



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

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

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

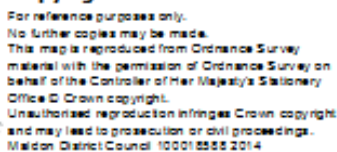
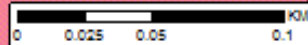
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Bounded By Maldon Road and Creeksea Lane Bumham-on-Crouch



Scale:	12,500
Organisation:	Maldon District Council
Department:	Department
Comments:	17/01262/FUL
Date:	21/02/2019
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Maldon Road and to the east of Creeksea Lane. The application site is located outside the settlement boundary of Burnham-on-Crouch, but forms parts of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for 180 dwellings.
- 3.1.2 The site measures 1 hectare in area, but is irregularly shaped with the east boundary measuring 105.4 metres long, the south 105.2 metres long, the west 128.1 metres long and the north 43 metres long.
- 3.1.3 The site consists of agricultural land which does not contain any built form.
- 3.1.4 To the south of the site is a dwelling house known as Creeksea Lodge. This is a two storey dwelling that is located approximately 16.1 metres from the shared boundary with an access from Creeksea Lane that is immediately adjacent to the south west corner of the application site.
- 3.1.5 To the north west of the application site is a 22.1 hectare parcel of land that is shown to be within the applicant's control. This site is also free of built form and appears to be agricultural land.
- 3.1.6 To the north of the site is Maldon Road which is lined by residential properties consisting mostly of detached dwellings on large plots.
- 3.1.7 The site benefits from planning permission as part of the larger site allocation, which was granted planning permission under the terms of application FUL/MAL/14/00356. The permission allows for the erection of 120 dwellings at the site, which would be accessed from Maldon Road.
- 3.1.8 This application seeks planning permission for the erection of four dwellings at the application site. Planning permission has already been granted for four dwellings and associated garages under permission FUL/MAL/14/00356. Furthermore, it must be noted that the proposed development would not increase the overall number of dwellings on the site. The proposed dwellings and garages are of the same design, scale and bulk as those that were previously approved under the terms of application FUL/MAL/14/00356.
- 3.1.9 The site would be accessed from Maldon Road with a vehicle access being provided 60 metres to the east of the junction with Creeksea Lane and 84 metres from the proposed access to the neighbouring housing site that is currently being constructed. The estate road that would serve the development would run in a south westerly direction to a point that is adjacent to the Creeksea Lane frontage of the site, with access onto Creeksea Lane restricted to pedestrian and cycle access only.
- 3.1.10 Plot one would be located to the north west of the access road and south west of Maldon Road. The plot would measure 1,127 square metres in area. Plot 2 would be located directly opposite on the south east side of the access road and to the south

west of Maldon Road. Plot 3 would be provided at the south east corner of the site and plot 4 would be provided to the north of the estate road, adjacent to the Creeksea Lane frontage of the site.

- 3.1.11 The dwellings on plots 1 and 2 would consist of house type 5E, with the dwellings being handed replicas of each other. Each dwelling would consist of a pair of gable wings running from front to back (measuring 5.6 and 6 metres wide and 8.6 and 12.3 metres deep) with an eaves height of 5 metres and a maximum height of 9.1 metres. A subservient link would be provided between these blocks that would measure 6 metres wide and 6.1 metres deep with an eaves height of 3.8 metres and a ridge height of 7.4 metres and two eaves dormers to the front elevation. A 5.8 metre wide, 6.1 metre deep two storey projection would be provided to the side of the dwelling that would have a height that matches the abovementioned link section, this would contain a garage measuring 5.6 metres by 5.5 metres internally.
- 3.1.12 The dwellings on plots 3 and 4 would consist of house type 5D, with the dwellings being handed replicas of each other. Each dwelling would consist of a single gable wing running from front to back (measuring 6.1 metres wide and 12.5 metres deep) with an eaves height of 5.3 metres and a maximum height of 9.4 metres. To one side would be a side projection that would measure 5.6 metres wide and 6.1 metres deep with an eaves height of 3.8 metres and a ridge height of 7.6 metres. An 8.2 metre wide, 6.1 metre deep two storey projection would be provided to the opposite side of the dwelling that would have an eaves height of 5 metres and a ridge height of 8.6 metres.
- 3.1.13 Plots 3 and 4 would also feature detached triple garage buildings with accommodation above. Each building would measure 6 metres deep and 9.9 metres wide with an eaves height of 3.9 metres and a ridge height of 7.5 metres. The buildings would feature three garage doors and a conventional door to the front along with three eaves dormer windows which would serve the first floor accommodation, including a bedroom, living area, kitchen and bathroom.

3.2 Conclusion

- 3.2.1 The application site forms part of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for 180 dwellings. Therefore, the principle of development is considered acceptable and the site is regarded as sustainable.
- 3.2.2 In addition to the above, having taken all the material planning considerations into account it is considered that the proposed dwellings are of are considered to be of an acceptable design which would not cause detrimental impacts on the character and appearance of the area and the development would not cause undue harm to neighbouring amenity or highway safety. Furthermore, subject to conditions it has also been found that the development would provide suitable surface water and foul drainage schemes which would not negatively impact on surface water flooding. Nor is it considered that the development would be harmful to protected species. Having regard to this the development is considered to accord with the policies within the approved Local Development Plan and the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained within the Maldon District Design Guide and National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

- 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

4.1 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- N2 Natural Environment and Biodiversity

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)
- Maldon District Design Guide SPD
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be determined in accordance with the Development Plan unless material considerations dictate otherwise, which in this case is formed of the Maldon District Local Development Plan (LDP) and the Burnham-on-Crouch Neighbourhood Development Plan.
- 5.1.2 The application site is part of a strategic site allocation identified under policy S2, which allows for the erection of 180 houses on a 22.3 hectare parcel of land. Planning permission was granted under the terms of application FUL/MAL/14/00356 for 180

homes, including 20 bungalows, a new vehicular access, a spine road through the development, green space and associated infrastructure, and it is noted that the land within the application site was to be developed for the purposes of providing four dwellings.

5.1.3 Therefore, taking into account planning permission for the provision of four dwellings on the site already exists, it is considered that the principle of constructing four dwellings at this site is acceptable in accordance with policies S2 and S6 of the LDP.

5.1.4 In terms of sustainability, the site is a strategic allocation defined under policy S2 of the LDP and has previously been considered to be sustainable. There are no material planning considerations that would also this stance and therefore, there are no objections in regards to sustainability.

5.1.5 Annexe Accommodation

5.1.5.1 The application proposes the provision of two garages with annexe accommodation within the roofspace. The accommodation would include an open plan kitchen and living area, a bedroom and bathroom. It is a conventional expectation that annex accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.

5.1.5.2 In addition to the above the Specialist Needs Housing SPD, which was adopted September 2018, states that proposals for annexe accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:

1. Be subservient / subordinate to the main dwelling;
2. Have a functional link with the main dwelling (i.e. the occupants dependant relative(s) or be employed at the main dwelling);
3. Be in the same ownership as the main dwelling;
4. Be within the curtilage of the main dwelling and share its vehicular access;
5. Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
6. Have no separate boundary or sub division of garden areas between the annex and main dwelling; and
7. Have adequate parking and amenity facilities to meet the needs of those living in the annex and main dwelling.

5.1.6 In regards to the first criteria outlined above, the proposed annexes are considered to be subservient to the main dwellings, as although the outbuildings which house them are of a significant scale and bulk, this is relative to the size of the proposed dwellings. This visual impact is discussed fully in section 5.4 of this report. Furthermore, the proposed annexe would not be a standalone building and would be built as part of an outbuilding that also provided a garage.

- 5.1.7 In relation to the second criteria, no details have been provided of who would occupy the proposed buildings and it has therefore not been established that there would be a functional link between the dwellings and the annexes. However, it is considered that this matter could be adequately addressed through the imposition of a condition. Likewise, with respect to the third criteria, it is considered that the imposition of a condition to limit the use would also have the effect that the buildings would remain in the same ownership. The sixth criteria sets out a similar requirement in terms of the site not being sub-divided and like the response to the second and third criteria, it is considered that this matter can be addressed through the imposition of conditions.
- 5.1.8 In relation to the fourth criteria, whilst the large buildings would be slightly detached from the host properties, the proposed building would be built within the curtilage of the host dwelling and would provide a garage which serves the host dwelling at ground floor. Furthermore, the annexes would share their vehicular access with the host dwellings and therefore this criteria has been met.
- 5.1.9 The proposed buildings would be detached from the host dwelling which would prevent the fifth criteria being complied with as it could not be converted to be 'integral' to the host dwelling. However, it is considered that this requirement is somewhat onerous as a number of annexes approved by the Local Planning Authority and the Planning Inspectorate allow for detachment between the host dwelling and the annexe. Furthermore, as the annexe would be located above the proposed garage it would have the potential to be used in association with this ancillary use. This is not to say that this is acceptable in visual terms, as will be discussed further below, but it is considered that the requirement to be 'integral' is outweighed as a material consideration by other decisions.
- 5.1.10 As discussed at section 5.6, adequate parking would be able to be provided at the site in accordance with the seventh criterion.
- 5.1.11 For these reasons, notwithstanding the concerns that are raised above, it is considered that conditions could be imposed to ensure that the development would comply with the majority of the criteria set out above. Whilst the buildings would have a full range of facilities, it is considered that there is no preclusion from this within the abovementioned guidance and the 'subordination' in this regard could be secured through the imposition of a condition. Therefore, although there are concerns that the proposed development would exceed what can be reasonably considered to be annexes to the host dwellings, it is considered that subject to the imposition of a suitable condition, the Locals Planning Authority (LPA) can proceed on the basis that the buildings will be used as ancillary accommodation and not as independent dwellings, which would not be an acceptable form of development in this location

5.2 Housing Mix

- 5.2.1 The proposals would provide a range five bedroom detached dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June

2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

5.2.2 Policy HO.2 of the Burnham-on-Crouch Neighbourhood Plan (BOCNP) states that new housing development should include homes for first time buyers, single people, affordable homes and family homes at a range of sizes and styles including bungalows, semi-detached, detached and terrace houses.

5.2.3 Having regard to the above, the proposed five bedroom dwellings will not make a significant contribution to the District's Housing Need. However, the site benefits from permission and four dwellings of this scale could be built out on this site. Therefore, no objection is raised to the housing mix of the development.

5.3 Affordable Housing

5.3.1 Policy H1 of the LDP states that housing developments of more than 10 dwellings or more than 1,000sqm will be expected to contribute towards affordable housing. Within the Strategic Allocations the expected requirement is 40%. Any relaxation of this requirement will only be considered where the Council is satisfied that such requirement will render any development proposals unviable. As the floor area of the proposed dwellings exceeds 1,000sqm (1,508sqm), then there is a requirement for a 40% affordable housing contribution.

5.3.2 The four dwellings proposed as part of this application were also considered as part of the 180 approved under the previous permission (FUL/MAL/14/00356). As part of this application it was agreed within the Section 106 (S106) Agreement (Deed of Variation) signed and dated 23 January 2019 that a 40% contribution (72 homes) would be provided. These homes are shown within the agreement to be provided in whole on the land to the east of the application site and not within the red line boundary of this site. Therefore, as the required 40% has been provided as part of the larger planning permission for the entire strategic site it would not be considered reasonable to seek a further contribution within this site, despite the trigger for a contribution.

5.4 Design and Impact on the Character of the Area

5.4.1 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.

5.4.2 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 local design standards, style guides in plans or supplementary planning documents.”

- 5.4.3 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.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.4.5 Policy HO.5 of the Burnham-on-Crouch Neighbourhood Development Plan states that development on the Maldon Road and Creeksea Lane frontages should respect the scale and character of existing development and should bring forward high quality designs. Similarly HO.8 states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.4.6 The application site lies outside of any defined development boundary. However, the site is a Strategic Allocation which has been identified for housing development under Policy S6 of the LDP.
- 5.4.7 As part of the consideration of application FUL/MAL/14/00356 the wider application site was split into three character areas. The dwellings subject of this application fall within the northern section which was characterised by low density development with larger dwellings in more spacious plots and significant amounts of green landscaping to reflect the existing low density along Maldon Road.
- 5.4.8 The proposed dwellings in terms of their scale, bulk and height are of a considerable size. However, each is set within a substantially sized plot and there are sufficient distances between the proposed dwellings to ensure that the development does not appear cramped and that the spacious character defined by Creeksea Lodge to the south is maintained.
- 5.4.9 The design and layout of the proposed dwellings has not been altered in relation to the previous approval. As part of the previous application it was considered that the

house types proposed are of a high quality design. Given that there has been no variation in the design, size, scale and bulk of the dwellings proposed it is considered reasonable to reach the same conclusion when assessing this application.

Furthermore, it is noted that the design of the dwellings reflect the size, scale and bulk of the two gateway dwellings to the east of the application site along the spine road approved as part of the previous application and application FUL/MAL/18/00093, which related to a variation of layout for the land to the east of this application site. Therefore, it is considered that the proposed dwellings will assimilate into the wider site to an acceptable degree.

5.4.10 The proposed garages at a height of 7.5m are large structures, with a significant scale and bulk. Furthermore, the provision of three dormer windows within the principle roofscape, two rooflights to the rear and a first floor window in the side elevation creates the appearance of a dwelling rather than an outbuilding. However, it is noted that the proposed garages would be of a smaller scale and bulk than their associated dwellings which are also of a considerable size and therefore, when considered alongside the dwellings rather than in isolation, it is not considered that the garages, on balance, would appear as overly large or dominant additions. Furthermore, given that they would be situated at the end of a driveway at a maximum of 6m from the host dwelling it is considered that they would be seen in association with the host dwelling rather than independent units of accommodation.

5.4.11 In addition to the above, there have been no alterations to the design, siting, scale or bulk of the proposed garages. Therefore, given that there were no previous objections to these structures as part of the previously approval, taking a pragmatic approach, it would not be reasonable to object to the application on design grounds.

5.4.12 Having regard to the above assessment it is not considered that the development will result in detrimental harm to the character and appearance of the site or the surrounding are in accordance with policies S1, S8 and D1 of the LDP, policies HO.5 and HO.8 of the BOCNDP and guidance contained with the Maldon District Design Guide (MDDG) and the NPPF

5.5 Impact on Residential Amenity

5.5.1 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 Maldon District Design Guide (2017).

5.5.2 The application site adjoins two neighbouring dwellings, Creeksea Lodge to the south and Plot 7 of the adjoining development site (FUL/MAL/18/00093). There are also neighbouring properties on the northern side of Maldon Road which are adjacent to the application site.

5.5.3 The closest dwelling to Creeksea Lodge would be plot 3 at a distance of 10m from the shared boundary. The dwelling within this plot is positioned within its flank elevation facing south towards Creeksea Lodge, which contains no windows and only one bathroom window on the return set further from the boundary. Having regard to this, it is considered that given the orientation and the position of the dwelling in plot 3 that the proposal would not result in demonstrable harm to the amenity of the occupiers of

Creeksea Lodge. Given that a condition requiring obscure glazing was not imposed as part of the previous permission, it is not considered reasonable to do so in this instance.

- 5.5.4 To the north and west of the application site there are a number of residential dwellings located along both Maldon Road and Creeksea Lane. The proposed development will include the addition of a vehicular access onto Maldon Road. Whilst it is acknowledged that the development would increase vehicular movements, it is not considered that this would result in materially harmful impacts upon neighbouring occupiers. Therefore, it is not considered that there would be detrimental harm to the amenity of occupiers along both Creeksea Lane and Maldon Road.
- 5.5.5 C07 of the MDDG states that ‘where new development backs onto the rear gardens of existing housing; their distances must be a minimum of 25m’. Whilst this relates to existing housing it is considered good practice to maintain this standard for new dwellings also. The proposal generally maintains these distances and due to the layout of the site and angling of the dwellings, the properties would not directly face onto one and other. The only exception to this is plot 4 which is set 19.9m from the approved plot to the north. However, given that the dwelling would look onto the flank elevation of the neighbouring dwelling which does not contain any windows at its closet point and two first floor windows serving bedrooms in a set back at a distance of 27m from plot 4. Therefore, it is not considered that there would be any undue harm to the neighbouring amenity of the future occupiers of the dwellings.
- 5.5.6 Plots 2 and 3 are the closest to plot 7 of FUL/MAL/18/00093 at a distance of 55m. Given the separation distance and the amount of landscaping between the plots, it is not considered that the development would result in undue harm to the future occupiers of neighbouring plot 7.
- 5.5.7 Having regard to the above it is not considered that the development would result in undue harm to the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the LDP and guidance contained within the MDDG.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 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 is 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.

- 5.6.3 The standards state that a dwelling with four or more bedrooms should provide parking for three vehicles. A one car garage should measure 3m x 7m and parking bay should measure 2.9m x 6m where it would be situated in front of a garage door.
- 5.6.4 Although the detached garages proposed at plots 3 and 4 are of a depth of 6m and therefore, would not provide sufficient space to park a vehicle within the garage, there is sufficient space to the front of the garages to provide the required three spaces.
- 5.6.5 The garages proposed at plots 1 and 2 would have a depth of 6.1m and therefore also fall short of the required standard. There is space to the front of the garages to park two vehicles and so there would be a shortfall of one parking space per dwelling. However, it is noted that the provided level of parking has not altered since the previous permission and given that the site is set within a sustainable location it is not considered that the shortfall is so significant as to warrant refusal of the application.
- 5.6.6 In terms of the access, the proposal originally proposed the use of a bell mouth junction. However, the Local Highway Authority stated that that proposal would not be adoptable by them due to the small scale of the proposal and the junction arrangement being over engineered. In response to this the applicant has altered the access arrangement to include a 5m wide drop kerb access. Following further consultation with the Local Highway Authority regarding the revisions they have confirmed that the proposal is now acceptable from a highway safety perspective. Therefore, there is no objection in this regard.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 The proposal relates to four, five bedroom dwellings and therefore, there is a requirement for 100m² of amenity space per dwelling. The submitted information demonstrates that each dwelling will be provided with amenity space well in excess of the stated requirement and therefore, there is no objection in this regard.
- 5.7.3 The application includes the provision of approximately 0.2ha of public open space towards the southwest corner of the site. This level of public open space in relation to the number of dwellings proposed is considered acceptable.

- 5.7.4 There have been no arboricultural related reports submitted with the application, although the submitted site plan demonstrates that there will be an extensive amount of tree planting within the site. Given the lack of detail regarding landscaping and that an intermediate pressure gas pipeline lies to the north of the site where landscaping is restricted, it is considered that a condition should be imposed requiring the proposed hard and soft landscaping to be agreed with the Local Planning Authority.

5.8 Surface Water and Foul Drainage

- 5.8.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.8.2 Policy D5 also 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”*.
- 5.8.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Surface Water Drainage Strategy which includes details of how surface water would be managed. A foul drainage strategy is also included.
- 5.8.4 The proposed strategy will involve the discharge of surface water into a local watercourse via an existing on site pond and the provision of an attenuation pond to control the discharge flows. The strategy has been outlined to function as follows:
- Domestic drainage from roofs and private driveways for plots 1, 2, 3 & 4 are proposed to drain into a private pipe network to then discharge into the proposed piped surface water network underneath the highways area.
 - The runoff collected into the surface water piped network will attenuate into a proposed attenuation pond.
 - The attenuation pond will discharge into the existing pond at a controlled rate of 0.73 l/s.
 - These flows from the existing pond then discharge into the ditch to the north-east of Creeksea Lodge.
- 5.8.5 It is noted that objecting comments have been received in relation to this proposed scheme which largely relate to ownership issues and due to blockages within the ditches. However, given that the Lead Local Flood Authority (LLFA) have raised no concerns in this regard and consider that the scheme as proposed is suitable subject to conditions relating to maintenance which would address the blockages issue, it is considered that the proposed drainage system is acceptable. Furthermore, ownership is not something that can be dealt with via planning legislation and is a civil matter.
- 5.8.6 Although the proposal is considered acceptable in drainage terms, concerns have also been raised in relation to the impacts on the Great Crested Newts population which exist in the pond proposed to accept the flows. This will be addressed at section 5.11.

5.9 Contamination

- 5.9.1 Policy D2 of the Approved Maldon District Local Development Plan states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.9.2 No information regarding contamination has been submitted as part of the application. However, it is noted that as part of the previous permission a Phase 1 Environmental Assessment was submitted and identified that the application site was to be of low risk of the presence of contamination. The report recommended that further intrusive investigation should be carried out which was imposed via a condition. This condition was subsequently cleared under application DET/MAL/18/05057 and it was concluded that no remediation was required. The report encompassed the application site.
- 5.9.3 Having regard to this it is not considered reasonable or necessary to re-impose the condition as the matters have previously been dealt with.

5.10 European Designated Sites

- 5.10.1 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.
- 5.10.2 The development of four dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS 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 four 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.

- 5.10.3 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.
- 5.10.4 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 four 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 four 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. Furthermore, as discussed above, the site benefits from planning permission for four dwellings. It is not considered that the granting of this planning application would result in any more harm than already could occur if these dwellings were built out.

5.11 Ecology

- 5.11.1 The proposed surface water drainage scheme will involve the surface water discharging from the attenuation pond into the existing pond on site. This differs from the permission (FUL/MAL/14/00356) as the previous permission did not involve the surface water run-off going through the existing pond. Therefore, the impact on the Great Crested Newt population needs to be considered.
- 5.11.2 The design drawings for the attenuation pond and flow control mechanisms connecting the new to the existing ponds are satisfactory in demonstrating that there would be minimal negative impact on Great Crested Newts in the area. Furthermore, any initial impact would be mitigated in the longer term with the net benefit / gain of the new attenuation area as a potential forage / refuge habitat. However, a condition should be imposed ensuring that there is a suitable Non-Licensed method statement in place to ensure that there is minimal disturbance or damage to species or habitats. Furthermore, it is also possible that the Newt population size has changed, either increasing or decreasing and so a 'watching brief' will also need to be maintained throughout the works which can be secured via a condition. This is particularly important as Great Crested Newts are largely terrestrial and depending upon the timing of the excavation works for the attenuation pond, they are most likely to be in the environment around the existing pond and not in the water.
- 5.11.3 The Countryside and Coast Manager has been consulted and supports this stance.

5.12 Environmental Impact Assessment

- 5.12.1 It is noted that an Environmental Impact Assessment (EIA) was required as part of the previous permission. However, given the size of the site (1ha) and the limited number of dwellings proposed (4) it is not considered that the development would have a significant effect on the environment. Therefore, in this instance an EIA is not required.

5.13 Archaeology

- 5.13.1 The Essex Historic Environment Record (EHER) shows that the proposed development site is located to the north-west of an extensive Late Iron Age and Roman settlement site (EHER 49206). Trial-trenching in the area adjacent to the site, which was conducted as part of the neighbouring permission, identified archaeological features including Late Bronze Age and post-medieval or post-medieval roadside activity in this area. Therefore, it is considered that a full archaeological condition should be attached to the permission.

5.14 Other Material Considerations

- 5.14.1 The Environmental Health Team have recommended a condition requiring a noise impact report and scheme of mitigation due to the proximity of the development to Maldon Road. However, given that a noise condition was imposed on permission FUL/MAL/14/00356 only in relation to the south of the site, which would be adjacent to an industrial site and not in relation to the development fronting Maldon Road, it is not considered reasonable to impose this condition as part of this application.
- 5.14.2 The conditions imposed on FUL/MAL/14/00356 have been considered in relation to this application and were re-imposed where relevant and necessary in order to provide consistency. Where required the conditions were updated to reflect changing guidance, which includes resisting the use of pre-commencement conditions unless necessary. As part of this process a condition regarding the provision of broadband was not considered proportionate to a development of four houses and therefore, has been omitted in this instance. Likewise, a condition requiring details of the phasing of the development is not considered necessary as the development relates to four dwellings only.
- 5.14.3 Plan 017-038-001 (Block Plan) shows that 1.8m brick walls will be provided as boundary treatments adjacent to the public realm and 1.8m high fences to the rear gardens, which are considered appropriate. Therefore, a boundary treatment condition is not considered necessary, but material details of the proposed walls should be submitted as part of the materials conditions.

5.15 Pre-Commencement Conditions

- 5.15.1 The applicant has been contacted to seek confirmation of the use of pre-commencement conditions. Any response will be communicated via the members update.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00356**– Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments. Approved Subject to S106.
- **FUL/MAL/17/01242** - Variation of conditions 39 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.). Approved.
- **FUL/MAL/17/01445** - Variation of condition 18 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.) Approved.
- **FUL/MAL/00093** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.

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	Object – lack of sufficient detail regarding SuDs, foul sewage, ecology and the separate living accommodation above two of the 3 garage structures and the ridge height of the houses.	<p>The Town Council have been re-consulted on the revised drainage strategy that has been received. Any response will be updated via members update. However, it should be noted that Environmental Health and the LLFA raise no objection to the proposal in relation to SuDS or foul sewage.</p> <p>The Coast and Countryside Team have been consulted on the changes and consider that the works are</p>

Name of Parish / Town Council	Comment	Officer Response
		<p>acceptable in terms of impacts on ecology. This is addressed at section 5.11.</p> <p>Matters in relation to drainage are covered in section 5.8</p> <p>In terms of the living accommodation and the ridge height of the garage structures, the proposed garages do not differ was approved under the terms of the previous application FUL/MAL/14/00356. Furthermore, the separate living accommodation can be condition to remain ancillary to the host dwelling.</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	The proposal is acceptable subject to a condition	Noted and addressed at section 5.6 of this report.
Sustainable Drainage Systems	Final response dated 8 th January 2019 states that there is no objection subject to conditions	Please see section 5.8 of this report.
Anglian Water Services	No objection received. The development does not fall within the threshold of which bespoke advice is given.	Noted.
Environment Agency	No objection received. The development does not fall within the threshold of which bespoke advice is given.	Noted.
Cadent Gas	Objection will be raised to any proposed dwelling that is proposed within the 6m easement of the intermediate pressure gas pipeline. Formal written approval must be obtained from Cadent Gas before commencing any works within the easement.	Whilst this would not prevent the granting of planning permission, an informative will be included on the decision if the application is approved.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	<p>The proposed development is located to the north-west of an extensive Late Iron Age and Roman settlement site (EHER 49206). Trial trenching in the area adjacent to this application identified archaeological features including Late Bronze Age and post-medieval features. The location at the road junction also raised the possibility of medieval or post-medieval roadside activity in this area.</p> <p>Archeological features are both fragile and irreplaceable and it is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent.</p>	Noted and addressed at section 5.13 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle. A noise impact survey should be submitted to demonstrate how the proposed development is to be protected from noise resulting from Maldon Road.</p> <p>A contaminated land survey has not been submitted. As part of the previous application for the larger site a preliminary investigation suggested further intrusive investigation was required and so contaminated land conditions should be applied.</p>	<p>Addressed at section 5.14 of this report.</p> <p>Addressed at section 5.9 of this report.</p>

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 **Three** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Scheme is reliant on discharges of surface water through a new attenuation pond into the established pond owned by Pigeon and Creeksea Lodge, and then into trenches and non-contiguous ditches owned by Creeksea Lodge.	Addressed at section 5.8 of this report.
Established pond is a breeding ground for Great Crested Newts and unsuited to receive road and domestic runoff water.	Addressed at section 5.11 of this report.
Works in relation to the pond and trenches would damage the vulnerable root system of the mature trees bordering the Creeksea Lodge property.	The protection of the trees can be addressed via a condition.
The plan showing the proposed diversion of the sewer is incorrect. Creeksea Lodge discharges combined foul / water into the public system. Currently the plan shows that the diversion of the combined sewer becomes declassified to a foul sewer only. This requires correction and any abandoned length of sewer pipe would need to be well sealed against vermin occupation.	The Environmental Health Department, LLFA and Anglian Water have been consulted and raise no objection.
Concerns regarding extra load on foul and surface water systems.	Addressed at section 5.4 of this report.
Lack of noise and visual barriers between the development and Creeksea Lodge.	Landscaping can be agreed by a condition. It is not considered that a residential use would have unacceptable noise impacts on the adjacent occupiers. An informative will be included outlining working hours and a construction management plan will be required via a condition which will also help mitigate against any adverse impacts during the construction phase.
No construction traffic should enter Creeksea Lane.	
A document outlining the changes between this proposal and the original would be helpful. It is not clear whether the originally approved 180 houses include the ones subject of this application.	The development is included within the originally approved 180 homes as part of application FUL/MAL/14/00356.
Appendix 5 – the historical land uses should reference the WW2 usage of the	Any land contamination will be addressed through the proposed

Objection Comment	Officer Response
site by the Armed Forces who have left behind munitions and asbestos.	conditions outlined at section 5.9 of this report.
Appendix 6 – Any works to the pond would need to be agreed contractually by Creeksea Lodge as it is in joint ownership.	This is a civil matter and cannot be dealt with through planning legislation.
Additional landscaping should be mandated to block up the existing tractor access on the southwest corner of the site.	The plans show landscaping along the western boundary of the site. This will be secured by a condition.
Concerns regarding construction traffic using Creeksea Lane and the noise levels from machinery.	This will be addressed through a construction management plan.
Concerns over the size of the proposed garages in relation to their mass and drainage capacity.	Addressed at sections 5.4 and 5.8 of this report.
Foul and surface water drainage proposals are not feasible and are based upon inaccurate surveys and ownership assumptions.	Addressed at section 5.8 of this report. Although it should be noted that ownership is a civil matter.
Concerns that the development will fail to protect the Great Crested Newts.	Addressed at section 5.11 of this report.
The dwellings access onto to Creeksea Lane do not provide suitable visibility splays.	There dwellings shown to access Creeksea Lane are illustrative and do not fall within the site area and therefore, are not for consideration as part of this application.
The Hydro-brake proposed by TPA could not function even if the ditches were not 100% owned by Creeksea Lodge due to the long established blockages in the ditches.	Drainage is addressed at section 5.8 of this report.
Object to the proposal TPA should revise the proposal so that it connects with Barratt David Wilson Homes SuDS system on the immediately adjacent development to the east.	The developer has no obligation to connect to this system.
Concerns with Essex County Council's SuDS department recommending approval due to: <ul style="list-style-type: none"> - Barratt David Wilson Homes have left a connection to their own SuDS system which could be connected to. - Run off into the shared pond will impact on Great Crested Newts. Any overflow of the pond is proposed to flow in trenches on the northern and eastern sides of Creeksea Lodge. Due to	<p>The developer has no obligation to connect to this system.</p> <p>Addressed at section 5.11</p> <p>Addressed at section 5.11</p>

Objection Comment	Officer Response
historical blockages they have not been used as part of a drainage system in excess of four decades and the flow would not pass through the existing headwall to culverted watercourse on the east-southeast corner of Creeksea Lodge as shown. This has not been verified or tested.	

8. **PROPOSED CONDITIONS**

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 by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 017-038-001, 017-038-002, 017-038-003, 017-038-004, 017-038-005, 017-038-011, 017-038-012, 017-038-013, 1203-03 PL12.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No works above ground level shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development and the proposed boundary walls hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with guidance of the National Planning Policy Framework and policy D1 of the Approved Maldon District Local Development Plan.
- 4 No works above ground level shall commence until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation

Hard Landscape works:

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

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

The scheme shall include details of future maintenance and management of any parts of the site that are not within a residential curtilage or adopted highway, which shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.

- 5 Prior to first occupation details of a Residential Travel Information Pack for sustainable transport shall have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.
REASON In the interests of increasing the use of sustainable transport in accordance with policy T2 of the Approved Maldon District Local Development Plan.

- 6 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.

Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be

- fully completed with final surfacing within twelve months from the occupation of such dwelling.
- REASON In the interests of highway safety in accordance with policies D1 and T2 of the Approved Maldon District submitted Local Development Plan
- 7 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.
- REASON To improve and enhance biodiversity value of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan.
- 8 No works above ground level shall occur until details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- REASON In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with policy D1 of the Approved Maldon District Local Development Plan.
- 9 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.
- REASON To protect the existing landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.
- 10 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:
- Access arrangements to the site in conjunction with demolition/construction operations.
 - The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - Wheel and underbody washing facilities.
 - Mitigation measures to protect ecology on site.
 - Dust management.
 - Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
 - Temporary site illumination.
 - Arrangements for keeping the site entrance and adjacent public road clean.
 - Construction noise management plan.

- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

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

REASON In the interests of amenity, highway safety and biodiversity having regard to policies D1, T2 and N2 of the Approved Maldon District Local Development Plan.

- 11 No works above ground level shall occur until details of the external public lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Approved Maldon District Local Development Plan.
- 12 Prior to the first occupation of the development the access arrangements, which shall have clear to ground visibility splays of 2.4m x 90m in either direction, as shown on drawing no.1203-03 PL12, Rev A, shall be fully implemented and retained as such in perpetuity.
REASON To provide safe and suitable access in the interests of highway safety in accordance with policies T1 and T2 of the LDP.
- 13 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Approved Maldon District Local Development Plan.
- 14 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Approved Maldon District Local Development Plan.

- 15 No works above ground level shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Pollution in accordance with policy D5 of the Approved Maldon District Local Development Plan.

- 16 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the LDP.

- 17 The development hereby permitted shall not commence until the measures set out in the approved remediation scheme, 774845-REP-ENV-001-Rev 2 - Phase 2 Geoenvironmental Assessment Report, which was approved under the terms of application 18/05057/DET, have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent undue contamination of the site in accordance with policy D2 of the Approved Maldon District Local Development Plan.

- 18 The annexe's within the first floor of the garages hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling within plots 3 and 4, not as a separate or independent unit of residential accommodation.

REASON To ensure that the extended annexe remains ancillary accommodation incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 19 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 017-038-005 for 10 cars to be parked and that

space shall thereafter be kept available for the parking of vehicles in perpetuity.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

- 20 The garage(s) shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure that the garage remains incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 21 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a Non-Licensed Method Statement, ensuring minimal disturbance or damage to species or habitats. This should include details of a watching brief and the timing of the excavation works.

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

REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan.

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 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 or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.
- 2 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 3 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- 4 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 5 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 6 Formal written approval must be obtained from Cadent Gas before commencing any works within the 6m easement of the immediate pressure gas pipeline. No buildings are permitted to be sited within the easement and landscaping in this area is also restricted.
- 7 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.
- 8 Please note that the landscaping scheme should reflect the access shown on plan 1203-03 PL12 Rev A opposed to plan 017-038-001.