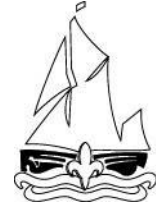


**CIRCULATED  
BEFORE THE  
MEETING**



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**To  
SOUTH EASTERN AREA PLANNING COMMITTEE  
15 SEPTEMBER 2021**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 7**

Application Number	21/00526/FUL
Location	Appleberry By The Gables, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA
Proposal	Demolition of existing dwelling and outbuildings and erection of 8 single storey dwellings with associated cart lodges, parking, access and landscaping
Applicant	Lauren Nicole Homes Limited
Agent	Mrs H Webb - Smart Planning Ltd
Target Decision Date	17.09.2021
Case Officer	Anna Tastsoglou
Parish	Burnham North
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2014 – 2029 Cllr Bell has called in the application for the following policy reasons: LDP policy H4 (replacement dwellings), D1(c),(d). BTC NDP policy HO2

**7.2 Statutory Consultees and Other Organisations (*summarised*)**

Please note the amendments to following consultation responses which been updated since the publication of the agenda:

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
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<p>Waste Management</p>	<p>It is highlighted that a statement confirming compliance with the following points should be submitted by the applicant:</p> <ul style="list-style-type: none"> <li>• The vehicle must be able to enter and exit the development driving forwards.</li> <li>• There should be sufficient off road parking to ensure that there is no parking in the main road or turning head so as to impede the refuse vehicle on collection day (specification of vehicle provided in the Waste Management technical document).</li> <li>• The road surface must be built to highways standard and suitable for a 26 tonne vehicle.</li> <li>• The developer should note that as they will have to purchase waste containers from the Council for all properties prior to residents moving in. When the property is nearing completion, they must contact the Waste Management Team to arrange.</li> </ul>	<p>Since the publication of the Officers report, the applicant has confirmed that the development will be carried out in compliance with the points raised by the waste management team.</p>
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Lead Local Flood Authority	A holding objection has been raised, requesting further information to be submitted in relation to the drainage strategy.	It is noted that the LLFA was consulted because the development as originally submitted was over the threshold of major development. However, the originally proposed garages were removed and number of dwellings was reduced and thus, the development does not constitute major development. On that basis, the relevant consultee to assess the drainage strategy of the proposed development, which is not located within a flood risk zone, is the Council's Environmental Health Team, which reviewed the submissions and raised no objections. As such, subject to the imposition of appropriate conditions, as requested by the Council's Environmental Health Team it is considered that the development would be safe in terms of flood risk without increasing flood risk elsewhere.
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### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Tree Consultant	No objection subject to two conditions.	Noted and conditions recommended (condition 4 and 15)

## 8. PROPOSED CONDITIONS

Please note that the applicant has confirmed agreement to the pre-commencement conditions detailed within section 5.9 of the committee report.

### **Amendments to recommended conditions**

Please note the following changes have been made to the recommended conditions, as set out in section 8 within the Committee Report:

- Condition 11 and 12 have been removed and replaced by condition 11 set out below.

- Condition 18 has been re-worded to take into account the information submitted by the Applicant in relation to the proposed waste management at the site.
- Condition 13 has been removed as the proposed levels are shown on 18.5178/P218 B.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: M001, M002, M003 E, E101, E102, E103, P201 K, P202 C; P203 C; P204 D; P205 D; P206 C, P207 C, P210 D, P211 C AND P212.

REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 The development shall be undertaken in accordance with the finishing material details as shown on the Proposed Materials Plan, P211 C and be retained as such in perpetuity.

REASON: In the interest of the character and appearance of the conservation area in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

- 4 Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. 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.

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

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area, in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area, in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building hereby permitted without planning permission having been obtained from the local planning authority.

REASON: To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

- 8 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
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

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 the submitted Local Development Plan.

- 9 No development shall take place, other than that required to carry out 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 by the local planning authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. 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) Property (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;
- ivii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 10 Where identified as necessary in accordance with the requirements of condition 9, no development shall take place, other than that required to enable remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the local planning authority in writing.

The measures set out in the remediation scheme shall be implemented prior to commencement where possible. Where remediation measures are incorporated into the wider development and cannot be completed prior to commencement they shall be highlighted in the remediation scheme submitted for approval.

The scheme will remove unacceptable risks to human health, buildings and other property and the natural and historical environment. It 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.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 11 No building shall be occupied until the foul and surface water drainage schemes for the site have been completed in accordance with the submitted details, as far as it relates to the eight dwellings hereby approved. The sustainable

drainage scheme shall be managed and maintained thereafter in accordance with the management and maintenance section of the strategy.

REASON: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 12 The dwellings hereby approved shall not be occupied until two car parking spaces have been provided as shown on plan P201 K. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.

REASON: To ensure appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the adopted Maldon District Vehicle Parking Standards.

- 13 The trees and hedges identified for retention in the Arboricultural Implication Assessment, dated 22nd December 2020, the Arboricultural Method Statement and Tree Protection Plan, dated 22nd December 2020, as well as the Tree Protection Plans no's 201133/03 Rev A and 201133/02 Rev A, which are attached to and form part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4ecology Ltd, January 2021).

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



- 15 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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.

- 16 The development hereby approved shall be carried out in accordance with the Waste Management Details submitted to the Council on 31<sup>st</sup> August 2021 via e-mail and be retained as such in perpetuity.

REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide