



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
10 SEPTEMBER 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01480</b>
<b>Location</b>	Land Rear Of 148 Station Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Application for the change of use from Class B1 and B2 to Class C3, the demolition of the existing dilapidated industrial building and the erection of 10 new residential flats, ancillary development and landscaping on land to the rear of 148 Station Road, Burnham on Crouch
<b>Applicant</b>	Mr Ben Levy - Countryside Style Ltd
<b>Agent</b>	Heather Organ - Arcady Architects Ltd
<b>Target Decision Date</b>	14.09.2018
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>BURNHAM-ON-CROUCH SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

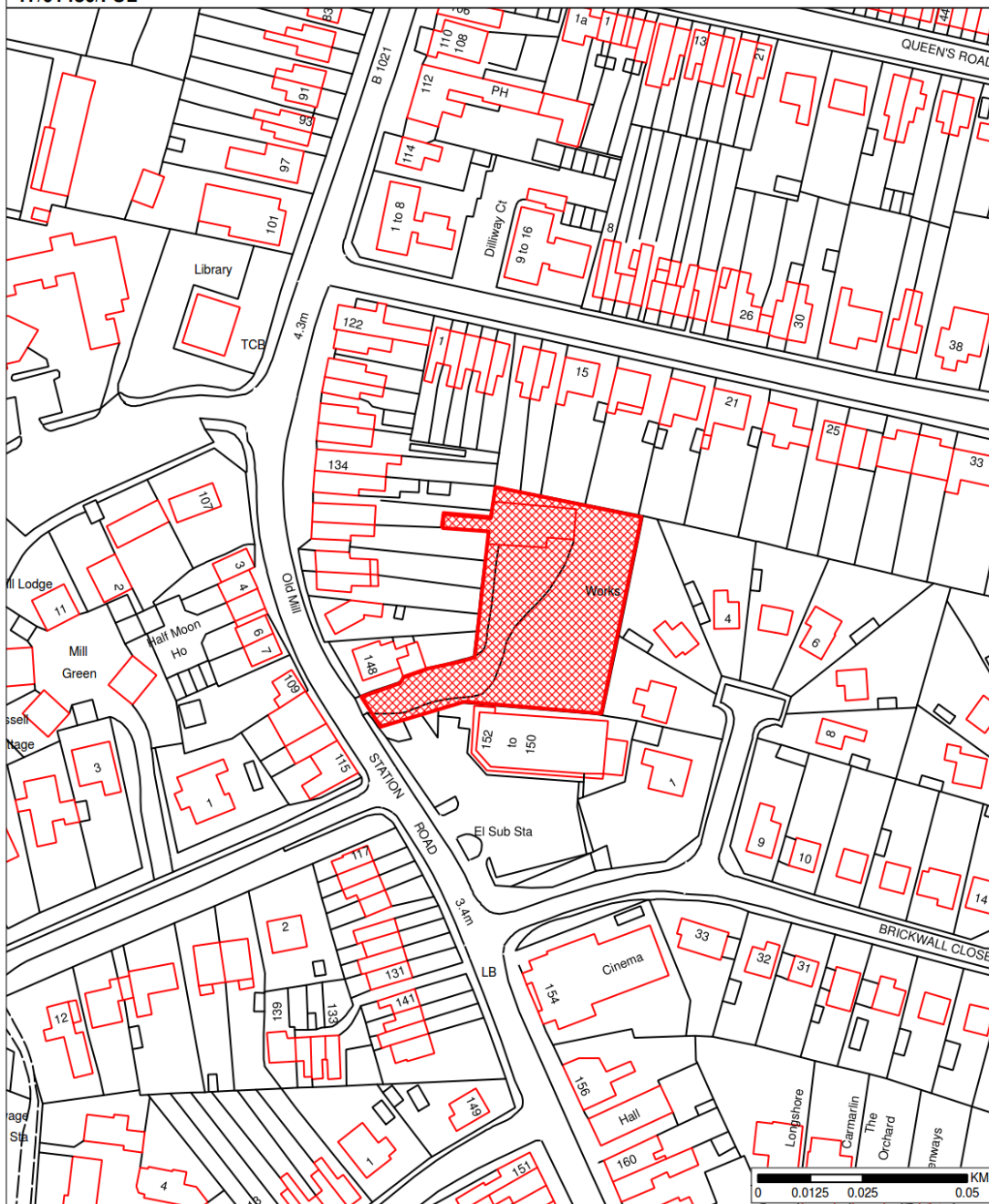
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**SE Committee**  
17/01480/FUL



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 29/08/2018

MSA Number: 100018588

### **3. SUMMARY**

#### *Site description*

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

- 3.1.1 The site is a rectangular parcel of land located to the rear of Tesco Express on Station road, abutting the rear gardens of dwellings along Western Road, Station Road and Brickwall Close. Access to the site is gained via a service road off of Station Road.
- 3.1.2 The site currently contains a single storey part flat, part pitched roof building, which according to the Design and Access Statement submitted was used as a rubber factory. A large part of the site is currently covered by overgrown grass and shrubs, whilst there are parts that are hard surfaced.
- 3.1.3 The site abuts the Burnham-on-Crouch conservation area to the southwest. The site is adjacent to the historic town and historic buildings are sited opposite the site. The site is accessed by Station Road, a main historic route that is part of the historic High Street and route to the mid Victorian Railway Station.
- 3.1.4 Station Road is mixed in character, comprising a variety of residential and commercial uses, mainly at ground floor. Although the dwelling adjacent to the site access is a chalet style dwelling, the majority of the properties along this section of Station Road are three storey properties. The Tesco store on the other side of the site's entrance has been designed with a low level flat roof.
- 3.1.5 Western Road is characterised by a mixture of house types and community buildings fronting the street, with small front gardens including bungalows, some with roof accommodation, two and three storey dwellings. The buildings are representative of the Victorian, Edwardian, inter-war and post-war eras.
- 3.1.6 Brickwall Crescent is a fairly modern cul-de-sac development with mainly chalet style dwellings set centrally in large plots with deep front gardens.
- 3.1.7 The access of the site and the southernmost part of the site lie within Flood Zone 3. Flood Zone 2 extends further towards the north, but the majority of the application site sits within Flood Zone 1.

#### *Description of proposal*

- 3.1.8 Planning permission is sought for the change of use of the site from rubber factory B2/B1 use to residential, the demolition of the existing industrial building and the erection of a two storey block of ten flats with associated off-street parking, amenity areas, cycle and bin stores and landscaping.
- 3.1.9 The proposed building is located closer to the northeast corner of the plot and is of an irregular shape with sections running in north to south and west to east directions and a number of staggered elements, such as first floor projecting balconies. The longest section of the building would be 24.2m and it would have a maximum width of 22.6m. The ground level is sloping towards the southwest and thus, the eaves would be 5.9m when taken from the lowest ground level, with a ridge height at 9.7m

3.1.10 The following type of accommodation would be provided:

- Eight no. two bedroom flats (balconies would be provided to three of them, whilst three of the ground floor flats would have access to semi-private amenity area)
- Two no. two bedroom flats

3.1.11 Ten off-street parking spaces would be provided on-site, with an additional two visitor parking spaces. A cycle store would be erected at the northwest side of the application site. The refuse store would be located to the south of the block of flats and the amenity area.

3.1.12 The development would be served by approximately 470sqm of communal amenity area.

3.1.13 It is noted that initial concerns were raised during the process of the application in relation to scale and height of the proposed development and its proximity to the neighbouring properties. The development has been revised and the following are the most important amendments that have been incorporated to the scheme.

- The development has been reduced from three storeys to two storeys.
- The maximum height of the development has been reduced by approximately 1.5m.
- Originally the development was for 10 no. two bedroom dwellings, whilst now two no. one bedroom and eight no. two bedroom flats are proposed.
- The depth of the easternmost section of the building has been reduced to reduce the scale of the development adjacent to no. 3 Brickwall Crescent.
- Other amendments include the relocation of the refuse store adjacent to the access to the site, in order to be easily accessible by refuse collection vehicles.
- Windows and other materials have been introduced to avoid blank walls.
- Details of a surface water drainage strategy has been submitted to address flooding issues.

## **3.2 Conclusion**

3.2.1 The proposed development is located within the settlement boundary for Burnham-on-Crouch, where residential development is generally considered acceptable. The development would reuse an existing previous development site and the loss of the employment land is not objected to, given that it would be compliant with the requirements of policy E1. The access to the site is located within flood zone 3; however, the development itself is within flood zone 1 and no objection has been raised in terms of flood risk from the Environment Agency, given that the site is currently defended by the Shoreline Management Plan. Although the Council can meet its housing needs, it is noted that the development would meet the identified need of the District for smaller residential accommodation (one and two bedroom accommodation) and thus, no objection is raised to the principle of the proposed development. The development, following amendments, is considered to be of an acceptable layout, scale and design which would not be harmful to the character of the wider area it would preserve the character of the nearby conservation area. On balance, the development would not be harmful to the amenities of the neighbouring

occupiers to an extent that would warrant refusal of the application. The development would make adequate provision for off-street parking and cycle parking and it would not adversely impact upon habitats and protected species. Subject to conditions for further ground investigations, the development is not expected to be unduly effected by contamination. Therefore, having assessed the development against all material planning consideration, it is found to be acceptable and in accordance with the aims of the development plans.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

##### **4.2 Maldon District Local Development Plan – ( July 2017):**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

##### **4.3 Burnham-on-Crouch Neighbourhood Development Plan (7<sup>th</sup> September 2017):**

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

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

- National Planning Policy Framework (NPPF)

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

## 5. **MAIN CONSIDERATIONS**

### 5.1 **Principle of Development**

5.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside. The policy states that *"The Council will support sustainable developments within the defined settlement boundaries"*.

5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that *"Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan."*

5.1.4 The site is located within Burnham-on-Crouch settlement boundary and in light of the above, it is considered that the provision of additional residential accommodation within a residential location, which lies within the defined settlement boundaries, is considered acceptable in principle.

#### *Employment*

5.1.5 As noted in the Design and Access Statement the site was last in use as a rubber factory and therefore, whilst no longer in use, it is still falls within employment land uses.

5.1.6 Policy E1 of the LDP states that *"Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*

- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use."*

5.1.7 In order for a development to be compliant with policy E1 it should meet one of the above requirements. The site was last in use as a rubber factory and according to the

applicant it has been vacant since 2013. It is also stated that the site was marketed for almost three years until 2016 and before it was purchased by the current applicant no interest was raised to purchase the site and use it for B2 purposes. Whilst the information submitted in relation to the marketing period and the interest expressed (an online advert from an estate agent has been submitted, which includes information in relation to the marketing period and the asking price) is limited, it is considered that the site was marketed for a reasonable price and also it is evident, following a site visit, that it has not been in use for a very long period.

- 5.1.8 The site is surrounded by mixed town centre uses a large number of residential uses and thus, an industrial use is considered to be incompatible with its surroundings. A letter has been submitted by the applicant, which put forward an argument that the site if developed as a general industrial unit, in accordance with its current use class would potentially increase unacceptable levels of noise, pollution, smells and vehicle movements to the detriment of the residential amenities of the neighbouring occupiers. In particular it is states that *“business in nature attract larger and more frequent vehicular activity, with potential for transit or delivery vans or small haulage lorries entering and exiting the site throughout the day or evening”*. Furthermore, it is stated *“both manufacturing and processing business generally create a lot of noise that can be intrusive background sound such as generators, operating machinery, air conditioning units etc.”* With regard to smells, it is noted that dependant on the type of business, an industrial building has the potential to generate undue odours from the process of material or equipment operation and in some cases from refuse facilities. It is therefore considered that taking into consideration the existing residential uses in the surrounding area, the use of the site for purposes that fall under B2 uses would result in detrimental impacts on the amenities of the neighbouring occupiers.
- 5.1.9 The development proposes the erection of ten one and two bedroom flats. Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, against two bedroom units. The development would contribute towards the District’s identified need for smaller type of accommodation and it is therefore considered that the development would result in a greater benefit to the local community than the current use, in accordance with the criteria of policy E1.
- 5.1.10 In light of the above, it is considered that the development would be compliant with policy E1 and no objection is raised to the loss of the existing employment use of the site.

#### *Effective use of land*

- 5.1.11 Policy H4 of the LDP suggests that infill development will be permitted if all the following criteria are met:

- 1) There is a significant under-use of land and development would make more effective use of it;*
- 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
- 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
- 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.1.12 The proposed development would reuse an existing employment site for residential purposes. It is therefore considered that the proposed use would be equally an effective use of the land to provide housing with a settlement boundary. Whilst the amenities of the neighbouring occupiers are discussed in detail below, it is considered that in terms of noise and disturbance, the proposed use would be less harmful to the amenities of the nearby occupiers, as it would result in a development compatible with the existing surrounding uses. The site is not designated as a site of local social, economic, historic or environmental significance and it does not involve any important landscape, heritage or ecological features. It is therefore, considered that the development would be compliant with policy H4 of the LDP.

5.1.13 Paragraph 118 of the revised NPPF states that decisions should give weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. This is also supported by policy S1 of the LDP. It is therefore considered that taking into consideration that the development would comply with policy E1, in terms of the loss of the existing employment land, it is considered that the principle of development would be acceptable and in accordance with the guidance contained in the NPPF and the policies of the development plan.

5.1.14 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance, taking into consideration that the site constitutes a brownfield site that complies with the development plan policies and also the limited number of the dwellings proposed, the development is not expected to impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.

5.1.15 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (September 2017), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.28 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.1.16 Although the Council can demonstrate housing supply in excess of five years, taking into account that the development would be located within the boundaries of the



settlement boundary and it would result in a development compatible with the existing uses on site, no objection is considered reasonable to be raised in relation to the principle of residential development in this location. Nonetheless, in order for a development to be acceptable, it should comply with the aims of the development plan and also be sustainable against all three aspects of sustainability. Thus, the rest of the material considerations relating to flood risk, the impact of the development on the amenity of the neighbouring and future occupiers, highways issues and impact on the character of the area are assessed below.

## **5.2 Flood Risk**

- 5.2.1 The site where the block of flats is proposed to be located lies within Flood Zone 1; however, the access to the site, is within Flood Zone 3 and Flood Zone 2 extends a small amount further to the north covering parking space 1 and southernmost visitor parking space.
- 5.2.2 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.2.3 *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*
- 5.2.4 Policy D5 of the LDP states that the Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.2.5 The proposed block of flats would be located in Flood Zone 1; however, consideration should be had to the ingress and egress point of the site, which sits in flood Zone 3. It is acknowledged that the residential development (block of flats) has been located in the part of the site that lies within the area of the lowest risk of flooding and for that reason, in this particular instance, it is considered unnecessary for the sequential test to be applied in a District wide level in terms of alternative sites in lower risk of flooding, given that the development (the building) is located in such area.
- 5.2.6 Following the application of the Sequential Test, if not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. Whilst in this instance the development (the block of flats) would be located at Flood Zone 1, it is considered that all other considerations related to flood risk and the sustainability credentials and wider benefits of the proposal should be undertaken as part of the exception test.
- 5.2.7 In accordance with the NPPF in order for the Exception Test to be passed the following should be demonstrated:

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

- 5.2.8 As discussed above the development would provide wider sustainability benefits to the community as it would contribute towards the District's identified need for smaller type of accommodation and a use that is compatible with its surroundings. A Flood Risk Assessment has been submitted with the application and no objection has been raised by the Environment Agency or the Flood Authority. Therefore, given that the development is located in the area with lower risk of flooding and for the reasons further discussed below with regard to safety of the development on its lifetime, it is considered that the Exception Test is passed.
- 5.2.9 The Environment Agency has been consulted and raised no objection to the proposed development, given that the site is currently defended by Shoreline Management Plan (SMP). The site is currently protected by flood defences with an effective crest level of 4.7m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.56m AOD. Therefore the site is not at risk of flooding in the present-day. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change.
- 5.2.10 With regard to the access of the site, which lies within Flood Zone 3, a Flood Risk Assessment has been submitted including a Flood Risk Management Plan. A flood evacuation plan is recommended, which suggests that evacuation route should be formalised and agreed with the Emergency Services before being communicated to all residents. It is also recommended that residents are made aware of, and make use of, the Environment Agency flood warning service. In the event that escape is not possible, it is recommended that residents take refuge within the dwelling until such time that flood waters subside and they are instructed to leave by emergency services. The Flood Emergency Planner has been consulted and requested that full details of the evacuation plan are submitted. This can be dealt with by condition.
- 5.2.11 The built-up and hard surfaced area would be increased by the proposed development and therefore, to ensure that surface water is managed, a drainage strategy has been submitted. This includes provision of permeable paving at the hard surfaced area. Rainwater from the roof would be discharged through rainwater downpipes to a private surface water sewer.
- 5.2.12 It is noted that the Lead Local Flood Authority has been consulted for this application. An objection was originally raised due to the inadequate surface water drainage strategy. Since the receipt of the consultation response, details of the drainage strategy and aquaflo design have been submitted, including information as discussed above. Although, at present, no response has been received by the Lead Local Flood Authority, it is considered that consideration has been given to the comments previously raised by the Flood Authority.

5.2.13 In light of the above, it is evident that careful consideration has been given to the safe evacuation of the site in case of flooding and also in the ways to discharge surface water.

5.2.14 On the basis of the above and the details that have been submitted with the Flood Risk Assessment (Revision: B – Site Layout Updated 12/07/18), no objection is raised with regard to flood risk.

### **5.3 Design and Impact on the Character of the Area and the Burnham-on-Crouch Conservation Area**

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 The is located in close proximity to the Burnham-on- Crouch conservation area and long views of the proposed development would be maintained from within the conservation area. In accordance with policy D3 of the LDP development proposals

that affect a heritage asset (whether designated or non-designated) will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest.

- 5.3.6 The proposed development is located in a backland location to the rear of properties along Station Road, Western Road and Brickwall Close. Access to the site would remain unaltered via a service road off of Station Road, as currently provided for the industrial building that was previously used as rubbery factory. This is an existing access and thus, no objection is raised in terms of its impact on the character and appearance of the area.
- 5.3.7 The site is currently occupied by a single storey part pitched, part flat roof building which is in poor condition, as it appears that it has been left vacant for several years. The building is currently located on the northwest corner of the development. The proposed development would mainly utilise the northeast corner of the application site for the erection of the two storey block of flats, with provision of a car park to the southwest. The reason, as explained in the Design and Access Statement, is to situate the building in the area in the lowest risk of flooding (Flood Zone 1). The development would be set away from public vantage points, maintaining limited views from along Station Road and from between the dwellings on Brickwall Close. Thus, no objection is raised in relation to the orientation of the proposed building or the limited views between the existing buildings, given its backland location. Whilst the development would be of a larger footprint from the building currently located within the application site and concerns have been raised by the urban Design Officer in that respect, it is considered that, given the large size of the plot, the coverage of the built-up area would be acceptable when considered with regard to the land remaining free from development.
- 5.3.8 It is acknowledged that the grain of the development would be different from that of the surrounding area; however, this is predictable due to the nature of the development, which is for the erection of a block of flats and not for individual dwellings. Taking also into consideration the backland nature of the development, it is considered that the development would have limited impact on the character of the area. Whilst the development would not follow the norm of development in the area (detached or semi-detached properties), the coverage of the build-up area against the plot size of the development would be much less than that of the development along Station Road (approximately 20% compared to 35% coverage along Station Road). It is therefore considered that development, although larger when compared to every individual building along Station Road, would not result in an overdevelopment of the site. Whilst it is stated by the Urban Design Officer that the development would appear at odds with its surroundings, it is considered that, due to its location, it would not be read as part of the built form of any of the roads that it neighbours.
- 5.3.9 With regard to matters pertaining to scale, the proposed development would accommodate ten flats and it would be of a relatively larger scale to that of the building currently existing on site. It is noted that during the process of the application the development has been significantly amended to reduce its height and overall scale, by removing the originally proposed third floor element. Whilst the scale of the building would be comparably larger than the development in the immediate area, its height would not exceed that of the three storey development

along Station Road or Western Road. It is apparent that the development would be set higher than the neighbouring bungalows and chalet style dwellings; however, as noted above, due to its backland location it would not rear as part of the row of building along the roads and it would not result in visually obtrusive impact. Although it is expected that the development would be visible from public vantage points and from long views from the neighbouring Burnham-on-Crouch Conservation Area, it is not considered that its scale would be sufficient to warrant refusal of the application.

- 5.3.10 Concerns have been raised by the Urban Design Officer in relation to the overall volume of the building, which remains unbroken in terms of actual breaks or spaces between the component elements. It should be noted that the nature of the development, which is a single block of flats, would have been dysfunctional if actual breaks were to be provided. It is known that blocks of flats are served by a shared access and internal communal areas (such as corridors) are normally arranged in way that are kept to a minimum in order to achieve an effective use of land. The erection of separate blocks would have resulted in an increase of these internal communal areas and consequently in larger scale development. It is therefore considered unreasonable that breaks as suggested by the Urban Design Officer are proposed considering the type of development.
- 5.3.11 Although the development is for the erection of a block of flats, the design of the building is such that breaks in the volume and mass of the development are achieved by the staggered elevations and recessed areas. Contrary to a standard box style block of flats the proposed development is of an irregular shape, which various projecting and recessed elements, that add architectural merit and also break down the width and depth of the development. Moreover the variation in the roof form helps to achieve a more architecturally interesting appearance.
- 5.3.12 It should be noted that during the process of the application, a number of amendments have been incorporated to the development, as discussed in the 'Description of proposal' section. Within them the introduction of additional fenestration and alternative materials has been suggested by Officers and incorporated to the development, in order to avoid blank walls and unattractive elevations, even in those that would only be visible from neighbours and not from the public realm.
- 5.3.13 The site is located in close proximity to the Burnham-on-Crouch Conservation Area and consideration should be had to the appearance of the development from the viewpoints from the conservation area. Traditional features have been used within the proposal to reflect the surrounding built form, such as pitched roofs and aligned fenestration. Timber cladded features punch forward from the brick and rendered areas to emphasise the individual blocks and provide articulation to the building have been introduced. Although the development would be limitedly visible from public vantage points, it is considered that its design has been carefully considered in order to achieve a design that does not detract from the character of the nearby Conservation Area.
- 5.3.14 The proposed development would result in loss of some of the existing landscaping and trees; however, further landscaping and replacement trees are proposed to be planted and thus, no objection is raised in relation to landscaping. This is further assessed in the relevant sections below.

- 5.3.15 With regard to the proposed refuse and cycle store, it is noted that a cycle store shed would be located at the northwest corner of the application site away from any public views. The store would be of a design and scale that would be acceptable and not harmful to the appearance of the wider area. A low height (1.65m) store would be formed on the southern part of the application site. The refuse store would be enclosed on three sides and open on the top with doors installed to the south elevation. A hedge is proposed to seclude the refuse store and given its position away from the public highway, it would not have a detrimental impact on the character and appearance of the area.
- 5.3.16 Whilst the Urban Design Officer's comments are noted, it is considered that, for the reasons stated above, the development, as currently proposed, following a number of amendments that have been suggested by officers, would not have a discordant visual impact in the surrounding area and it would preserve the character of the nearby conservation area.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.4.2 The proposal is to convert previously commercial land and erect a block of flats accommodating ten residential units. Given the nature of the former use of the site, although the development would result in a level of activity from the future occupants of the dwellings, this would be likely to result in less activity and associated noise than the previous commercial use. Therefore, it would not result in a materially harmful impact on the residential amenity of the nearby neighbours, in terms of noise and disturbance and in some respect would represent an improvement.
- 5.4.3 The proposed development would be sited close to the northeast corner of the application site and the dwelling that would be most affected by the development is no. 3 Brickwall Close. Part of the development would be sited around 8.8m away from this dwelling. However, following amendments the section of the proposed building adjacent to the eastern side has been reduced in depth, to minimise the impact of the development on the neighbouring property. The easternmost section of the building has been reduced in depth in a way that the building would be partially angled away from the outlook of the windows of no. 3 Brickwall Close. Although it is accepted that the development would have some impact on the amenity of the of the occupiers of no.3, in terms of dominance, on balance, taking into consideration the amendments incorporated to the development, it is not considered that the impact would be such that to warrant refusal of the application. The development would not be higher than a normal two storey property and given its arrangement and its position against the eastern boundary, it is not considered that it would result in an undue sense of enclosure. With regards to overlooking, it is noted that no windows are proposed to the easternmost section of the development and also the single bedroom window on the north part of the east elevation would be set into a position that it would only overlook the far end of the amenity area of no. 3 Brickwall Close, which is, on balance, considered acceptable.

- 5.4.4 With regard to the properties to the north, the nearest dwelling would be sited 24.1m away from the proposed development. Whilst the proposal would be sited in close proximity to its northern boundary, it is noted that the distance maintained to the dwellings to the north would be sufficient to mitigate any adverse impacts in terms of overshadowing or domination, taking into account that the development would be only two storeys in height. With regard to overlooking, the windows proposed at first floor in the north elevation of the building would serve bathroom or they would be secondary windows to habitable rooms and thus, it is considered reasonable to be glazed in obscure glass, as shown on the submitted plans. A condition to secure that would be imposed.
- 5.4.5 With regard to the properties to the west, a minimum of 28m separation distance would be maintained. This separation distance is considered sufficient to mitigate against any unacceptable loss of light or obtrusive impact. With regard to loss of privacy and overlooking, it is noted that the proposed first floor dining and kitchen windows in the west elevation of flat 9 would be required to be glazed in obscure glass. The proposed bedroom windows of flat 6 in the west elevation would overlook part of the amenity area of the application site and the cycle store. At this point the application site extends around 18.5m west of the west elevation of the development and thus, it is not considered the development would result in a material increase in overlooking.
- 5.4.6 A single storey building is located up to the northwest boundary of the application site. This building is against the existing boundaries and therefore, it is unlikely that windows are located to its south, east and north elevations. Whilst the use of this building is unclear, due to its position, it is not considered that the proposed development would result in any adverse impact on this building, in terms of overshadowing or overlooking.
- 5.4.7 To the south the site abuts the Tesco store and as such, no further impacts on residential amenity are extended to be caused by the proposed development.
- 5.4.8 In light of the above, it is considered that the development would not have a detrimental impact on the character and appearance of the area and it would not detract from the character of the nearby conservation area.

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

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

- 5.5.3 In terms of the access to the application site, the proposed development would utilise an existing access. The Highways Authority has been consulted and raised no objection to the proposed development. In particular it is stated that *“the Highway Authority is satisfied that the proposals will not represent an intensification in use of the site compared to its existing permitted use”*. It is therefore considered that subject to conditions the proposed access to the site would be acceptable and it would not result in an adverse impact on highways safety. Whilst concerns have been raised by the Urban Design Officer in relation to the dual use of the access (from vehicles and pedestrians), it is noted that the access is wide enough (around 8.8m wide) to be able to provide a safe access to vehicles and allow sufficient space for pedestrians to enter and egress the site safely.
- 5.5.4 The proposed development would replace an existing rubber factory (B2 use class) with 12 residential properties. A Transport Statement has been submitted with the application and a TRICS assessment has been carried out to compare the potential traffic flows from existing and proposed uses and it is concluded that the daily traffic flows between the previous and proposed use would be similar. Taking into account the amount of development (a total of ten residential units), it is considered that traffic movements would not significantly increase. Furthermore, if the site is developed as a B1/B2 use, it can potential attract a very high volume of traffic movements in comparison to those generated by a residential development of ten dwellings. No objection is therefore raised in relation to impact caused to the highway network from the potential vehicle movements. The Highways authority has been consulted and raised no objection in that respect.
- 5.5.5 With regard to off-street parking, a total of twelve parking spaces are proposed to be provided, including two visitor parking spaces, to serve the development. The development is to provide single and two bedroom accommodation, and the proposal is located in very close proximity to public transportation and local amenities. In particular it is noted that the closest bus stop is only 150m away from site and provides links with the surrounding towns and villages and the train station is only 0.4miles from the site. Many facilities are within walking distance of the site, including; school (950m), sports club(150m), supermarkets (10m), cinema (150m), library (150m), high street and river frontage with a variety of shops, pubs and restaurants and Yacht Club is around 350m away. It is therefore considered that the parking provision would be sufficient and the development would not result in an increase demand in on-street parking. The proposed parking spaces would meet the standards as set out in the Vehicle Parking Standards SPD and a 6m distance between the parking spaces to allow adequate turning facilities within the site.
- 5.5.6 Details of secure and covered cycle store have been submitted. The proposed cycle storey would provide space for a total of twelve bicycles in a location that is easily accessible and convened for all future occupants. Therefore, no objection is raised in relation to cycle parking provision.
- 5.5.7 Following the receipt of comments from the Waste and Streetscene Officer, the position of the waste store has been amended to be located closer to the entrance of the application site, in a position where it would able to be accessed the waste collection vehicles. Subject to the development being carried out in accordance with



the submitted details an objection is no longer raised by the Water and Streetscene Officer.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 An approximate 470sqm communal amenity area would be provided for the future occupiers of the proposed development and also balconies would be provided to three of the proposed two bedroom flats, whilst three of the ground floor flats would have access to semi-private amenity area. The amenity area would therefore be in excess of the minimum outdoor amenity area requirements. Concerns have been raised by the Urban Design Officer regarding the proximity of parts of the amenity area to the bin store and car parking area. It should be noted that the largest part of the amenity area to be provided for the future occupiers is away from the Bin store and the car park. As it is stated by the Urban Design Officer *“communal space remains up to the rear and eastern boundaries of the site with car parking, bin storage and access roads on the western and southern boundaries”*. The bin store would be secluded by hedges and thus, it would not be visible from the amenity area. The same applies for the parking spaces. It is therefore considered that the future occupiers would have access to usable and sufficient amenity area that would be able to meet outdoor space requirements. It is also crucial to be noted that the site is located in very close proximity to public open spaces (2 minutes walking distance from Millfield Recreation Ground and 4 minutes from the waterside footpath). Based on the above it is considered unreasonable for an objection to be raised on the grounds of the access of the future occupiers to outdoor amenity space.
- 5.6.3 All proposed flats would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. Although concerns have been raised by the Urban Design Officer to the size of the proposed flats, which do not meet the national minimum standards, it is noted that these are optional standards and they have not been adopted by Maldon District Council. Although consideration is given to the provision of a good level of accommodation, it is considered that the shortfall from the minimum national standards would be insufficient to warrant refusal of the application (between 2 sqm to 9 sqm). Furthermore, in terms of the internal layout, consideration has been given to rooms that are usually noisier, such as kitchens, bathrooms and living areas, are positioned in away from walls against bedrooms to protect the future occupiers living environment and amenities.
- 5.6.4 The site is located to the north of the Tesco store and thus, higher levels of noise and disturbance are expected due to the commercial nature of the neighbouring site and the associated vehicle movements of customers and deliveries and noise generated by the necessary external plant and equipment. For that reason a noise assessment has been submitted to address these issues during the process of the application. Revised comments from the Environmental Health Department have been received and although there are some reservations about the approach of the noise survey in terms of methodology and the lengths that it did not go to, the survey itself does still offer

some reassurance over the conditions existing at the site. On that basis it is suggested that there are no grounds to recommend refusal of the application on these grounds. Officers are therefore satisfied that the neighbouring use would not materially harm the amenities of the future occupiers of the development.

## **5.7 Landscaping and Trees**

- 5.7.1 As noted above the proposed development would increase the amount of built-up area and hardstanding on site and for that reason replacement soft landscaping is considered necessary to soften the development.
- 5.7.2 With regard to the loss of trees, the Arboricultural Officer has been consulted who stated that there is only one tree which is a Pine, adjacent to the site which could be considered worthy of retention. A tree report and a tree protection plan have been submitted in support of the application. The report states that the building will be located far enough away from T1 (Pine), the only tree to be retained, which would be able to be protected from construction pressures. Protection measures are suggested within the report, including the installation of heras fencing and ground protection to protect the tree. It is therefore considered that subject to conditions to secure the protection of the only valuable tree, no objection is raised to the loss of the other two trees to accommodate the proposed development.
- 5.7.3 To compensate the loss, replacement trees are proposed to be planted. Additional landscaping is also proposed including planting of hedges in the periphery of the amenity area and amenity grass over the part of the open areas at the south part of the application site and the outdoor amenity area. On balance, it is considered that the amount of soft landscaping would be sufficient to improve the visual amenity of the site. Nonetheless, further details and a plant management plan would be required to be submitted and agreed in writing by the Local Planning Authority (LPA).

## **5.8 Ecology**

- 5.8.1 The National Planning Policy Framework (NPPF) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.8.2 Policy N2 of the LDP which states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”*
- 5.8.3 A Preliminary Ecological Appraisal Incorporating Bat Survey Inspection accompanies the application, which states that the development is not expected to have an adverse impact upon statutory or non-statutory designated locations. Although no evidence of bats has been identified, it is probable that bats from nearby roosts will forage across the site and in the gardens of adjacent properties. This behaviour would be expected to continue after any building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population. It is not considered reasonably likely that great crested newt or reptile

species would be adversely affected by the development proposals given absence of potentially suitable habitats within the site. Furthermore, no evidence of badger activity was identified. Although it is not expected that the development would result in any adverse impacts on protected/priority species, it is considered that mitigation and enhancement should be adhered to.

- 5.8.4 A section including recommendations is included within the submitted Survey, including consultation of a pest control specialist prior to the commencement of the development, coverage of trenches overnight during construction, protection of nesting birds if identified during breeding season, provision of habitat boxes and relatively open boundaries in order to allow wildlife to radiate in the area. Subject to the development being implemented in accordance with these details, no objection is raised in relation to the impact of the development on protected or priority species or habitats.

## 5.9 Contamination

- 5.9.1 Given the nature of the former use of the site as a rubbery factory the potential of land contamination should be considered. To address that a Phase 1 Geo-Environmental Desk Study Report has been submitted with the application. This report identifies the need for further investigation, which according to the Environmental Health Department's comments it is considered that it can be dealt with by condition. On that basis, subject to the imposition of a condition for the carrying out of a phase 2 intrusive investigation prior to the commencement of the development, no objection is raised to the impact of the development on the future or neighbouring occupiers and other receptors, in terms of the undue contamination of the site.

## 6. ANY RELEVANT SITE HISTORY

- No relevant planning history.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	<p>Object to the development for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inappropriate design</li> <li>• Overdevelopment</li> <li>• Poor relationship to surroundings</li> <li>• Loss of Privacy</li> <li>• Flooding issues</li> <li>• Parking issues</li> <li>• Cumulative effects of "windfall developments"</li> <li>• Loss of employment</li> </ul>	All matters are addressed in the main body of the report

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	No objection subject to conditions	Noted
Environment Agency	The site is currently defended by the Shoreline Management Plan (SMP) and thus, no objection is raised in terms of flood risk.	Noted
Essex & Suffolk Water	No apparatus is located on or near the site. Thus, no objection is raised.	Noted
Anglian Water	A condition in relation to details of foul drainage is requested to be imposed.	Noted
Tree Consultant	There is only one tree which is a Pine, adjacent to the site which could be considered worthy of Retention	This tree is proposed to be protected and a protection strategy and plan has been submitted.
Sustainable Urban Drainage System (SUDS)	Concerns have been raised in relation to the submission of an inadequate Surface Water Drainage Strategy.	A Surface Water Drainage Strategy has now been submitted that addressed these issues. Since the submission of these comments no revised comments have been received to date.
Emergency Planner	A flood water evacuation plan has been requested to be submitted.	Noted.

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Contaminated land conditions shall be applied.	Comments noted.
Urban Design Officer	Concerns have been raised in relation to the scale, mass and layout of the development, the internal floor area of the proposed flats, the quality of the proposed amenity area and the amount of off-street	Comments are noted and area discussed within the Officer's Report.

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
	parking provision.	
Waste & Street Scene Manager	Following amendments the position of the refuse store is acceptable.	Comments noted.
Economic Development Officer	The loss of the employment land is not supported.	Comments are noted and area discussed within the Officer's Report.
Coast and Countryside Officer	Concerns have been raised in relation to the impact of the development on the condition and value of any habitats on site and the lack of arboricultural survey.	It is noted that these comments were received prior to the sublimation of a tree report and tree protection plan. Other matters in relation to habitats and species are addressed above in the relevant section.

#### **7.4 Representations received from Interested Parties**

7.4.1 Nineteen letters were received **objecting** to the application and the reasons for objection are summarised in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
Not in keeping with surrounding area	This matter is addressed in section 5.3.
Loss of light and privacy to garden	This matter is addressed in section 5.4.
Loss of wildlife. Suggested Bat colony.	This matter is addressed in section 5.8.
Non-compliant with Burnham NDP and LDP	This matter is addressed in section 5.1.
No further houses are required.	This matter is addressed in section 5.1 and 5.2.
Overdevelopment of the site.	This matter is addressed in section 5.1 and 5.3.
Loss of view from the gardens.	This matter is addressed in section 5.4.
Loss of existing trees	This matter is addressed in section 5.7.
Misleading transport statement regarding	

<b>Objection Comment</b>	<b>Officer Response</b>
vehicle daily movements	
Loss of light.	This matter is addressed in section 5.4.
Any piling during construction poses threat to Victorian Housing in close proximity.	This is not a material planning consideration and also there is no justification to the basis of this comment.
Implication on highway/pedestrian safety. Inadequate parking provision. Pressure to the highway network.	This matter is addressed in section 5.5.
Increase noise levels.	This matter is addressed in section 5.4.
Loss of the character of the area.	This matter is addressed in section 5.4.
High density.	This matter is addressed in section 5.3.
Health risk due to the containment of asbestos material in the building to be demolished.	This matters are assessed by separate legislation to planning.
Loss of value of the surrounding properties.	This is not a material planning consideration.
Objection to the height and size of the development.	This matter is addressed in section 5.3.
Loss of outlook.	This matter is addressed in section 5.4.
Objection as applicant proposals wishes develop land owned which is not under his ownership. There is no right to enter land, nor landscape or install a drive as proposals show	This is a civil matter.
Development is driven by high profit margins.	This is not a material planning consideration.
Work places are not increasing the same	This matter is addressed in section 5.1.

<b>Objection Comment</b>	<b>Officer Response</b>
rate as housing provision. This is detrimental to the local economy	
Concerns regarding the flow of traffic.	This matter is addressed in section 5.5.
Intrusive development.	This matter is addressed in section 5.3.
Inadequate drainage strategy.	This matter is addressed in section 5.1.
Suggestion of bungalows.	It is noted that the role of the Development Management Department is to assess the development that is in front of hem and not suggest alternative proposals.

## 8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON:To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings 16/17/07; 16/17/06D; 16/17/05D; 16/17/04E; 16/17/03; 16/17/02; 16/17/01 and Tree Protection Plan.  
REASON:To ensure the development is carried out in accordance with the details as approved.
3. No development shall take place until details or samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.  
REASON:To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.  
REASON:To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
5. The first floor windows on the north elevation, the first floor entrance and bathroom windows of flat 10 and the first floor kitchen and dining area windows of flat 9 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such

equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

REASON:To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework (2018) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

6. Prior to the occupation of the development details of both hard and soft landscape works, including protection of the retaining tree (1) as shown in the submitted Tree Protection Plan, to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel washing facilities
  - Measures to control the emission of dust, noise and dirt during construction Hours and days of construction operations.

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



8. Prior to the occupation of the development a sustainable drainage system for the site shall have been completed in accordance with the plan no's 49157-P-001 and FSC4075 D1 and the submitted aquaflow design. Details of the management and maintenance of the drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be implemented in accordance with the approved details thereafter.  
REASON:To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
9. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON:To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
10. Notwithstanding the details submitted with this application, no development shall commence other than any works that may be required to allow the undertaking of a phase 2 intrusive investigation of the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
  - a) Human health,
  - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land,
  - d) Groundwaters and surface waters,
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON:To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

11. Subject to the findings of the phase 2 intrusive investigation, no development shall commence 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 may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

REASON:To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

12. If any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

REASON:To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

13. The proposed glazing and trickle ventilation provided to the development shall meet the criteria contained within table 4 of the Environmental Noise Assessment produced by Robin Cross dated 14<sup>th</sup> November 2017.

REASON:To protect the residential amenity and living environment of the future occupiers, in compliance with the National Planning Policy Framework (2018) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

14. The development shall be undertaken in accordance with the terms and specifications contained within the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (February 2018) which is attached to and forms part of this permission.

REASON:To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

15. The development hereby approved shall be carried out in accordance with the details set out in the submitted the Site Specific Flood Risk Assessment (Revision: B – Site Layout Updated 12/07/18), and shall be fully implemented and in place prior to the occupation of any part of the development hereby approved and retained in perpetuity. A detailed Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development and retained in perpetuity.

REASON:To avoid the risk of water flooding and protect the future occupiers of the development hereby approved in case of flooding in accordance with policies D1, D2 and D5 of the Maldon Local Development Plan (2017).

16. The site access shall be upgraded to improve visibility to the south by removal of the existing fence as indicated in the Proposed Site Plan drawing prior to the first occupation of any of the flats hereby approved.  
REASON:To improve inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan.
17. Prior to the occupation of the development the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.  
REASON:To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
18. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON:To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Local Development Plan.
19. There shall be no discharge of surface water onto the Highway.  
REASON:To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan.
20. Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. This would be in accordance with the as Residential Travel Information Pack approved by Essex County Council to include six one day travel vouchers for use with the relevant local public transport operator.  
REASON:In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework.
21. The refuse and cycle stores hereby approved shall be provided prior to the first occupation of the development and be retained for such purposes in perpetuity thereafter.  
REASON:To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

## **INFORMATIVES**

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.

2. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
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. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.