. The level of public open space provision within the development is considered to be acceptable and the spread of public open space across the development is also acceptable. Furthermore within the Infrastructure Delivery Plan (IDP) a need is indicated for allotments within the district and this proposal includes 0.5 hectares of allotments.
- 7.11.3 There are two areas of private amenity space within the development, one in the north west section of the site and one within the centre of the site. The private amenity space areas are located close to proposed dwellings. The design and access statement (November 2015) accompanying the application states that the private amenity spaces have been included to add to the character of the proposed development and support local wildlife, although their locations are not as appropriate for public amenity space as other areas of the site. These areas are proposed as communal areas available to the neighbouring dwellings and are to be managed privately. The funding of these areas is to be through a service charge paid by the dwellings that use them. The details of this management can be controlled through the Section 106 agreement.
- 7.11.4 1.7 hectares of temporary private amenity space is also included within the application which is located adjacent to the allotments and proposed employment land. This land would allow for future expansion of the employment land if required (subject to planning permission). The details of the management of this land can be controlled through the Section 106 agreement.
- 7.11.5 The Essex Design Guide (EDG) provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that three or more bedroomed houses should have a private amenity space of at least 100m<sup>2</sup> and that houses of one or two bedrooms should have at least 50m<sup>2</sup>. All of the residential houses proposed as part of the development would meet the standard set within the EDG, with many exceeding the standard. The EDG states that for two or more bedroomed flats (which may be occupied by households with children) communal residents' gardens must be provided on the basis of a minimum area of 25m<sup>2</sup> per flat. The EDG goes on to state that the amenity space must be screened by above eye level walls or hedged, and must contain a sitting out area that receives sunshine during at least part of the day. Nine blocks of flats each containing six two bedroom apartments are proposed as part of the development. Each block of flats is set within amenity space which would be sufficient to meet the needs of the future occupiers. Details of boundary treatments and landscaping can be dealt with through a condition to ensure that some of the amenity space is private.
- 7.11.6 A Tree Survey and Arboricultural Impact Assessment has been submitted to support the application which identifies and surveys all trees and hedges within the application site and immediately adjoining the site. All trees and hedgerows within the site are confined to field boundaries and are to be retained and protected as part of the development, except for where access is required. The Tree Officer has been consulted on the application and has welcomed the plan to retain as many trees and hedgerows as possible, however a detailed tree protection plan and method statement

is required which can be dealt with through a planning condition. The Tree Officer has also requested that any mature sections of hedgerows which require removal to facilitate the development be re-used where possible within the landscaping scheme, which again can be dealt with through an appropriate planning condition.

## **7.12 Management of Open Space and Sustainable Urban Drainage Scheme**

7.12.1 Agreement of a future management regime for the green infrastructure including the open space, allotments, LEAPS and SuDS is essential and this will be subject of details being provided through planning conditions and through the planning obligations in the Section 106 agreement.

7.12.2 Within the design and access statement (November 2015) the agent has stated that the management and maintenance of the site's Green Infrastructure will be addressed by way of a Management and Maintenance Plan which will be submitted to the Local Planning Authority for approval. The Management and Maintenance Plan will include:

- Details of who is responsible for the management and maintenance of the Green Infrastructure including long term design objectives, access, SuDS, maintenance schedules / specifications and monitoring processes for all landscape areas, including hard and soft elements;
- An explanation of planting design objectives, planting, grass cutting, weeding and pruning schedules, inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatments, play equipment, street furniture, litter picking etc.);
- A programme of management activities and monitoring and operational restrictions;
- A maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- A maintenance programme for the upkeep of the LEAPs; and
- Details of who will be responsible for the management and maintenance of the allotments.

7.12.3 The agent has advised that it is their intention that a Management Company will manage the Green Infrastructure in partnership with residents and, where appropriate, local community bodies. In terms of funding this would be achieved through endowment funding and annual service charges, which are written into the title deeds of each property within the site.

7.12.4 The draft Section 106 agreement which has been submitted in support of this application includes obligations in relation to the management and maintenance of the Green Infrastructure.

## **7.13 Impact on Residential Amenity**

7.13.1 RLP Policy BE1 (Design of New Development and Landscaping) states that development proposals will be permitted if:- a) They are compatible with their surroundings, and/or improve the surrounding location in terms of:- vii) the effect on

the safety and or amenity of neighbouring properties or the occupiers therein. The submitted LDP Policy D1 (Design Quality and Built Environment) includes similar residential amenity considerations.

- 7.13.2 There are a number of residential properties located close to or adjacent to the application site. The use of the northern and central section of the site for residential development would not result in any materially harmful impacts upon neighbouring occupiers through noise and disturbance as this is a predominantly residential area where this use is considered appropriate. It is acknowledged that during construction there may be potential for noise and disturbance; however if experienced then this is a transitory nuisance which can be managed through a construction management planning condition.
- 7.13.3 The proposed employment land and nursery is located adjacent to the existing Burnham Business Park and again would not result in any materially harmful impacts upon neighbouring occupiers subject to appropriate planning conditions.
- 7.13.4 The proposed care home is located adjacent to the western boundary of the application site. The nearest neighbouring properties to this element of the proposal are Creeksea Lodge to the north and Fairway Cottage to the west. The indicative plan does not show the proposed care home located adjacent to the boundary of either neighbouring dwelling with an area of public open space located between the care home and Creeksea Lodge to the north and a separate parcel of land located between the care home and Fairway Cottage to the west. The care home element of the application is in outline form so the detailed layout is not for consideration, however it is stated within the application that the care home would not be more than two storeys in height which should ensure, with an appropriate design, that there is no material loss of privacy to neighbouring occupiers. Furthermore, in terms of noise and disturbance this is a use which is considered compatible with residential neighbours and details of boundary treatments, lighting and landscaping can be controlled through planning conditions tied to the reserved matters submissions.
- 7.13.5 To the north of Creeksea Lodge is an area of private amenity space as well as plot 6 which would contain a five bedroom detached dwelling within a spacious plot. The dwelling on plot 6 would be positioned within its flank elevation facing south towards Creeksea Lodge which contains no windows and only one bathroom window on the return set further from the boundary. Furthermore, the flank of the dwelling on plot 6 would be positioned 9 metres from the shared boundary with Creeksea Lodge and it is therefore considered, that given the orientation and position of the dwelling in plot 6 that it would not result in any material loss of privacy towards the occupiers of Creeksea Lodge.
- 7.13.6 To the north of the application site there are a number of residential dwellings located on the opposite side of Maldon Road to the application site. The proposed development would result in a change in outlook from these properties, which currently enjoy views towards the agricultural field over Maldon Road, however loss of a view is not a material planning consideration. Two new access points would be created to serve the development along Maldon Road, and it is acknowledged that the development of the site would result in an increase in vehicular movements; however, it is considered that this would not result in any materially harmful impacts upon

neighbouring occupiers. The proposed development would therefore not result in any materially harmful impacts upon the occupiers of dwellings along Maldon Road.

7.13.7 To the east of the application site is a residential development known as Chandlers and No's 2 – 14 (evens) back onto the eastern boundary of the application site. Along this eastern boundary of the application site adjacent to Chandlers are plots 36 – 43. Plot 36 would contain a four bedroom two storey dwelling; however this property is located 24 metres from the eastern boundary and does not back directly onto any of the dwellings within Chandlers. Plots 37 – 43 would all contain three bedroom bungalows which would be positioned between 10 and 17 metres from the eastern boundary of the application site, with back to back distances of between 32 metres and 38 metres it is considered that the proposed development would not result in any material loss of privacy to the occupiers of Chandlers. The Essex Design Guide states that 25 metres between backs of dwellings is appropriate to ensure that no material loss of privacy would occur, however it does go on to state that existing residents are entitled to a greater degree of privacy and therefore new dwellings should not encroach further than 15 metres from the shared rear boundary, even when the 25 metres distance would still be achieved. In this instance some of the proposed bungalows would be located less than 15 metres from the shared rear boundary, however given that they are single storey this is considered acceptable. In order to ensure that the development does not result in loss of privacy to the occupiers of Chandlers in the future it is considered that a condition removing permitted development rights for any windows or openings within the roofspace would be appropriate.

7.13.8 In the light of the above assessment, it is considered that subject to appropriate conditions the development would accord with Local Plan policies as well as policies within the submitted Local Development Plan with regard to impact upon neighbouring occupiers.

## **7.14 Air Quality**

7.14.1 Environmental Health have advised that a proportion of operational phase traffic will pass through Latchingdon and travel into areas of Maldon that are currently subject to increasing levels of road traffic related Nitrogen Dioxide. It is unlikely that the operational traffic would directly cause the nationally set Air quality objectives to be exceeded however there will be an impact in areas already experiencing poor air quality which would affect health. Environmental Health have advised that mitigation would be required which could be dealt with through a planning condition.

## **7.15 Noise Impact**

7.15.1 Initially Environmental Health advised that they had concerns regarding the noise levels future occupiers of some of the dwellings located closed to Maldon Road would be exposed to due to traffic. However, following revisions to the layout and positioning of these dwellings Environmental Health have advised that they now raise no objection to the development on noise grounds.

## **7.16 Contamination**

- 7.16.1 The application site is a greenfield site and the Phase I Environmental Assessment submitted to support the application identifies that the site is likely to be at low risk of contamination being present. The report further recommends that a limited intrusive survey should be carried out alongside the required geotechnical survey that will be undertaken. Environmental Health has advised that they have no concerns regarding this approach and that it can be dealt with through a planning condition.

## **7.17 Nature Conservation**

- 7.17.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. RLP policy CC5 seeks to protect animals and plants protected under law unless steps for their protection are satisfactory through the planning application process. The submitted LDP policy N2 on natural environment and biodiversity is also applicable.
- 7.17.2 This application has been supported by an Ecology Report as well as a Habitats Regulations Assessment. The Habitats Regulations Assessment concludes that the proposed development is highly unlikely to result in any significant adverse impact on the conservation objectives of the Crouch and Roach Estuaries Special Protection Area (SPA), and that overall integrity of the SPA is unlikely to be adversely impacted by the construction or operational use of the development. This conclusion is also reached by Natural England who have advised within their consultation response that the development is not likely to have a significant effect on the SPA and that therefore an appropriate assessment is not required.
- 7.17.3 The Ecology report submitted to support the application. The report identifies that the site is dominated by arable land or low to negligible ecological and biodiversity importance. There is one pond within the application site in the north western corner, with several others located close to the site in third party land. Field boundaries and pond habitats have elevated ecological and biodiversity value and are considered to be of local value.
- 7.17.4 When undertaking ecological surveys Great Crested Newts (GCN) were recorded in the pond located on the application site as well as one within an adjacent land holding. GCN are a legally protected species and a licence from Natural England would be required to facilitate the development as terrestrial habitat surrounding a GCN pond would be lost. The Local Planning Authority also has a duty to consider whether such a licence would be granted. The pond within the application site which supports the GCN is to be retained as part of the development and located within an area of private amenity space with the immediate terrestrial habitat around the pond maintained for GCN. Furthermore, additional habitat would be created within the development and habitat connectivity with the wider landscape would not be lost. Full details of the mitigation strategy would be dealt with through a planning condition.
- 7.17.5 The application site has low to moderate levels of bat activity, with hedgerows and neighbouring garden habitats being used for foraging, the site is therefore considered to be of some local value. The report recommends that hedgerows are retained as far

as is practical and that any lighting should minimize illuminating on site hedgerows after dark so as not to discourage their use by bats and other nocturnal animals. Additional bird and bat boxes should also be incorporated into the development.

- 7.17.6 The Design and Access statement submitted to support the application (November 2015) advises that the recommendations within the Ecology report have been implemented into the design of the development and will continue to be implemented. It is however considered that a condition should be attached to any planning consent requiring a detailed ecological mitigation strategy to be formally agreed in writing. The Countryside and Coast Officer has raised no objection to the development on ecological grounds.

## **7.18 Archaeology**

- 7.18.1 The Essex Historic Environment Record (EHER) shows that the proposed development site is sited in an area of archaeological interest. The archaeological desk-based assessment submitted as part of the planning application has identified the presence of an Iron Age and Roman settlement within the application area and of a second settlement of similar date immediately adjacent to the development area's south-east corner. The potential for archaeological remains of other periods to be present has also been noted. In addition, the river terrace graves have been identified as having Palaeolithic potential.
- 7.18.2 Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent.

## **7.19 Education provision**

- 7.19.1 Essex County Council's (ECC) Education Department consultation response has outlined S106 requirements in excess of the amounts proposed in the Infrastructure Delivery Plan (IDP). Further assessment on education capacity in Burnham-on-Crouch undertaken by ECC as part of the LDP Examination in February 2015 identified that there was less capacity at Burnham-on-Crouch Primary School than that estimated within the IDP. ECC therefore requires the reinstatement of a former class base at Burnham-on-Crouch Primary School, at a total cost of £127,000, in addition to the contributions set out in the LDP and IDP. The increase in the cost of education facilities at April 2015 prices (in comparison to 2013 prices in the IDP), and the additional education infrastructure requirement at Burnham-on-Crouch Primary School, has resulted in additional education infrastructure costs required to support the application than that set out within the IDP for the application site. The figure within the IDP for primary school capacity is £112,000 and the consultation response providing the most up to date position has requested £144,400. The draft Section 106 legal agreement includes a contribution of £112,000 towards primary school capacity; however, the applicant has confirmed that they would be willing to make a contribution of up to £144,400.
- 7.19.2 In terms of early years and childcare ECC have advised that the £1.1m facility listed in the IDP for Burnham-on-Crouch is still required, and the contribution sought for this development would be £461,256 (uplifted to current prices and index linked to



April 2015). The amount in the IDP is £440,000 and again this is what is included within the draft S106 agreement; however, the applicant has confirmed that they would be willing to make a contribution of up to £461,256.

- 7.19.3 The application includes a nursery site within the outline part of the application. There is an identified need for a nursery within Burnham-on-Crouch and no objection is raised to the inclusion of a nursery within this development.
- 7.19.4 There is sufficient capacity at Ormiston Rivers Academy to facilitate the proposed development.

## **7.20 Health Care provision**

- 7.20.1 The proposal comprises a residential development of 180 dwellings and a 50-60 bed care home but no objections are raised subject to a planning obligation requiring a contribution of £67,480 required for additional healthcare services arising as a result of the development. The development would impact upon one GP Practice, The Burnham Surgery. The contribution is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. The NHS request that this obligation is secured through a Section 106 agreement. The draft Section 106 agreement which has been submitted to support this application includes the contribution requested by the NHS.

## **7.21 Other Material Considerations**

- 7.21.1 The Burnham-on-Crouch Neighbourhood Plan has been considered when determining this application; however, this plan has only recently completed regulation 14 stage of the neighbourhood planning process, and is still therefore a draft plan. Decision makers must evaluate the plan in accordance to Paragraph 216 of the National Planning Policy Framework which indicates that, from the day of publication, decision takers may give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation - the more advanced the preparation the greater the weight may be given.
- 7.21.2 The guidance suggests that give the stage the plan is at, its policies could change substantially and that very limited weight can be given to the Burnham-on-Crouch Neighbourhood Plan since its adoption process still has quite a way to go.

## **8. ANY RELEVANT SITE HISTORY**

- 8.1 An Environmental Impact Assessment (EIA) Screening Opinion application was submitted to the Council in May 2013 (SOR/MAL/13/00494), to assess a mixed use proposal for approximately 450 dwellings on a 40.93 hectare site.
- 8.2 Where an application is over 5 hectares in size, through a screening opinion the Council is also required to consider the potential impacts from the proposed development. The Council determined that the proposed development would have a significant impact on the local environment, and therefore warrants the submission of an EIA support a future application on the site.

## 9. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 9.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council  | Comment   | Officer Response   |
|--------------------------------|---|--|
| Burnham-on-Crouch Town Council | Object to the application on the grounds that the proposed development is more than twice the size of the strategic site allocation in the emerging LDP and NP; the linear spine road serving the development is an unacceptable feature in that it would encourage vehicular movements to the outline element of the application. The inclusion of an outline element in the application does not allow for a comprehensive evaluation of the proposals as changes could take place in the reserved matters application. | <p>See Sections of report as follows:</p> <ul style="list-style-type: none"> <li>• 5.1 and 5.5 specifically in terms of the size of the application site.</li> <li>• 5.10 in relation to highway safety and vehicular movements.</li> </ul> <p>All of the residential dwellings have been submitted with full details. Whilst elements of the proposal are in outline form this is not a reason to refuse the application. Sufficient information has been submitted to be able to determine whether the application is acceptable in principle. Elements of the outline proposals can be conditioned to ensure that the reserved matters submission is in line with the details that have been submitted to date – such as building heights (single or two storey).</p> |

### 9.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment  | Officer Response   |
|--|--|--|
| Anglian Water                                    | Advise that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. The foul drainage from this development is in the catchment of Burnham-on-Crouch Water Recycling Centre that will have available capacity | <p>If Anglian Water's assets are located where development is proposed it would be the developer's responsibility to divert the sewer at their cost.</p> <p>See section 5.8 in relation to flood risk and drainage as well as condition number 38 in relation to foul drainage</p> |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b>  |
|---|--|--|
|   | <p>for these flows.</p> <p>Requests a condition requiring compliance with the agreed foul drainage strategy.</p>   |  |
| Environment Agency                                      | <p>Consider that the proposed development will be acceptable if a planning condition is included relating to drainage details.</p> <p>(Please note this consultation response was received prior to ECC Flood and Water Management Team becoming the Lead Local Flood Authority)</p>                           | See section 5.8 of report and condition number 39  |
| Essex County Council Education                          | Advise that there are two primary school projects considered necessary for the projected strategic growth at Burnham-on-Crouch and request a contribution of £144,400 from this development. Furthermore a contribution of £461,256 is required towards a new Early years and Childcare centre.                | See section 5.19 of report.  |
| Essex County Council Highways                           | <p>The Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.</p> <p>Essex County Council Highways therefore raises no objection subject to appropriate conditions.</p>  | See section 5.10 in relation to access, parking and highway safety and condition numbers 29 and 41 |
| Essex County Flood and Water Management Team            | There are no proposed changes to the previously submitted drainage strategy that was originally agreed by the Environment Agency and subsequently supported by ECC Flood and Water management Team in July 2015. Since the application has reduced the total amount of impermeable space on site ECC are happy | See section 5.8 of report and condition number 39.   |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>  |
|---|---|--|
|   | that the proposed strategy will still be sufficient to deal with surface water runoff.  |  |
| Essex County Fire and Rescue Service                    | <p>Additional fire hydrants will be required within the curtilage of the site, on a mains size acceptable to the Fire Authority and at positions to be decided, subject to any mains scheme the Water Authority may wish to implement. The cost of these additional fire hydrants will need to be met by the developer.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> | This will be addressed through an informative as it is dealt with under separate legislation.  |
| Essex Police  | Raise no objection to the development but suggest a planning condition requiring all homes to be designed in accordance with 'Secure by Design'   | The design of the dwellings are considered acceptable, and the external lighting of the public open spaces within the development will be controlled through a planning condition – see condition 45 |
| Essex and Suffolk Water                                 | No objection to the proposed development.   | None required  |
| Natural England   | Advises that an Appropriate Assessment is not required. Natural England is also satisfied that the development, if carried out in accordance with the details of the application submitted, will not harm the Crouch and Roach Estuaries SSSI.  | See Section 5.17 in relation to nature conservation.   |
| National Grid   | Advise that they have apparatus in the vicinity of the application. There is an intermediate pressure gas pipeline that runs in the verge adjacent to Maldon Road which benefits from an easement. Permission from National Grid will be required for works within this easement.   | The agent has been advised of this consultation response and an informative is recommended.  |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|---|---|---|
| NHS England   | The development is likely to have an impact on the services of 1 GP Practice. A developer contribution of £67,480 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. | See Section 5.20 of the report.   |
| Ramblers Association                                    | Welcome that due consideration has been given to the maintenance and development of the public right of way network across this new development, however queries whether the public rights of way will be diverted during construction.   | As advised by Essex County Council the public rights of way across the application site will require a temporary closure/diversion during relevant construction phases. |

### 9.3 Internal Consultees

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|-----------------------------------|---|---|
| Building Control                  | No objection to the development – advises that a building control application would be required.  | None required.  |
| Countryside and Coast Officer     | <p>Makes the following comments:</p> <ul style="list-style-type: none"> <li>• Welcomes the provision of additional LEAPS (full details required through condition)</li> <li>• Welcomes the provision of a chain-link fence along the eastern boundary to protect hedgerow (full details required through condition and S106 in relation to management/maintenance)</li> <li>• Phase 1 includes a substantial amount of the proposed greenspace which is welcomed (full details of phasing needs to be detailed in S106).</li> <li>• Detailed landscape and ecology management plan</li> </ul> | <p>See section 5.5 of report in relation to landscape impact, section 5.11 in relation to amenity space and landscaping, section 5.12 in relation to the management of the open space and section 5.17 in relation to nature conservation.</p> <p>See conditions 8 and 22</p> <p>In relation to whether a risk assessment has been carried out on the N/S Public Rights of Way (PRoW) this is an existing PRoW and not a new one proposed as part of the application.</p> <p>No specific cycle-ways are</p> |

| Name of Internal Consultee | Comment  | Officer Response  |
|----------------------------|--|---|
|                            | <p>needs to be conditioned and the S106 should ensure that the funding approach is secured.</p> <ul style="list-style-type: none"> <li>• Treatment of the PRow needs to be agreed.</li> <li>• Queries whether a risk assessment has been carried out where the N/S PRow meets the level crossing to the south.</li> <li>• Queries accommodation of cyclists across scheme.</li> <li>• Any recommendations with the ecological assessment and the LVIA should be conditioned to ensure implementation.</li> <li>• Detailed hard and soft landscaping plan should be conditioned.</li> <li>• Can S106 contribution for indoor sports and youth facilities be requested?</li> </ul> | <p>proposed within the application site as there are no cycle-ways within the immediate area to connect into.</p> <p>All S106 requested required for youth facilities as per the IDP have been met by the applicant, it would be unreasonable to add a further requirement at this stage.</p> |
| Emergency Planner          | Due to the development being within flood zone 1 there are no emergency planning comments to be made on this matter.   | None required.  |
| Environmental Health       | <p>All matters relating to land contamination and air quality have been resolved and can be dealt with by condition.</p> <p>Furthermore with regards to noise, Environmental Health considers that the application shows it has considered the aims of the NPPF.</p> <p>No objection to the proposed development subject to conditions relating to contamination, noise, proposed employment use and air quality.</p>  | <p>See section 5.9 of the report in relation to the proposed employment land, 5.14 in relation to air quality, 5.15 in relation to noise and 5.16 in relation to contamination.</p> <p>See conditions 32, 46, 47 and 48</p>   |
| Housing Services           | This application is proposing 40% affordable housing units   | See section 5.3 of report.  |

| Name of Internal Consultee | Comment   | Officer Response                                  |
|----------------------------|---|---|
|                            | <p>which meets the requirement of policy H1 of the LDP and the proportion of smaller and larger affordable units is in conjunction with the suggested recommendations of the SHMA (2014).</p> <p>Strategic housing services supports this application.</p>  |   |
| Tree Officer               | <p>They appear to be retaining as many trees and hedgerows as possible, which is welcomed, however management needs to be identified, especially with the veteran trees.</p> <p>Requests that any good quality hedgerows which have to be removed to facilitate the development and re-used within the landscaping scheme. A detailed tree protection plan should be required.</p> <p>Landscaping should include hedgerow enhancement planting where possible, creating attractive, species rich hedgerows.</p> | See section 5.11 of the report and conditions 37. |

#### 9.4 Representations received from Interested Parties

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

- E A Wastnage Creeksea Hall Cottage Ferry Road Burnham-On-Crouch
- D Allen 11 Pinnars Close Burnham-On-Crouch Essex
- Michael Lovell Fairway Cottage Creeksea Lane Burnham-On-Crouch
- Chloe Baker Fairway Cottage Creeksea Lane Burnham-On-Crouch
- V Allen 11 Pinnars Close Burnham-On-Crouch Essex
- Anne Farrell 2 Sheerwater Close Burnham-On-Crouch Essex
- BROOD / Say No To Burnham West C/o Mrs Natalie Bettany 11 Chandlers Burnham On Crouch
- C Deighton 8 Green Lane Burnham-On-Crouch Essex
- N Bettany 11 Chandlers Burnham-On-Crouch Essex

- R Bettany 11 Chandlers Burnham-On-Crouch Essex
- Mr Iain Corbett 17 Fernlea Road Burnham-On-Crouch Essex
- Mr S Wheelhouse Meridian House 15 Chandlers Burnham-On-Crouch
- Graham Reeves C/o Jenny Moody Properties Hoe Mill Barns Manor Road
- Coxeter Family Boundary House 25 Maldon Road Burnham-On-Crouch
- Frances Franklin 4 Fernlea Road Burnham-On-Crouch Essex
- A D & Kirsty Wastnage Creeksea Hall Ferry Road Burnham-On-Crouch
- CTW Hart Ferry End Cottage Ferry Road Burnham-On-Crouch
- R Barnett Ferry End Cottage Ferry Road Burnham-On-Crouch
- A Barnett Ferry End Cottage Ferry Road Burnham-On-Crouch
- G Hart Ferry End Cottage Ferry Road Burnham-On-Crouch
- Chris Fugeman Bridge End Cottage Ferry Road Burnham-On-Crouch
- Samantha Fugeman Bridge End Cottage Ferry Road Burnham-On-Crouch
- John Ketteley Keeway Ferry Road Burnham-On-Crouch
- Mrs Wendy Stamp 62 Maldon Road Burnham-On-Crouch Essex
- Mr Barry Stamp 62 Maldon Road Burnham-On-Crouch Essex
- G & T Briggs & Lymer 4 St Marys Road Burnham-On-Crouch Essex
- David Rickers 26 Maldon Road Burnham-On-Crouch Essex
- B & J Bennett 6 Chandlers Burnham-On-Crouch Essex
- Pat Trudgett 42 Maldon Road Burnham-On-Crouch Essex
- Gavin Thompson 16 Mildmay Road Burnham-On-Crouch Essex
- Mrs Nancy J Crisp 2 Fernlea Road Burnham-On-Crouch Essex
- Mrs Lynda Lovell Fairway Cottage Creeksea Lane Burnham-On-Crouch
- Terry Fleming 3 Chandlers Burnham-On-Crouch Essex
- Ken Hatch & Gillian Rook Chestnuts 1 Coronation Road Burnham-On-Crouch
- Peter A Hardiman West Quay Burnham On Crouch Essex
- M Hunt Saltings Ferry Road Burnham-On-Crouch
- N Gilmour 19 Sheerwater Close Burnham-On-Crouch Essex
- L Gilmour 19 Sheerwater Close Burnham-On-Crouch Essex
- M&C Johnson 2 The Hawthorns Burnham-On-Crouch Essex
- S Ketteley Keeway Ferry Road Burnham-On-Crouch
- K Bettany 11 Chandlers Burnham-On-Crouch Essex
- D&P Price 1 Horner Way Burnham-On-Crouch Essex
- Kelly Barnes 93 Maldon Road Burnham-On-Crouch Essex
- J Williams 29 Dunkirk Road Burnham-On-Crouch Essex
- S & G Griffin Holliwell Chandlers Burnham-On-Crouch
- D Cottey 18 Maldon Road Burnham-On-Crouch Essex
- P Restarick 64 Maldon Road Burnham-On-Crouch Essex
- R Clark 36 Arcadia Road Burnham-On-Crouch Essex



- S&H Whent 48 Maldon Road Burnham-On-Crouch Essex
- N Hastwell 20 Providence Burnham-On-Crouch Essex
- H Bettany 11 Chandlers Burnham-On-Crouch Essex
- Anne Thurgood Kingfishers 2 Chandlers Burnham-On-Crouch
- John & Glynis Hitcham Creeksea Lodge Creeksea Lane Burnham-On-Crouch
- Glenys Hunt Saltings Ferry Road Burnham-On-Crouch
- Zoe Bridges 2 Darcy Close Burnham-On-Crouch
- Mrs G W Cuthbert 89 Station Road Burnham-On-Crouch Essex
- P C Bridges 2 Darcy Close Burnham-On-Crouch
- Say No To Burnham West C/o Victoria Hitcham 51 Dunkirk Road Burnham-On-Crouch Essex
- I Corbett 17 Fernlea Road Burnham-On-Crouch Essex
- Mr & Mrs Sakensa 9 Ballards Farm Road South Croyden CR2 7JB
- Christine & Peter Giles 1 Marsh Road Burnham-on-Crouch CM0 8PY
- Michael Hart 62 Glebe Way Burnham-On-Crouch Essex
- Mrs K Jones Conway House 60 Maldon Road Burnham On Crouch
- Christine Mansourpour Cherry Garden 79 Maldon Road Burnham-On-Crouch
- IJ Sisterson 87 Maldon Road Burnham-On-Crouch Essex
- Brian Larkin 7 King Edward Avenue Burnham-On-Crouch Essex
- Mr B Bennett 6 Chandlers Burnham-On-Crouch Essex
- Neil Gunn 27 Dunkirk Road Burnham-On-Crouch Essex
- Linda Morement 56 Maldon Road Burnham-On-Crouch Essex
- Alan Smith 23 Maldon Road Burnham-On-Crouch Essex
- Steven Griffin Holliwell 17A Chandlers Burnham-On-Crouch
- Ian Scott 14 Riverside Road Burnham-On-Crouch Essex
- Mr & Mrs A.J.M Simcock Beachwood House Creeksea Lane Burnham-On-Crouch
- Jemma Cracknell 4 Dunkirk Road Burnham-On-Crouch Essex
- Dr Iona Martin 14 Riverside Road Burnham-On-Crouch Essex
- Joseph Morement 56 Maldon Road Burnham-On-Crouch Essex
- Kiona O'Brien 42 Beauchamps Burnham-On-Crouch Essex
- E Hardy 38 Hillside Road Southminster Essex
- Andrew Franklin 4 Fernlea Road Burnham-On-Crouch Essex
- Ian Crisp 2 Fernlea Road Burnham-On-Crouch Essex
- Lucy Green 86 Maldon Road Burnham-On-Crouch Essex
- Vicky Hitcham 51 Dunkirk Road Burnham-On-Crouch Essex
- Mr Ian Richards 1 Copper Beeches Stanway Colchester
- PW Kendall 79A Maldon Road Burnham-On-Crouch CM0 8NP
- Eugene Quinlan Old Tudor Cottage Ferry Road Burnham-On-Crouch
- Terry & Valerie Hatcliff 24 Green Lane Burnham-On-Crouch Essex

- Mrs Shelley Clark 36 Arcadia Road Burnham-On-Crouch Essex
- Rebecca Hart Ferry End Cottage Ferry Road Burnham-On-Crouch
- Natalie Bettany C/o BROOD 11 Chandlers Burnham-On-Crouch Essex
- Brian Patient Topeka The Village Willingale
- Shirley & Michael Cole Wood Home, Mutfordwood Lane, Carlton Colville,
- David J Woollard 9 Ambelside Epping Essex
- Mark Taylor Mark Taylor Tregye House Tregye Road
- Phil Coulson 62 Latchingdon Road Cold Norton Essex
- Diana Coulson 62 Latchingdon Road Cold Norton Essex

| Objection Comment   | Officer Response  |
|---|---|
| <b>Principle:</b>   |   |
| Application site proposes a much larger area of land than included within the LDP for development.  | See sections 5.1 and 5.6 of report  |
| Concreting over 3-4 times more green countryside than necessary is not sustainable and would not respect the natural environment.   | See section 5.6 of report   |
| Whilst the applicant is now recognizing the LDP allocation of 180 dwellings this is misleading as the proposal includes a large care home.  | See section 5.4 of report   |
| Development is still squashed creating high density with many small green spaces which are difficult to maintain.   | See section 5.7 of report   |
| Application continues to include a vast outline element and there are no guarantees as to the progression of the outline part of this development.  | All of the residential dwellings have been submitted with full details. Whilst elements of the proposal are in outline form this is not a reason to refuse the application. Sufficient information has been submitted to be able to determine whether the application is acceptable in principle. |
| The application site includes extra land classified as good to moderate quality agricultural land and the country badly needs locally produced crops. No extra land than is absolutely necessary to build 180 homes should therefore be built on. | See section 5.6 of report   |
| Development is an inefficient use of land contrary to NPPF section 58 which requires the LPA and developer to ' <i>optimise the potential of the site to accommodate development.</i> '   | See sections 5.6 and 5.7 of report  |
| Emerging LDP and neighbourhood plan offer a once in a generation opportunity to construct a new gateway to Burnham-on-Crouch to be proud of.  | See section 5.6 of report   |
| Following the approval of 75 dwellings at   | There is no reason to reduce the  |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
| appeal on land south of Marsh Road, Burnham-on-Crouch 75 dwellings should be deducted from Burnham's 450 LDP target and the Burnham West allocation be reduced by an appropriate amount.  | submitted LDP allocations due to further development being granted on appeal. |
| There is insufficient infrastructure to deal with all the proposed development in Burnham.  | See sections 5.10, 5.19 and 5.20 of report                                    |
| The LDP allocation S2(i) should be re-located in a more appropriate area to the extreme South east of the landholding.  | The application has to be considered on its merits as submitted.              |
| Proposal is not compliant with the NPPF and the adverse impacts of the development would significantly and demonstrably outweigh the benefits.  | See sections 3.2 and 5.1 of report  |
| <b>Landscape:</b>   |   |
| The application site includes land classified by RLP policy CC11 as a Coastal Protection Zone and the development would clearly be contrary to this policy.   | See section 5.5 of report   |
| The development would have an urbanizing effect on the rural character of the area and would result in an unwelcome visual intrusion into the open and undeveloped countryside contrary to RLP policies, LDP policies and the NPPF. | See section 5.5 of report   |
| Creeksea Lane has very few houses and over the past decades several residential planning permissions have been turned down on grounds of unsuitable location and conflicts with RLP policy CC7 – special landscape area protection. | See section 5.5 of report   |
| Site may be visible from the popular sea wall footpath between Burnham and Creeksea and therefore the development should be as unobtrusive and attractive as possible and not take up any more space than necessary.                | See section 5.5 of report   |
| The application does not take into account the outstanding beauty of the area.  | See section 5.5 of report   |
| <b>Care Home:</b>   |   |
| The care home would over look Creeksea Lane and urbanise an area that should be preserved and protected.  | See section 5.13 of report  |
| There is no need for a care home in Burnham   | See section 5.4 of report   |
| The 60 bed care home effectively means that the site has 210 dwellings proposed – not the headline 180 number.  | A care home are not classified as dwellings.                                  |
| There are already a number of care homes within the Dengie and one granted planning permission in Mayland.  | See section 5.4 of report   |
| The 3 storey proposed care home would dwarf the domestic dwellings in Creeksea Lane.  | See section 5.13 of report  |

| <b>Objection Comment</b>   | <b>Officer Response</b>              |
|--|--------------------------------------|
| Beyond the LDP site the floodlit care home would be adjacent to sensitive ecological site.   | See section 5.13 of report           |
| <b>Housing:</b>  |                                      |
| The mix of housing is unsuitable and out of character.   | See section 5.3 of report            |
| The biggest need in Burnham is for sensibly priced houses. Using more land than is needed will add immensely to the cost of houses plus there will be annual maintenance and service fees for the green spaces.  | See section 5.3 of report            |
| Design of dwellings is bland and out of character with surrounding development.  | See section 5.6 of report            |
| The design of the dwellings are more in character with an urban environment, rather than this undeveloped rural area.  | See section 5.6 of report            |
| Too many expensive houses proposed and not enough affordable ones. Making residents pay for the upkeep of the communal areas will not make them saleable.  | See section 5.3 of report.           |
| <b>Traffic:</b>  |                                      |
| The spine road which would serve the development would not be safe as all office workers, nursery school parents, delivery trucks, and visitors would need to go through the new housing estate mixing unsafely with pedestrians, cars and cyclists.                 | See section 5.10 of report           |
| All traffic to and from the new employment area is proposed through the new housing estate when it should not get mixed up with estate residents and their children.   | See section 5.10 of report           |
| There are many dead-ends proposed at the end of cul-de-sacs which would make U turns difficult and dangerous.  | See section 5.10 of report           |
| A priority major road junction immediately outside existing dwellings along Maldon Road would be dangerous for existing residents.   | See section 5.10 of report           |
| No consideration has been given to the detrimental impact increased traffic from the site would have at other locations across the district, e.g. Latchingdon, North Fambridge etc.  | See sections 5.10 and 5.14 of report |
| Maldon Road is the main artery in and out of the town, and already unfit for purpose. The three LDP extra housing sites, plus all of the 'out of scope' windfall developments like Corinthia Mews, all feed traffic directly or indirectly onto this challenged road | See section 5.10 of report           |
| The narrow road width of 4.8m outside Woodford Garage, Maldon Road, is a choke point on the immediate access to the proposed   | See section 5.10 of report           |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
| site.   |   |
| Vehicular access directly onto Creeksea Lane would be very dangerous  | See section 5.10 of report  |
| <b>Amenity Space:</b>   |   |
| The houses have tiny gardens and drives, a deficiency the application seeks to address by having a great big allotment area and ‘amenity’ areas that do not make sense for the way families want to live. | See section 5.10 and 5.11 of report   |
| Allotments proposed would not be sustainable and are not required. Most families would prefer larger private amenity spaces and drives for useful off road parking.                                       | See section 5.11 of report  |
| If any of the space allocations fail, the overall enlarged area of the site would remain and encouraging the developer (or subsequent owner) to seek further planning on the aborted green spaces.        | Any future planning applications would have to be considered on their merits. |
| Burnham-on-Crouch is already well provided with public open spaces and to replace productive agricultural land with expensively maintained amenity spaces is totally unsustainable.                       | See section 5.11 of report  |
| <b>Ecology:</b>   |   |
| Many endangered species thrive and breed today in the complex pond/drainage ditch and hedgerow eco system on and around the proposed site.  | See section 5.17 of report  |
| Mitigation proposed for Great Crested Newts is not detailed and the proposed care home would be positioned very close to a breeding pond as would residential development.                                | See section 5.17 of report  |
| The size of the development will mean disruption and ground vibration and surface noise for a long period; this will disrupt all wildlife and particularly Great Crested Newts.                           | See section 5.17 of report  |
| Loss of such a large site will have a significant impact on night feeding animals like Barn Owls and bats.  | See section 5.17 of report  |
| <b>Employment Land:</b>   |   |
| The level of employment provision proposed is far too much and ignores the long term 4 decade decline in local employment.  | See section 5.9 of report   |
| <b>Sustainable Urban Drainage Systems (SUDS):</b>   |   |
| Trying to use existing ponds as an integral part of the SUDS plan is fundamentally unsound and dangerous cost cutting.  | See section 5.8 of report   |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
| <b>Noise:</b>   |   |
| Potential for noise disturbance from industrial use or nursery school   | No objections raised by Environmental Health on these grounds.  |
| <b>Impact on Residential Amenity:</b>   |   |
| Will result in harm to the amenity of Creeksea Lodge through noise, overlooking, overshadowing, loss of daylight, loss of privacy and light nuisance from inevitable late night emergency medical activities, urgent visitors and floodlighting | See section 5.13 of report  |
| Threat of development has blighted the saleability and value of property  | Loss of value to property is not a material planning consideration.   |
| Applicant has not shown willing to engage with neighbouring residents   | Details of public engagement including exhibitions held in 2013 have been submitted to support the application.                       |
| Significant adverse amenity on local residents, both from new homes adjoining the site and cross the town as a whole.   | See section 5.13 of report  |
| Should this application get planning approval a planning condition should be attached that all contractors and sub-contractors vehicles are to be contained within the development site.  | Parking of contractor vehicles can be dealt with through a construction management condition.   |
| <b>Other:</b>   |   |
| Applicant has been allowed to amend this application several times over a period of 18 months.  | The application has been amended to reflect concerns that have previously been raised through the consultation process.               |
| Pigeon are land promoters and if they get planning permission they will sell to a national house builder. There is therefore a risk that any builder will appeal that the site lacks the required profit margin and apply for even more houses. | The application has to be considered as submitted.  |
| Development will result in unnecessary destruction of agricultural land which once developed will be gone forever.  | See section 5.1 of report   |
| There is not a need for a new football ground in Burnham.   | Application does not include land for a new football ground.  |
| ‘Town uses’ site is not required and gifts of this nature do not mitigate the development.  | Application does not include a town uses site.  |
| Concerned that further amendments have been submitted following yet more ‘pre-application advice’ from officers.  | Amendments to the scheme have been made following concerns that have previously been raised through the consultation process.         |
| Development on this site will impact negatively on tourism for a number of years and will slow down tourism hence a negative impact on the economy.   | Disruption caused by construction will be minimised through a construction method statement and will only be a transitory disruption. |

| <b>Objection Comment</b>   | <b>Officer Response</b>             |
|--|-------------------------------------|
| To approve this application at this time would be wholly premature pending the outcome of the LDP and the preparation of the Neighbourhood Plan. | See section 5.1 of report           |
| Access to services and facilities will result in an increase in car movements as the site is too far away from most to walk                      | See section 5.2 of report           |
| Proposal is environmentally unsustainable because of the additional sewage and waste and related traffic pollution and congestion.               | See sections 5.8 and 5.10 of report |

**10. PROPOSED CONDITIONS OR REASONS FOR REFUSAL, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- 40% Affordable Housing.
- £23,200 towards B1010/B1021 junction improvements which is part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Healthcare contribution of £67,480 to be used towards the provision of additional capacity at the health centre(s) within the parish of Burnham-on-Crouch.
- Education contributions of up to £144,400 towards the provision of additional capacity at the primary schools within the parish of Burnham-on-Crouch and up to £461,256 towards early years and childcare places.
- £97,500 towards teen shelters, skateboard facilities and access to shared community facilities as part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Management and maintenance information relating to Green Infrastructure, including public open space, the three areas of private amenity space, allotments and SuDS.

**PROPOSED CONDITIONS:**

**OUTLINE Consent**

- 1 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).
- 2 Application 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 shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the 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.

- 4 The residential care home hereby approved shall only be used as a residential care home and for no other purpose including any purpose as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 5 The B1 office units as shown on plan reference MDC1 which is attached to and forms part of this planning permission shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 6 The day nursery hereby approved shall only be used as a children's day nursery and for no other purpose including any purpose as defined within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 7 The development submitted pursuant to the reserved matters application shall accord with the non-residential building heights plan drawing number 013-004-2015 revision C which forms part of the application hereby approved.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.

- 8 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include 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 that tree or plant, or any tree or plant planted in its replacement, is removed, 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.

- 9 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any building the associated 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 policy T8 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.

- 10 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emission's generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

**REASON:** In the interests of pollution and environmental control to the benefit of future occupiers and users of the site and in the interests of ecology in accordance with policies CON5, BE1 and CC5 of the adopted Replacement Local Plan and policies I1, D1, D2 and N2 of the Submitted Local Development Plan.

- 11 Deliveries to and collections from any commercial premises shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

**REASON:** To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 12 No machinery shall be operated and no process shall be undertaken outside of any of the B1/B2/B8 units.

**REASON:** To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

- 13 The hours of operation of the B1 / B2 / B8 units hereby permitted shall be between 08:00 hours and 19:00 hours on weekdays and between 08:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 14 There shall be no container handling, no loading or unloading of goods vehicles or containers, and no use of fork lift trucks or other goods handling vehicles, HGC's etc. on the industrial/commercial areas of the site between the hours of 19:00 and 08:00 hours.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 15 There shall be no burning of waste, either liquid or solid, on any commercial premises.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 16 Before the installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property, shall be submitted to and agreed in writing by the Local Planning Authority. Only approved plant shall be installed and retained in the approved form thereafter.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.
- 17 Acoustic Barriers shall form the boundary fence between the industrial estates and adjacent non industrial areas. Prior to the commencement of development of the commercial areas of the site details of the design and construction of the acoustic barrier including materials of construction, height and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority and retained in the approved form thereafter.  
REASON: To ensure the appropriate use of the site in regard to its location and neighbouring land uses in accordance with the adopted Replacement Local Plan policy BE1, the submitted Local Development Plan policies S2 and D1.

#### **FULL Consent**

- 18 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 by Section 51 of the Planning and Compulsory Purchase Act 2004

- 19 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: To ensure the development complies with the application as submitted.
- 20 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.  
REASON: To ensure that development is completed in accordance with an agreed phasing of development having regard to the provisions and guidance of the National Planning Policy Framework, and policies S2, D1, T2 and N2 of the Maldon District Submission Local Development Plan.
- 21 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted 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 the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Submitted Local Development Plan.
- 22 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:  
Soft landscape works:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
  - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
  - 3) Details of the aftercare and maintenance programme
- 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 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
- Hard Landscape works:
- 1) Details of walls with brick types, construction design and dimensions
  - 2) Details of paved surfacing, with materials finishing and edgings
  - 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.

- 23 Notwithstanding the details submitted no development shall commence until details of the two proposed Local Equipped Areas for Play (LEAPs) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAPs shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAPs shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: In order to ensure that adequate play space is provided on site and remains available for subsequent use by the occupiers of the development hereby permitted, in accordance with policies REC3 and BE1 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.

- 24 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure that adequate public open space is provided within the development in accordance with policies BE1 and REC3 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.

- 25 The allotments shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The allotments shall be made available for use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The allotments shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure provision of allotments within the development in accordance with policies BE1 and REC3 of the adopted Replacement Local Plan and policies D1 and N3 of the submitted Local Development Plan.

- 26 Prior to commencement of the development a scheme for the upgrading of public footpaths no.3 & 4 Burnham-On-Crouch within the site shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and any road crossing point works shall be implemented before the relevant road is open to traffic.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policy T2 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

- 27 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the provision and location of two new bus stops on B1010 within the vicinity of the proposed pedestrian access to the east of the site, subject to a Stage 1 Road Safety Audit, to include the following:

- The provision of bus shelters with raised kerbs, to Essex County Council specification, on the north and south side of the B1010.

The approved scheme of works shall be implemented prior to first occupation of the development.

REASON: To enhance sustainable transport to the site and improve accessibility in the locality in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

- 28 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.

REASON: In the interests of increasing the use of sustainable transport in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

- 29 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.

REASON: In the interests of highway safety in accordance with policies BE1 and T2 of the adopted Replacement Local Plan and policies D1 and T2 of the submitted Local Development Plan.

- 30 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

- REASON: To improve and enhance biodiversity value of the site in accordance with policy CC5 of the adopted Replacement Local Plan and policy N2 of the Submitted Local Development Plan.
- 31 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Somins Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.
- 32 No development shall commence until a noise assessment determining the effects of noise from the existing Springfield Industrial Estate and Burnham Business Park on the proposed residential dwellings has been submitted to and approved in writing by the Local Planning Authority. Where identified as necessary the noise assessment shall recommend mitigation measures to ensure that internal and external noise levels are acceptable with regards to the amenity of future occupiers of the dwellings. The development shall be carried out in accordance with any agreed mitigation measures.
- REASON: In the interests of protecting the amenities of future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.
- 33 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Submitted Local Development Plan and the National Planning Policy Framework.

#### **Both OUTLINE and FULL Consents**

- 34 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties as well as to ensure the appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Replacement Local Plan and policy D1 of the submitted Local Development Plan.

- 35 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.  
REASON: In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with policy BE1 of the adopted Replacement Local Plan, the NPPF and policy D1 of the submitted Local Development Plan.
- 36 With the exception of those shown for removal on approved plan reference 3532-D-1 revision C no trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.  
REASON: To protect the existing landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Replacement Local Plan and policies D1, N1 and N2 of the submitted Local Development Plan.
- 37 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree retention protection plan;
  - Method statement for any changes within the RPA of any retained tree
  - Tree constraints plan;
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.  
REASON: To protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submitted Local Development Plan.
- 38 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.  
REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment in accordance with policy CON5 of the adopted Replacement Local Plan and policy S2 of the submitted Local Development Plan.
- 39 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and hydrological and hydrogeological assessments, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord

with the details contained within the submitted Flood Risk Assessment undertaken by Transport Planning Associates, dated September 2014 and referenced 1303-34/FRA/03.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- a discharge rate to the ordinary watercourse at the agreed rate of  $Q_{bar}$  for outfall 1 through to 6, and discharge from point 7 at  $Q_{bar}$  of 18.6/s for return periods up to and including the 30 year storm, and  $Q_{30}$  of 59.4l/s for return periods between 31 and the 100 year return period.
- a detailed drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- details of culverts over the ordinary watercourse and agreement from Essex County Council
- the outcome of investigation into Outfall 1's downstream connectivity.
- attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- details of any exceedance and conveyance routes
- details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: This condition has been included to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy D2 of the submitted Local Development Plan.

40 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:

- Access arrangements to the site in conjunction with demolition/construction operations.
- 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 and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.



- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

REASON: In the interests of amenity, highway safety and biodiversity having regard to policies CON5, CC5, BE1 and T2 of the adopted Replacement Local Plan, and policies D1, T2 and N2 of the submitted Local Development Plan.

- 41 Prior to first occupation of the development the highway works as shown in principle on Parc drawing no.013-004-2007 revision C, shall be implemented, to include, but not limited to the following:

- The provision of a priority junction as shown in principle on TPA drawing no.1203-03-SK11.
- Both new accesses onto the B1010 shall have clear to ground visibility splays of 2.4m x 90m to remain in perpetuity.
- The provision of a new priority junction onto the B1010 to the southeast of the Creeksea Lane junction.
- The provision of a new pedestrian/cycle access onto Creeksea Lane.
- The provision of a 2m wide footway across the entire site frontage to tie into the existing footway at Chandlers.
- The provision of at least 2 crossing points on the B1010 to consist of dropped kerbs and tactile paving.
- The provision of physical measures to prevent HGV's from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, below the pinch point, shall tie into the existing road from Springfield Industrial Estate and shall be the same width as the existing road.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy T1 of the adopted Replacement Local Plan and policy T2 of the submitted Local Development Plan.

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

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 condition (A) 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 BE17 of the adopted Replacement Local Plan and policy D3 of the submitted Local Development Plan.

- 43 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Ecology Report, dated May 2015.

The scheme shall also include:

- full mitigation for Great Crested Newts;
- details of how the scheme shall be maintained and managed after completion;
- details of scheduling of mitigation works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and policy N2 of the Maldon District Pre-Submission Local Development Plan.

- 44 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse and recycling provision throughout the development in accordance with policies CON5 and BE1 of the adopted Replacement Local Plan and Policies D1 and D2 of the submitted Local Development Plan.

- 45 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies CON5, BE1 and CC5 of

the adopted Replacement Local Plan and policies D1, D2 and N2 of the submitted Local Development Plan.

- 46 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Somins Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.

- 47 Where identified as necessary in accordance with the requirements of condition 46, no development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction and future occupiers, having regard to policy BE1 of the adopted Replacement Local Plan and policies D1 and H4 of the submitted Local Development Plan.

- 48 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emissions generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

REASON: In the interests of pollution and environmental control to the benefit of future occupiers and users of the site and in the interests of ecology in accordance with policies CON5, BE1 and CC5 of the adopted Replacement

## **INFORMATIVES**

### **National Grid**

There is an Intermediate pressure pipeline that runs through the land parcel in the verge adjacent to Maldon Road. There is an easement in place for the pipeline. No works are permitted within the easement without formal written permission from National Grid. Any proposed works within the easement must be submitted to National Grid Plant Protection for approval.

### **Anglian Water**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### **Essex County Council Highways**

- 1 Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- 2 A temporary closure/diversion of the footpaths is likely to be required during the construction phases.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- 4 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **Archaeology**

The archaeological work will comprise geophysical survey of the entire development area followed by archaeological trial-trenching and geotechnical assessment of the gravels. Full excavation of specific areas will be required if archaeological features are identified together with a programme of post-excavation analysis and publication of results. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council.

Contact: Maria Medlycott, Historic Environment Advisor, Telephone: 03330-136853  
Email: maria.medlycott@essex.gov.uk

### **Environmental Health**

- 1 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.

### **POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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