



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
9 SEPTEMBER 2019**

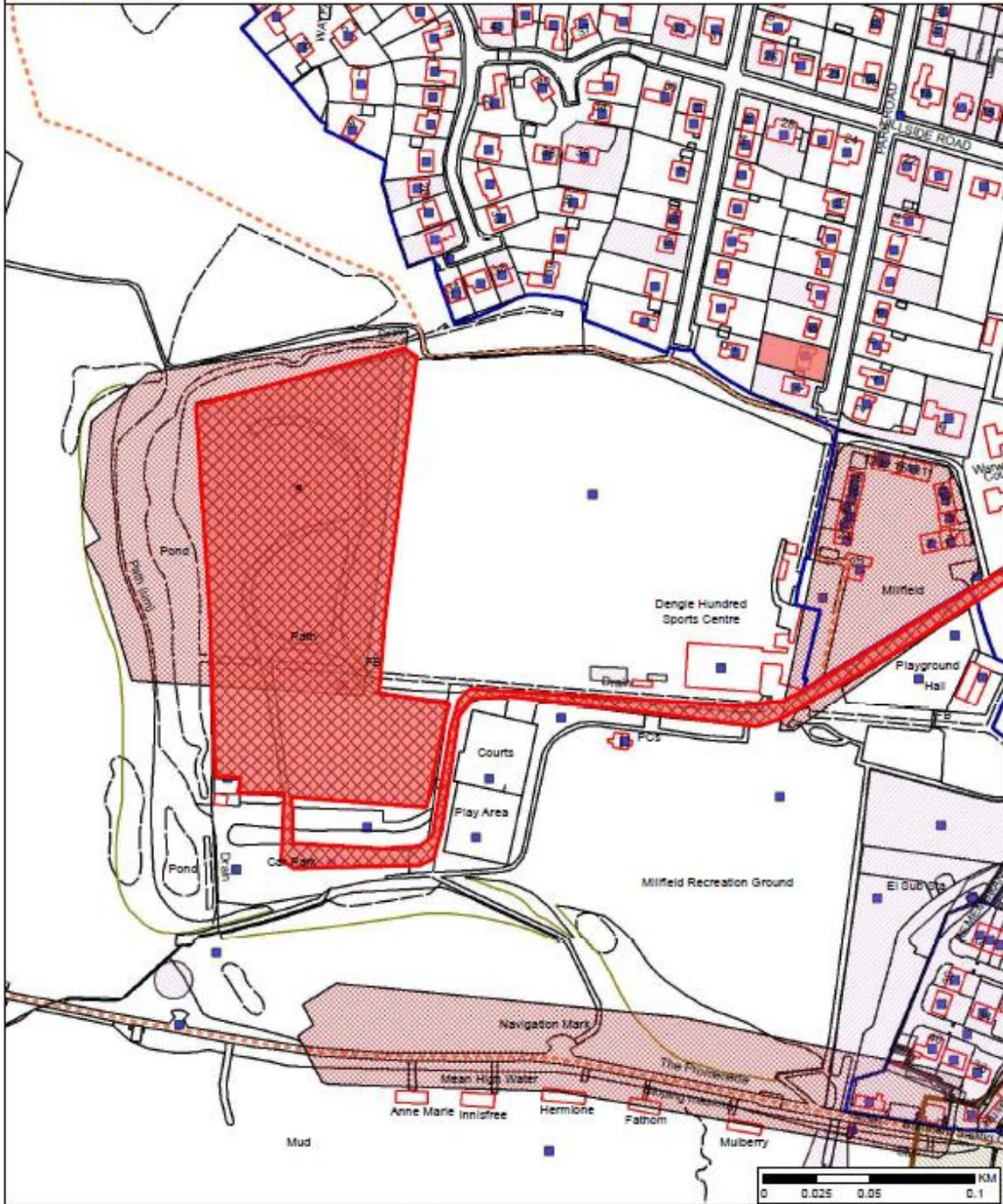
<b>Application Number</b>	<b>FUL/MAL/18/00381</b>
<b>Location</b>	Millfields Caravan Park, Millfields, Burnham-On-Crouch, Essex
<b>Proposal</b>	Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site
<b>Applicant</b>	Birch's Leisure Parks Limited
<b>Agent</b>	Mr Philip Kratz
<b>Target Decision Date</b>	13.03.2019 (Extension of time agreed: 13.09.2019)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	30/08/2019
	MSA Number:	100018588

### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The application site, according to the Local Development Plan (LDP), forms part of the Riverside Park, which is approximately 23.15 hectares in size, to the southeast of Burnham-on-Crouch. The site is located east of Station Road and the Dengie Hundred Sports Centre, north of the river Crouch marshes, outside the settlement boundary of Burnham-on-Crouch.
- 3.1.2 The site is accessed via a west turning head onto Station Road. It is approximately 2 hectares in size and it is mainly grassed over with sporadic trees and hedges along the boundaries. A ditch traverses the site. The site has a lawful use as a caravan park and although at present there appears to be only a small utilities' structure on site, the site was occupied by caravans since 2006.
- 3.1.3 The Burnham-on-Crouch Rugby Union Football Club and the Dengie Hundred Sports Centre lie to the east of the site, a car park is located to the south of the site, residential properties are sited to the north, while to the west is public open space and the Burnham-on-Crouch marine.
- 3.1.4 Whilst the application site is flat, topographically the land rises steeply to the south and west of the site. The site is located within flood zone 3.

##### *Description of proposal*

- 3.1.5 Planning permission is sought for the erection of a single storey building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, the formation of hardstanding to be used as access road and provide off-street parking and enhanced landscaping, in association with an existing caravan park. A total of 52 caravans would be stationed on site, which was confirmed that would comply with the requirements of The Caravan Act. Although the existing access to the site would be retained, the caravan park road would be amended to follow the boundary lines of the application site.
- 3.1.6 The proposed building would be a simple timber framed structure, measuring 21.6m wide, 9.9m deep, 3.3m high to the eaves, with a maximum height of 6.4m. materials to be used to the external elevations would include metal seam roof (colour grey), the external walls would be cladded (colour 'cliffside') with brickwork to the slab level and the windows would be metal framed (colour dark grey).
- 3.1.7 Each caravan would be served by one off-street parking space and an additional eight parking spaces would be provided at the entrance of the site.
- 3.1.8 In terms of landscaping, it is noted that the majority of the existing trees and hedges will be retained and reinforced with new trees, hedges and shrubs.
- 3.1.9 The information submitted with the application advise that the caravan park would operate as holiday caravan park for 10 months of each calendar year, between 11<sup>th</sup>

March and 10<sup>th</sup> January, with the exception of the staff accommodation. It is noted though that the proposed development does not involve the use of the site as a holiday caravan park, given that this is the lawful use of the site and thus, the opening time period cannot be restricted.

- 3.1.10 It should be noted that following extensive correspondence with the applicant's agent, the originally proposed manager accommodation has been omitted from the proposed development to overcome the holding objection of the Environment Agency.

### **3.2 Conclusion**

- 3.2.1 The principle of provision of facilities and services ancillary to an existing tourist use is considered acceptable and in accordance with policies S8 and E5 of the approved Local Development Plan. The impact of the development on the character of the area and the amenities of the neighbouring occupiers has been assessed and found to be acceptable. The development would not result in unacceptable impact on the highway safety or the free flow of traffic and it would provide sufficient off-street parking to meet the needs of the proposed development. Following omission of the originally proposed managers' accommodation on site, which is located in an area of high risk of flooding, the originally raised concerns regarding the flood risk have been removed. Additional information has also been provided in relation to surface water drainage to the satisfaction of the Lead Local Flood Authority. The development, subject to appropriate mitigation, would not adversely impact upon the nature conservation sites or the protected species. For those reasons the development is considered acceptable and in accordance with the aims of the Development Plan Policies.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 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
- 83-84 Supporting a prosperous rural economy
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

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

- Policy EC.6 Tourism
- Policy EN.1 Flood Prevention
- Policy EN.3 Enhancement of the Natural Environment
- Policy RI.2 Design Sensitivity of Riverside Developments

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

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

### **5. MAIN CONSIDERATIONS**

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

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

5.1.2 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 4) Support growth within the environmental limits of the District;*
- 5) Emphasise the importance of high-quality design in all developments;*
- 6) Create sustainable communities by retaining and delivering local services and facilities;*
- 8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when*

*it is not possible to avoid such areas; 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*  
*9) Conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network;*  
*13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”.*

- 5.1.3 The site is outside the settlement boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the abovementioned approved policies.
- 5.1.4 The requirement to focus strategic growth to the District's main settlements is highlighted in policies S1, S2 and S8 of the approved MDLDP. 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 and when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.5 The proposed development would be located outside the defined settlement boundaries of Burnham-on-Crouch; however, it is proposed in support of an existing lawful tourism use; a caravan park. Policy S8 advises 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 it is (inter alia) for f) Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5)”*.
- 5.1.6 Policy E5 states that *“The Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment”*.
- 5.1.7 The proposed development would provide facilities ancillary to and to support the existing tourist use of the site. Therefore, in light of the above, subject to the protection of the intrinsic character and beauty of the countryside, which is further assessed below, the development would be acceptable in principle.
- 5.1.8 The site, according to LDP, forms part of the designated Riverside Park, which is part of the Council's Green infrastructure. Policy N1 states that there will be a presumption against any development which may lead to the loss of existing green infrastructure. The preamble of the policy advises that green infrastructure would include *“open spaces, natural assets and facilities including woodlands, nature reserves, country parks, village greens, parks, gardens, cemeteries, churchyards, allotments, sports pitches and other recreational facilities which are designed, developed and managed to meet the needs of local communities”*. On that basis, considering that the development would be ancillary to a recreational facility, it would not result in loss of the green infrastructure. In any event, it is noted that the site has a

lawful use a caravan park and the development would only provide facilities ancillary to the existing lawful use of the site.

5.1.9 It is noted that given the existing lawful use of the site, as a caravan park, no permission is required for the siting of the caravans, as long as they comply with the dimensions stated in The Caravan Act.

5.1.10 In light of the above, it is considered that subject to the protection of the intrinsic character and beauty of the countryside, the development would be acceptable in principle and in accordance with the policies of the LDP.

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

5.2.1 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.

5.2.2 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”.*

5.2.3 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.

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

- 5.2.5 The application site lies outside the defined settlement boundaries. 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.
- 5.2.6 The proposed development is for the erection of a building to provide facilities ancillary to the caravan park and also new hard standing to be used as parking and caravan park road. No permission is required for the siting of the caravans, as long as they comply with the dimensions stated in The Caravan Act.
- 5.2.7 The proposed building would be of single storey height and a comparably small scale when considered within the area that the application site covers. The building would be of a rectangular shape, featuring a gable roof and of simple external appearance and design. The development would be visible from public vantage points, but it would be set well back from the highway, almost central to the application site, minimising the visual impact and dominance of the structure, when viewed from the public highway.
- 5.2.8 In design terms, large amount of glazing is proposed to be incorporated to the east and west elevations, making the development appear more lightweight. Sufficient fenestration is also proposed to the north and south elevations, providing articulation to the long elevations. In terms of external finishing materials, it is considered that the proposed metal seam roof, metal framed windows and doors and clad exterior would be appropriate and materially harmful to the appearance and the character of the site itself or the wider area.
- 5.2.9 No objection is raised in relation to the amount and appearance of the proposed hardstanding, given that a large amount of landscaping would be maintained and in areas enhanced with further planting. The majority of the existing hedgerows (on the northern, western and southern boundaries) will be retained and the majority of the trees within the site would also be retained, limiting removals mainly to scrubby vegetation and conifers. Additional trees are proposed on the eastern boundary. Tree, shrub and hedgerow planting, as well as a mix of native and ornamental planting, would be introduced to enhance the site's landscape. On the basis of that, no objection is raised to the proposed hard surfaced areas, which would be proportionately limited. The details of the hard and soft landscaping have been provided on submitted illustrative plans and there will be conditions, in order to ensure that the development makes sufficient provision of soft landscaping and is implemented as approved.
- 5.2.10 The application is accompanied by a Landscape Visual Impact Assessment, which states that the proposed development would not result in loss of value of the landscape of the Fambridge Drained Estuarine Marsh as there would be no loss of important landscape features, elements and characteristics and minimal influence over the surrounding landscape and the River Crouch corridor. It is also stated that there would be very limited visibility of the proposed development from the publicly

accessible locations within the country park and recreational landscape on the fringes of Burnham-on-Crouch and around Brampton.

- 5.2.11 In light of the above, it is considered that the impact of the development on the character of the area and the landscape would be limited and not detrimental to justify refusal of the application.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 In terms of the use of the site, it is noted that the nature of the proposal would not alter the existing lawful use of the site as a caravan park. Whilst it is accepted that the site is currently and has been in recent years vacant, it is noted that its lawful use as a caravan site has not ceased and thus, it could be re-used as a caravan site at any time, without the need of planning permission.
- 5.3.3 The current proposal is for the erection of a building providing ancillary uses to the caravan site and hardstanding.
- 5.3.4 The application site has one adjacent neighbouring property 'Tideway Lodge' located to the north of the site.
- 5.3.5 The position of the proposed building and its relationship with the properties in the surrounding area, is such that it is considered impossible to result in unacceptable impacts in terms of loss of light, domination or unacceptable levels of noise and disturbance, due to the separation distance maintained (around 185m away from the nearest residential property).
- 5.3.6 The proposed hardstanding, would have no impact on the residential amenity of the nearby occupiers.

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

- 5.4.1 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.

#### Parking

- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contain 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.

- 5.4.3 The application site has a lawful use as a caravan park and the off-street parking requirements for the use in accordance with the Vehicle Parking Standards SPD are 1 space per pitch, 1 space per residential staff and 1 space for two other staff.
- 5.4.4 The submitted plans show that one parking space would be provided per pitch and an additional eight off-street parking spaces at the entrance of the site in association with the proposed welcome and amenity building. The proposed building would provide ancillary leisure uses (such as gym and spa), as well as the reception and offices.
- 5.4.5 The application is supported by a Transport Assessment, which states that two of the caravans would be provided to accommodate resident staff and there is potential of employing an additional 5 non-resident staff. However, as noted in the 'proposal' section, the originally proposed managers' accommodation has been omitted from the proposed development. This information was received after the submission of the Transport Assessment and therefore, it supersedes it in that respect. With regard to non-resident staff, one parking space per non-resident staff is required. On that basis 4 parking spaces would be required for employees, which can be provided on site, leaving an additional 4 parking spaces for visitors, which is considered sufficient to meet the off-street parking needs of the site.
- 5.4.6 Even when considered separately, the proposed welcome and amenity building would be used mainly to provide leisure facilities and as reception to the caravan park. The building would cover an area of approximately 180sqm and the parking requirement for the D2 use is a maximum of 1 space per 22sqm. On that basis, the proposed eight off-street parking spaces in association with the proposed new building would be sufficient to meet the parking requirements as set out in the Vehicle Parking Standards SPD.
- 5.4.7 In terms of cycle parking, one cycle parking space per 4 members of staff and one per 10 pitches would be required to be provided. Thus, a total of 9 cycle parking spaces should be provided. The submission of details of safe and secure cycle parking would be secured by condition.

#### Trip generation

- 5.4.8 A TRICS assessment has been carried out to assess the vehicle trip generation. Although the Transport Assessment advised that the current trip generation is 0, given that the site is currently vacant, it is noted that the site has a lawful use as a caravan

park and it could be used as such at any time, without the need of planning permission.

- 5.4.9 It is forecasted that the site would generate 82 trips on weekdays (in a 12-hour period) and 80 trips on weekends (in a 12-hour period). Although it is accepted that the development would result in an increase in the vehicle movement, considering that the site is currently vacant, it is noted that the site has a lawful use as a caravan park and it was previously used as caravan site, providing accommodation to 70 caravans. On that basis, it is considered that the vehicle movement would not be materially different from that which could have been generated by using the site in accordance with its lawful use. No objection is therefore raised in relation to trip generation and impact of the development on the highway network.

#### Access

- 5.4.10 The site would utilise an existing vehicular access onto Millfields, which at the first 30 metres adjacent to highway would be wide enough to allow a two-way traffic. The Highway Authority has been consulted and raised no objection to the proposed development. Therefore, no objection is raised in relation to the proposed access to the site.

### **5.5 Flood Risk**

- 5.5.1 The application site is located within Flood Zone 3a, defined by PPG as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.5.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.3 Although the application site is located within flood zone 3, it has a lawful use as a caravan park and therefore, the development proposed under the current application is that relating to the erection of a building to provide ancillary uses to the caravan park, as well as associated hard standing and thus, the it would fall within the "less vulnerable" category.
- 5.5.4 According to the NPPF *"The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."* (Paragraph 158 of the NPPF).

- 5.5.5 As noted above, the site has a lawful use as a caravan park and any services and facilities associated with the holiday caravan use of the site would be reasonably necessary to be provided on site. The proposed building would be used as offices, a shop, shower/toilet facilities, spa, pool facilities and a gym. The previously proposed managers' dwelling does no longer form part of the proposal and therefore, the proposed building will be erected to provide ancillary facilities to the caravan park. The hardstanding would be laid to provide an access road and parking. It is therefore considered that there is no sequentially preferable site in an area at lower risk of flooding, considering that the services and facilities to be provided are directly related to the holiday caravan use of the site. On that basis, it is considered that the development passes the sequential test.
- 5.5.6 Following the sequential test, the exception test should be applied. The latter is applied only when the sequential test has been passed and requires:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 5.5.7 As discussed in the 'Principle' section of the report, the development would provide ancillary and improved facilities to an existing caravan park, which will encourage the growth of tourism in the local area, in accordance with policy D5 of the LDP. The proposed development is supported by a Flood Risk Assessment, a flood evacuation plan and further details in relation to sufficient drainage strategy (further assessed below) that can provide adequate mitigation to make the development being safe for its lifetime and not increase flood risk elsewhere.
- 5.5.8 As part of the application, the Lead Local Flood Authority was consulted and initially raised concerns in relation to the proposed run off rates, the half drain time of the storage tanks, the water quality treatment, and the way that the surface water would be routed through the site in the event of a blockage of the pump or in an event greater than the 1 in 100 plus 40%. Concerns have also been raised by Environment Agency in relation to higher refuse available within the welcome and amenity building to ensure the health and safety of users and the manager's accommodation.
- 5.5.9 Additional information has been submitted to address the abovementioned matters. The surface water generated by the proposed development has been restricted to 1 in 10-year run-off rate, given that additional storage for the 1 in 10-year event over that previously provided and downstream defenders within the system have been included to ensure sufficient treatment. A Flow Exceedance Plan has also been produced which indicates that the surface water would flow into the existing ditch within the site during storm which would exceed the 1 in 100 years plus 40% event. It is also proposed that the car parking areas will be surfaced with permeable block paving. On the basis of the above additional information submitted, the LLFA, which was re-consulted, no longer raises an objection to the proposed development.
- 5.5.10 In response to the comments raised by the Environment Agency, a Flood Evacuation Plan has been submitted. It is recommended that the Welcome & Amenity Building is registered with the Environment Agency's Flood Warning Service. It is advised that

should the site need to be evacuated, the initial Flood Warning would be provided by the Environment Agency. The purpose of the evacuation is to ensure the building is clear of occupants prior to the onset of flooding. On the basis of the submitted Flood Evacuation Plan, it is considered that the development would not result in risk of life of the users of the welcome centre. Furthermore, it is noted that the originally proposed manager's accommodation does no longer form part of this proposal. The Environment Agency was re-consulted on the basis of the revised information and has no removed its holding objection.

- 5.5.11 In light of the above assessment, it is considered that the development would be acceptable in terms of flood risk, it would not result in an unacceptable risk of flooding and it would increase flood risk elsewhere.

## **5.6 Ecology**

- 5.6.1 Paragraph 180 of the NPPF states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.6.2 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.3 Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.6.4 The application is accompanied by an Ecological Survey Report which recognises the position of the site near the River Crouch; thus, near a number of nature conservation sites, such as Special Protection Area (SPA), a Ramsar site and a Special Site of Scientific Interest (SSSI). Natural England has been consulted and advised that the development would not have a significant impact on statutory protected sites or landscapes.
- 5.6.5 According to the submitted Ecology Report, the northern field of the site comprises poor semi-improved grassland, while the southern field comprises managed improved grassland. A wet ditch traverses the site, which is heavily overgrown. There are also two ponds adjacent to the site on Burnham Riverside Park, which have been tested for the habitation of Great Crested Newts. One has found to be negative, whilst the second showed inhabitation; however, it is stated that at present they are not considered as a constrain to the development. Furthermore, following various surveys, a low population of reptiles was identified on site. A Mitigation Strategy during

construction is proposed to prevent reptiles from injury or mortality. This would involve fencing the development site and translocating reptiles into a receptor site within Burnham Riverside Park. Moreover, annual cut of the grass would not be less than 15 cm height and additional trees and scrubs would be planted. Monitoring of reptile populations post-development is also recommended. Regarding water voles it is noted that the ditch on site is not in an optimal condition to support water voles, however, enhancement measures are recommended. Measures should also be undertaken to prevent pollution of the ditch on site during construction and occupation. In relation to bats, surveys have been carried out in September 2018 and August 2019 and a total of four species were recorded. For that reason, it is recommended that lighting measures are implemented to avoid night time lighting of areas that would provide flight lines and foraging habitats for bats. Monitoring of the above species post-development is recommended. On the basis of the above details submitted and surveys carried out, it is considered that sufficient information has been submitted to ensure that the development would not have a significant effect on the existing protected species and adequate mitigation measures would be implemented to protect and enhance the existing habitats.

- 5.6.6 A separate Habitat Regulation Assessment has been prepared by the Local Planning Authority to assess the likely significant effect of the proposed development on the European sites, which concludes that the development would be acceptable and will not have an adverse effect to the integrity of the designated sites or wildlife.

## **5.7 Other Matters**

### Contamination

- 5.7.1 The Environment Health Team has been consulted with regard to the current application and advised that the site is located on former landfill. For that reason, a series of conditions to protect from potential land contamination have been advised to by the Environment Health Team. Subject to the imposition of the appropriate land contamination conditions, it is not expected that the development would result in an unacceptable impact on future users of the site or other receptors or in contamination elsewhere.

## **5.8 Pre-Commencement Conditions**

- 5.8.1 Three pre-commencement condition is recommended and approval for the use of these conditions has been provided by the applicant's agent on 9<sup>th</sup> August 2019.
- 5.8.2 A consultation response from the Environmental Health Team has been submitted requesting the imposition of pre-commencement conditions regarding the submission of an investigation and risk assessment and a remediation scheme thereafter if contamination is found on site. These conditions are necessary to be submitted prior to the commencement of the development and any ground works, given that they go to the heart of the permission and that their findings would affect the acceptability of the proposed development. Any investigation would effectively have to be carried out prior to the implementation of the development. Furthermore, a condition requiring the submission of details of the Construction Method Statement is considered necessary to be submitted prior to the commencement of the development and any ground works, given that vehicles would be required to be parked on site

during works below ground level. It is also reasonable that materials would have to be stored on site prior to the construction of the development. As a result, if is considered reasonable that the abovementioned condition is required to be addressed prior to the commencement of the development.

**6. ANY RELEVANT SITE HISTORY**

6.1 **FUL/MAL/94/00782** - Increase ceiling height to pump house and erection of pitched roof over slop sink. Planning permission granted.

**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 Caravan Park	<p>Concerns have been raised as follows:</p> <p>There has not been an existing caravan park on the site for about 10 years. No licence has been applied for. Facilities provide direct competition to those already offered by MDC and two private companies. Lodges not caravans proposed. Currently the site is used as a public open space and would be contrary to the LDP policy N3. The proposed development would result in the loss of a public footpath contrary to Section 31 of the Highways Act 1980. Gated / segregated development unacceptable. The development would be contrary to policy D1.</p>	<p>It is noted that the site has a lawful use as caravan park.</p> <p>It is also noted that the licence of the site is a matter assessed from Environmental Health Department of the Council and it is not under the Local Planning Authorities remit.</p> <p>The fact that there are other existing similar facilities in the area does not make the development unacceptable in planning terms.</p> <p>The proposed lodges would have to accord with the criteria set out in the Caravan Act.</p> <p>The development would not result in loss of a designated footpath.</p> <p>Further assessment of the development against the LDP policies is made within the officer's report.</p>

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No objection, subject to a condition requesting the submission of a construction method statement.	Comment noted and condition is imposed.
Lead Local Flood Authority	Following the submission of additional information as they are discussed in section 5.5 of the report and subject to appropriate conditions, the holding objection has been removed.	Noted and discussed in section 5.5.
Natural England	No objection - Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above site(s) and has no objection to the proposed development.	Comments noted.
Environment Agency	Following several correspondence and submission of amended/additional information by the applicant, the originally raised objections were removed.	Noted and discussed in section 5.5 of the report.
Essex and Suffolk Water	No objection, subject to compliance with the set requirements.	Noted.

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Conditions about contamination, foul water drainage and period of operation shall be applied.	Comments noted.
Economic Development	Support the application,	Noted and discussed in

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Team	given that create jobs and contribute significantly to tourism income for the Maldon District.	section 5.1 of the report.
Emergency Planner	The site is located within flood zone 3 and a flood warning and evacuation plan is required to be submitted.	It is noted that a flood warning an evacuation plan has been submitted and discussed in section 5.5 of the report.

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

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

<b>Objection Comment</b>	<b>Officer Response</b>
The site has not been in use as a caravan park for almost a decade.	This does not change the lawful use of the site.
It is noted that the current application is not the same as the previous permission that has now lapsed and also the site does not benefit from a holiday park licence.	It is noted that no details of the application that the neighbour refers to is made in the comments to allow full assessment of the comments raised. Also, it is noted that the local planning authority has no control over the licence of a holiday caravan park.
The building proposed is large in scale.	This matter is addressed in section 5.2.
The development would obstruct a public footpath.	It is noted that the development would not obstruct any designated public footpath.
There is an active water vole population in the drainage ditch which runs through the centre of the site.	This matter is addressed in section 5.6 of the report.
The development would be detrimental to facilities already available in the town. No benefit to the town.	The principle of providing facilities/services in association to lawful tourism facilities is assessed in section 5.1 of the report.
There are existing habitats, trees and species on the site which will be affected by the development.	This matter is addressed in sections 5.2 and 5.6 of the report.
Impact on highway safety and parking	This matter is addressed in section 5.4 of the report.

<b>Objection Comment</b>	<b>Officer Response</b>
provision.	
Environmental impact of the development on the area.	This matter is addressed in section 5.6 of the report and in the HRA that has been carried out by the local planning authority.
Concerns regarding upkeep of the park by MDC and query regarding the use of the profit from this development to upkeep this area.	This is not a material planning consideration.
Impact on neighbours due to increased noise and pollution.	The impact of the development on the amenities of the neighbouring occupiers is assessed in section 5.3 of the report. Taking into account the scale and nature of the proposed development, it is not expected there would be a material increase in overlooking to extent that would warrant refusal of the application on those grounds.

**8. PROPOSED CONDITIONS:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007; RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.  
REASON To ensure the development is carried out in accordance with the details as approved.
3. The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 and for no other purpose, including any type of residential accommodation, at any time.  
REASON To ensure that the development would only provide facilities ancillary to the existing lawful use of the site in the interests of the character and appearance of the area, the adjoining designated nature conservation site and minimising flood risk in accord with policies S1, S8, E5, D1, D2, D5 and N2 of the approved Local Development Plan, policies EC.6, EN.1 and EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework.
4. The proposed development shall be implemented in accordance with the forms of mitigation included in Ecology Survey Report (dated November 2018) and be retained as such in perpetuity.  
REASON In order to ensure that there is no adverse effect to the adjoining designated nature conservation site in line with policies S1, S8, E5, D1, D2 and N2 of the approved Local Development Plan, policy EN.3 of the Burnham-on-

Crouch Neighborhood Plan and the guidance contained within the National Planning Policy Framework.

5. The use of the site hereby permitted shall be implemented in accordance with the Flood Warning and Evacuation Plan (dated 19.02.2019) submitted with this application. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.

REASON In order to ensure that the impact from any flood events is limited in line with policy D5 of the approved Local Development Plan, policy EN.1 of the Burnham-on-Crouch Neighborhood Plan and the guidance contained within the National Planning Policy Framework.

6. No development shall be constructed during the wintering bird period between October – March inclusive.

REASON In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.

7. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:

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

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

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

9. Where identified as necessary in accordance with the requirements of condition 8, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

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

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

11. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 2.4 l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Storage should half empty within 24 hours wherever possible. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be submitted to and approved in writing by the Local Authority. if the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

12. No development shall commence, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction

Hours and days of construction operations.

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

## **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. 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](mailto: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. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
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.