



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
11 MARCH 2019**

<b>Application Number</b>	<b>FUL/MAL/18/01502</b>
<b>Location</b>	Land Adjacent to 29 Pippins Road, Burnham-on-Crouch
<b>Proposal</b>	Proposed development of 2No. three-bedroom houses.
<b>Applicant</b>	Mr I Walker – Bridgewicks Development Ltd
<b>Agent</b>	Mr Adam McLatchie – Front Architecture Ltd
<b>Target Decision Date</b>	12.03.2019
<b>Case Officer</b>	Devan Lawson, Tel: 01621 875845
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017

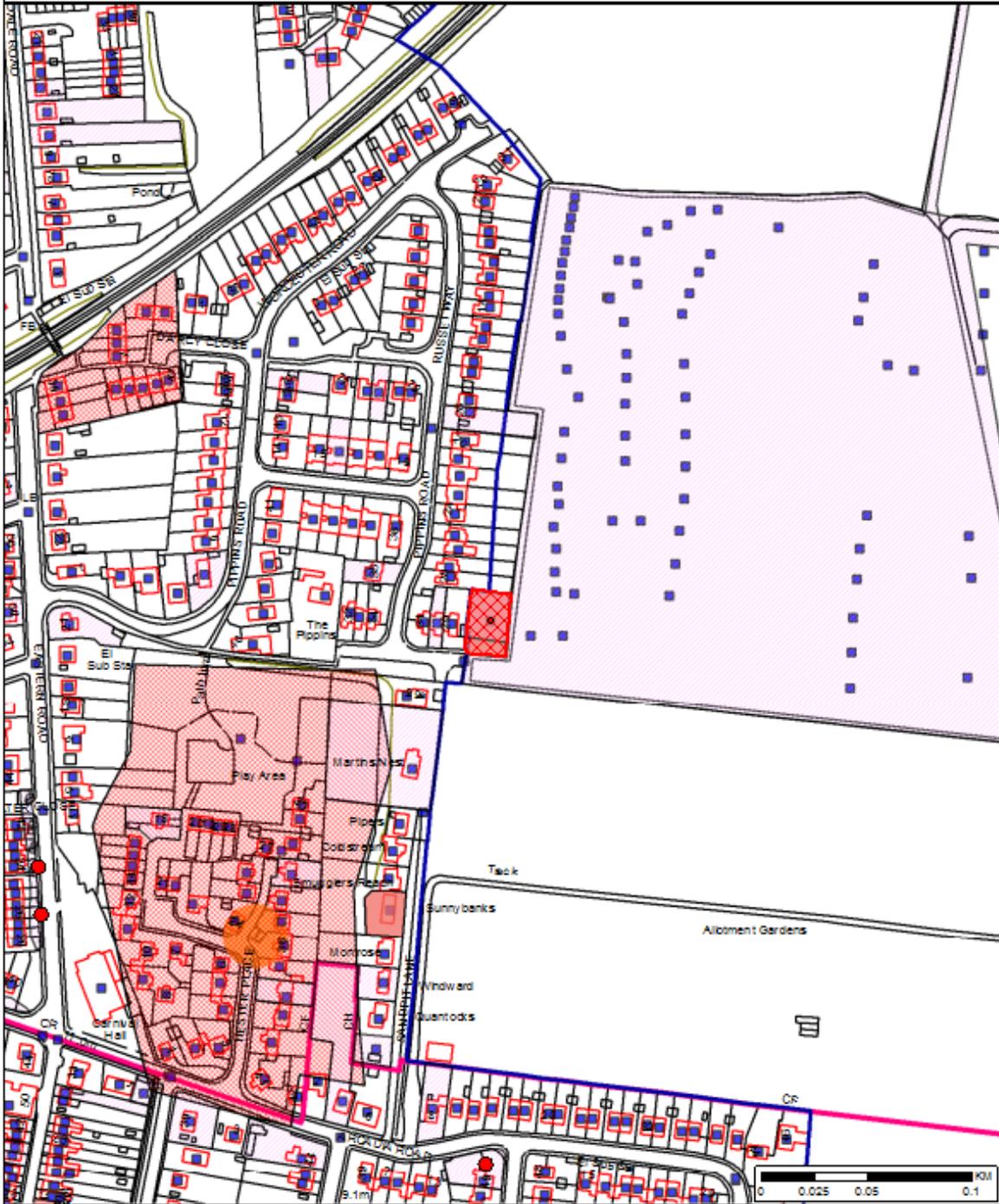
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land Adj to 29 Pippins Road Burnham-on-Crouch**  
**18/01502/FUL**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	14/02/2019
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is a parcel of land measuring 0.05ha located on the eastern end of Pippins Road. The site lies partially within the defined settlement boundary. However, the majority of the site, with the exception of the southwest corner (approximately 0.002ha), lies outside of the defined settlement boundary of Burnham-on-Crouch. The site comprises a shed, areas of lawn and overgrowth and a wooden fence around the perimeter. There is currently no vehicle access to the site.
- 3.1.2 Although outside the development boundary, the surrounding area is residential in nature. To the north and west of the site are residential dwellings which front Pippins Road and are located within the settlement boundary. To the south are allotment gardens.
- 3.1.3 To the east of the application site is a large housing development for 75 dwellings which was allowed on appeal (OUT/MAL/14/00108 - APP/X1545/W/15/3003529) and is currently under construction (RES/MA/17/00126). The development adjoins the application site on the eastern boundary.

#### **Background**

- 3.1.4 As part of the supporting statement submitted with the application it is advised that the site once formed a corner addition to an agricultural field and was sold in 2007, when it then became occupied by some storage units and a hardstanding. However, the use of the buildings and the site has since ceased.
- 3.1.5 The history search conducted with the application supports these findings to some degree. It has been found that a planning application (FUL/MA/08/00598) at the site was refused in December 2008 for the retrospective change of use from agricultural land to domestic curtilage and the erection of storage sheds. The officer's findings noted that the land had been incorporated without planning permission into the garden area of No.29 Pippins Road and included close-boarded fencing to the boundaries and a pair of 1.8m high gates to the southwest of the site adjoining the driveway of No. 29. The site at this time included an area of lawn, a raised open-topped aquarium, hard surfacing and three sheds (one wooden, two metal). The wooden shed was used for domestic purposes whilst the metal sheds were housing a private collection of motorized scooters and provided a place for work to be carried out on them. The application was refused for two reasons:
- 1 The erection of the three sheds upon the extended residential curtilage has resulted in a scale and form of development that is considered to be excessive and inappropriate in this particular setting, out of character with the site and its surroundings.
  - 2 Furthermore, the use of the sheds for the purposes of storing motor vehicles in excess of that regarded as being incidental and ancillary to a residential use, combined with the laying of a substantial area of hardstanding within this countryside location would have an adverse visual impact upon the character of the local landscape that has had a detrimental effect upon the amenities of

the neighbouring properties and the wider locality, contrary to policies S2, BE1, CC6 and CC23 of the adopted Maldon District Replacement Local Plan

- 3.1.6 Following the refusal of the application two enforcement notices were served with reference ENF/1334/20/09 and ENF/1334/19/09, taking effect on the 31<sup>st</sup> August 2009. The notices attacked the material change of use of the land from residential to a mixed use of residential and storage as well as the operational development. The notices required the dismantling and removal of the two metal storage sheds, the breakup of the concrete hardstanding, the removal of all resulting materials from the land and the cessation of the storage use. As there was no requirement to cease the residential use and the notice covered the application site, the use of the land for residential purposes is lawful.

### Proposal

- 3.1.7 Planning permission is sought for the construction a pair of semi-detached three bedroom dwellings, which will include the provision of two vehicle accesses to the southern side of Pippins Road.
- 3.1.8 The proposed dwellings will be situated a minimum of 6.6m from the highway and will measure a combined width of 11.9m and a depth of 10.7m. The dwellings will have an eaves height of 4.9m and a maximum height of 8.9m. They will feature a storm porch on the front elevations.
- 3.1.9 The dwellings are proposed to be constructed from red brick and slate tiles.
- 3.1.10 Each dwelling will have a driveway situated along the side of the house and there will be front gardens laid to lawn, with footpaths to the front doors. The rear gardens will also be laid to lawn.

## **3.2 Conclusion**

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch; it must be noted that the Council's policies seek to direct new residential development to established settlements. However, the previous appeal decision at the adjacent site for 75 dwellings has resulted in a change to the character and appearance of the site, removing its countryside character. The proposal is considered to make more effective use of what is viewed as an under use of land and there have been no significant identified impacts on the intrinsic character and beauty of the countryside. Furthermore, the development is considered acceptable in all other respects. Therefore, the proposal will not result in detrimental harm to the character and appearance of the area to such a degree as to warrant refusal of the application.
- 3.2.2 This approach is consistent with the decision of the South Eastern Area Planning Committee in respect of a development for two dwellings at Mangapp Chase (OUT/MAL/18/01227) near to other residential development that was allowed on appeal.

#### **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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

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

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

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

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards SPD
- Maldon District Design Guide 2017 (MDDG)

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

5.1.1 The application site, as previously stated, lies in part beyond the development boundaries of Burnham-on-Crouch, which run along the western boundary of the application site and along part of the northern boundary.

5.1.2 Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the

countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, garden suburbs and strategic allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

- 5.1.3 Policy S8 of the LDP indicates that outside defined settlements housing will not normally be allowed and that the landscape will be protected for its own sake. The site is outside the development boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the approved policies. Policy S8 also includes a list of acceptable forms of development within the countryside which does not include open-market housing.
- 5.1.4 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”*.
- 5.1.5 Whilst it is noted that the application site lies mostly outside the development boundary and is therefore, in conflict with policy S8, it is noted that planning permission for 75 dwellings was granted on appeal (OUT/MAL/14/00108 and APP/X1545/W/15/3003529) on the site directly adjacent to the application site to the east. The reserved matters (RES/MAL/17/00126) have subsequently been approved. The site is currently under construction and would be considered to be in the advanced stages, particularly as the dwellings directly to the east of the application site are complete. Given the siting of the neighbouring permission in relation to the application site, it is considered that the proposal would represent an infill development and therefore, policy H4 is relevant.
- 5.1.6 Policy H4 considers that Backland and infill development will be permitted if:
- 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 of ecology interests.
- 5.1.7 The granting of permission for 75 dwellings on the neighbouring site has resulted in the application site being land locked by residential properties and gardens. Whilst it is noted that the lawful use of the site was recognised with the previously mentioned enforcement notice to be residential, the site is not currently used for any purposes. The land could be used for agricultural purposes, its original use, without the need for planning permission. However, the site is detached from any neighbouring agricultural fields. Therefore, it is not considered that the land is easily accessible or of sufficient size to be viably used for its original use and therefore could not be utilised effectively. It is therefore, reasonable to consider that the site is underused and development of the site would make more effective use of this redundant site. Furthermore, due to its siting between residential developments, the site would not be considered as open countryside and it offers little to the character and beauty of the

countryside. Consequently, the historic character of the site has been materially altered by the provision of the neighbouring development site. In addition, the proposed dwellings, due to the provision of the dwellings to the east, would not result in the extension of built form or development out further towards the countryside.

- 5.1.8 Having regard to the above, although it is noted that the site lies mostly outside of the development boundary and therefore, is in conflict with Policy S8 of the LDP; given that the site is not considered to form part of the open countryside, and that the provision of residential dwellings on the neighbouring site has resulted in this site being underused, taking a pragmatic stance it is considered that the principle of development for residential purposes at this site is acceptable.
- 5.1.9 The other criteria of policy H4 (2, 3 & 4) will be addressed throughout the remainder of the report.

## **5.2 Housing Need and Supply**

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that 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.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one- and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide two three-bedroom properties. The proposed three bedroom dwellings will therefore not make a significant contribution to the District's Housing need. However, they would result in the net gain of two dwellings.

## **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design 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 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.3.6 The application site lies mostly outside of the defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 In relation to the above, as previously highlighted, the site was already accepted to have a residential use. Moreover, the granting of permission for 75 dwellings on the neighbouring site has resulted in the application site being land locked by residential properties and gardens which has materially altered the historic character of the site. Therefore, due to its siting between residential developments, the site would not be considered as part of the open countryside and it is thought to offer little to the intrinsic character and beauty of the countryside. In addition, the proposed dwellings, would not result in the extension of the built form or development out further towards

the countryside. Therefore, it is not considered that the development would adversely impact on the intrinsic character and beauty of the countryside.

- 5.3.8 The proposed dwellings would front Pippins Road which is a residential street. The dwellings to the west of the site consist of two storey terraced properties, constructed from brick and hanging tiles. The new build dwellings to the west are larger detached dwellings, with a larger ridge height and feature a mix of brick and render.
- 5.3.9 The proposed dwellings in terms of their scale, bulk and layout are considered to assimilate with the grain of development within the area, as the building line would follow that of the existing dwellings on Pippins Road and the depth of the dwellings would not exceed the depth of the dwellings to the west. Furthermore, the height of the dwellings although greater (0.9m) than the dwellings to the west are lower (0.3m) than the new builds to the east, thereby creating a 'stepped' appearance with the neighbouring dwellings.
- 5.3.10 The design of the dwellings are considered to be in keeping with the neighbouring properties due to the use of a side facing gable roof, the storm porch and the pallet of materials which is proposed to match the adjacent development. Furthermore, the fenestration references the visual cues of the neighbouring new builds. Therefore, it is considered that the addition of the dwellings would not harm the character and appearance of the area or countryside and would assimilate with the architectural style of the neighbouring properties to an acceptable degree.
- 5.3.11 It is also considered that the proposed boundary treatments, as illustrated, would be sympathetic to the style of dwelling proposed and would not have a dominating impact on the character and appearance of the area. However, a condition should be imposed requiring specific detailing of the proposed boundary treatments as the proposed elevations appear to depict a 0.8m picket fence, whereas the streetscene elevation portrays a hedgerow to the front boundaries of the site.
- 5.3.12 Having regard to the above assessment it is considered that the design of the proposed dwellings is acceptable and would not cause harm to the character and appearance of the site, streetscene or countryside in accordance with policies S1, S8 and D1 of the LDP, Policy HO.8 of the BOCNDP and guidance contained within both the MDDG and the NPPF.

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

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has four directly adjacent neighbouring dwellings. No. 28 Pippins Road is located to the north of the site at a minimum distance of 12.1m from the proposed dwellings and the boundary of No. 29 Pippins Road, to the west, is located 4.3m from the proposed dwellings. The boundary of the new build dwelling to the east is a minimum of 3.1m from the proposal and the boundary of the new build to the northeast is 12m from the rear of the proposed dwellings.

- 5.4.3 Given that the dwellings would be located a minimum of 12.1m from the rear boundary, which adjoins the far end of the approximately 24m long garden of No. 28 Pippins Road, it is not considered that the proposal would result in undue harm to the amenity of the occupiers of No.28. Some views of the garden area would be possible, but due to the orientation of the properties, the harm would not be at a level that would justify the refusal of the application.
- 5.4.4 Likewise, the neighbouring new build to the northeast of the application site is located 21m from the shared boundary and angled away from the proposed dwellings, obscured from view by a couple of garages. Having regard to the orientation of the neighbouring dwelling and the separation distance it is also not considered that there would be undue harm to the amenity of the occupiers of the dwelling to the northeast.
- 5.4.5 There are no windows in the side elevation of the new build to the east and the first-floor window within the proposed dwelling would serve a bathroom and could therefore, reasonably be conditioned to be obscure glazed. Furthermore, whilst the proposal would extend further than the rear of the neighbouring dwelling by 4.1m, the distance between the two dwellings would be 5.7m, with a garage sited between them. Therefore, it is not considered that the proposal would result in undue harm by way of overlooking, loss of privacy or by being overbearing on the occupiers of the dwelling to the east.
- 5.4.6 There is one first floor window in the side elevation of No. 29 Pippins Road, which is obscure glazed and appears to serve a landing. There is also one window proposed in the first-floor western elevation of the proposed dwelling which would serve a bathroom. Given that the two dwellings would be a minimum of 8m apart it is not considered, subject to condition requiring obscure glazing of the window within the first floor side elevation it is not considered that the development would result in undue harm by way of loss of light or privacy, overlooking or by being overbearing on the neighbouring occupiers.
- 5.4.7 Taking the above assessment into consideration the proposal is not considered to detrimentally impact on neighbouring amenity in accordance with policy D1 of the LDP.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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 minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than

average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.5.3 The adopted vehicle parking standards state that a three-bedroom dwelling should provide two parking spaces and parking bays should measure 2.9mx5.5m. The proposed parking area to the side of the dwellings provides sufficient space to accommodate the required level of parking. Therefore, there is no objection in this regard.
- 5.5.4 The proposal includes the provision of two drop kerb accesses, one per dwelling, on the northern side of Pippins Road. The proposed accesses are not considered to detrimentally impact on highway safety and therefore, are not objected to. Furthermore, the Highways Authority has been consulted and has raised no objection in this regard subject to conditions.
- 5.5.5 Having regard to the above, it is considered that the proposed parking provision and vehicle access is acceptable in accordance with policies S1, D1 and T2 of the LDP.

## **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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).
- 5.6.2 The proposed dwellings would each be provided with private amenity space in excess of 100sqm. Therefore, there is no objection in this regard.
- 5.6.3 The proposed soft landscaping will consist of grass to the rear garden area and either hedge planting or a 0.8m picket fence to the frontages. The supporting statement also suggests that there will be planting beneath the ground floor windows of the dwellings. Whilst the level of soft landscaping is welcome and is considered to provide an attractive frontage, a condition should be imposed requiring the detailing of the exact siting and species of the proposed planting will be required.

## **5.7 European Designated Sites**

- 5.7.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.

- 5.7.2 The development of two dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) a Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

**HRA Stage 1: Screening Assessment – Test 1 - the significance test**

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes -  
The planning application relates to two dwellings

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.7.4 It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of the two additional dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of two additional dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

## 5.8 Other Material Considerations

- 5.8.1 Environmental health has proposed conditions for surface water drainage and foul drainage. Given that scale of the development it is considered that conditions in this regard are necessary and should be imposed if the permission is granted.
- 5.8.2 Upon conducting a site visit it was noted that areas of the site are overgrown and therefore there may be potential for protected species to be located within the site. However, given that the application site is situated centrally between other residential developments it is unlikely to offer great potential for wildlife. Therefore, there is no objection in this regard.

## 5.9 Pre-Commencement Conditions

- 5.9.1 No pre-commencement conditions are proposed.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/08/00598** – Retrospective change from agricultural land to domestic curtilage (garden) and erection of three storage sheds. Application Refused
- **ENF/1334/19/09** – Enforcement Notice for the change of use from residential to mixed use of residential and storage.
- **ENF/1334/20/09** - Enforcement Notice for the operational development on site including three buildings and hardstanding.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	No response received at the time of writing this report	-

### 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Natural England	The development does not fall within the remit of that which would warrant bespoke advice. However a HRA should be undertaken	Addressed at section 5.7
Local Highway Authority	No objection subject to conditions.	Noted and addressed at section 5.5

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to drainage conditions	Addressed at section 5.8

### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

## 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) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 001, 200 Rev A, 201 Rev B, 202 Rev B, 203 Rev A. Design and Access Statement 28.11.2018.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development works above ground level shall take place until written details of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
  - Discharge rates/location
  - Storage volumes
  - Treatment requirement
  - Detailed drainage plan
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site, it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1-year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 5 Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed in writing, by the local planning authority. The development shall then be maintained in accordance with the approved details.

REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 6 No development work above ground level shall occur until 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 ensure that adequate provision is made for foul drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 7 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the east and west elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON In the interest of neighbouring amenity in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 8 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and maneuvering of all vehicles, including construction traffic shall be provided at all times during construction. These areas shall be kept clear of the highway.  
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policies T1 and T2 of the LDP.
- 9 The vehicular accesses as shown on planning drawing 200 Rev A shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall be no wider than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.  
REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies T1 and T2 of the LDP.
- 10 No unbound material shall be used in the surface treatment of the car parking areas.  
REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the LDP.
- 11 There shall be no discharge of surface water from the development 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 to ensure accordance with policies T1 and T2 of the LDP.
- 12 Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.  
REASON In the interest of reducing the need to travel by car and promoting sustainable development in accordance with policies S1, T1 and T2 of the LDP.
- 13 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 200 Rev A for two cars to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity  
REASON To ensure adequate space is provided for parking off the highway in the interest of highway safety in accordance with policy T2 of the LDP.
- 14 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening 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 the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.151515
- 15 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works

occurring above ground level at the application site. These details shall include, for example:

- i. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority (LPA). 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 LPA gives its written consent to any variation.

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

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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.
- 2 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.

- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.