

**CIRCULATED  
BEFORE THE  
MEETING**



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE  
9 JUNE 2021**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 6**

<b>Application Number</b>	<b>21/00075/OUTM</b>
<b>Location</b>	Land 250M North Of 16A, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including affordable housing: erect 132No. one, two and three bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping.
<b>Applicant</b>	Mr Ian Holloway - Think Green Land Limited
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Target Decision Date</b>	14.06.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>Burnham North</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 60 – 68)**

**7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) Highways	A site visit has been completed and the supporting documents considered. The proposed development is phase 2 of a retirement community which has outline and reserved matters planning consent. The development is anticipated to be	The applicant has agreed to the financial contribution required and the conditions recommended are included below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>comparatively self-contained. The development would have access to the sustainable transport measures forming part of the consented planning application including the provision of a private bus service operating 7 days and week, a contribution towards the enhancement of commercial public transport services in the area and use of e-bikes and buggies for residents. The Highway Authority are satisfied that, other than the capacity constraints at the Maldon Road B1010/ Southminster Road/Church Road B1021 junction, the impact of the development can be accommodated on the local highway network without discernible detriment to highway safety, efficiency and capacity. As a financial contribution has been offered (£25,000) in conformity with other local residential developments to improve safety and capacity at this junction, the impact of the proposal is acceptable to the Highway Authority, subject to conditions.</p>	
ECC Ecology	No objection subject to securing biodiversity mitigation and enhancement measures.	The conditions recommended are included below.

#### 7.4 Representations received from Interested Parties

- 7.4.1 An additional letter has been received **objecting** to the application but no additional reasons for objection were raised.

**8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT (PAGES 68 – 76)**

**REVISED HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- No development on Phase 2 shall commence until the health centre, community hub/sports centre, shops, minibus service, sustainable travel measures and communal land uses as well as the site access arrangements for both vehicles and pedestrians and Travel Plan approved as part of Phase 1 have been constructed / delivered and are operational;

**PROPOSED UPDATED CONDITIONS:**

- 2 The development shall be carried-out in accordance with the following plans: Site Location Plan 6683-1101-P2; Existing Site Plan 6683-A-1102-P1; Proposed Site Plan 6683-A-1103-P3; Proposed Ground Floor Site Plans – 6683-A-1104-P3; 1105-P2; 1106-P1; 1107-P1; Tree Survey Plan 2039-WWAXX-XX-DR-L-0700 rev.P00; Tree Protection Plan 2039-WWA-XX-XX-DR-L-0701 rev.P00; Existing site and services layout 14885/JD/1-8.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - wheel and underbody washing facilities;
  - construction vehicle routing.
- 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 Policies D1 and T2 of Maldon District Local Development Plan.
- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Surface, November 2020), the Water Vole Survey Report (Surface, April 2021), the Great Crested Newt Survey Report (Surface, May 2021) Habitats Regulation Assessment (Surface, November 2020) and the Appropriate Assessment (Surface, December 2020). This shall include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.  
REASON: To improve and enhance the biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 21 No works to any of the ditches onsite shall commence unless the local planning authority has first been provided with either:
- a) a licence issued by Natural England pursuant to sections 16(3)(c) and 16(5) of Wildlife and Countryside Act 1981 (as amended) authorizing the specified activity/development to go ahead; or

- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

**REASON:** To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

### **PROPOSED ADDITIONAL CONDITIONS**

- 27 The proposed development shall not be occupied until such time as the vehicle parking areas, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

**REASON:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.

- 28 Prior to occupation of the proposed development, each dwelling shall be provided with a Residential Travel Information Pack for sustainable transport, details of which shall have been submitted to and gained the prior written approval of the local planning authority.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.

### **ADDITIONAL INFORMATIVES**

- 4 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- 5 For phase 1 it was indicated that the roads within the site would not be suitable for adoption by the Highway Authority and the applicant was advised that a minimum carriageway width of 6.75 metres was recommended to accommodate bus movements. On the basis that phase 1 is not suitable for adoption the Highway Authority would not consider adoption of phase 2.

- 6 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 1 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The indicative site layout plan shows the definitive route of public footpath 1 Burnham to be obstructed by a water feature and boardwalk. This is entirely unacceptable. Additionally, the plan proposes bisecting public footpath 1 with a residential access road. Details of these road crossings including dropped kerbs and signage shall be included in the reserved matters submission.

- 7 The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.