



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

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

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 6**

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

**3. SUMMARY (PAGES 61 – 62)**

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

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

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

**5. MAIN CONSIDERATIONS (PAGES 63 – 74)**

**5.15 Pre-Commencement Conditions**

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

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

### 7.1 Representations received from Parish / Town Councils

#### 7.1.1

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

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

#### **7.4 Representations received from Interested Parties** *(summarised)*

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

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

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