



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
12 OCTOBER 2022**

Application Number	22/00628/FUL
Location	Land north of Covered Reservoir, Tinkers Hole Road, Burnham-on-Crouch, Essex
Proposal	Erect Show Home and Sales and Marketing Suite, Form Car Park, and Lay Out Associated Hard and Soft Landscaping in Connection with Adjacent Burnham Waters Retirement Community Development OUT/MAL/18/00443 and RES/MAL/20/00846 for a Temporary Period of one year.
Applicant	Mr Ian Holloway, Think Green Land Limited
Agent	Mt Stewart Rowe, The Planning and Design Bureau Ltd
Target Decision Date	14.10.2022
Case Officer	Anna Tastsoglou
Parish	BURNHAM – ON - CROUCH
Reason for Referral to the Committee / Council	Diverts from Local Development Plan Member Call in by Councillor R G Boyce Policy H1

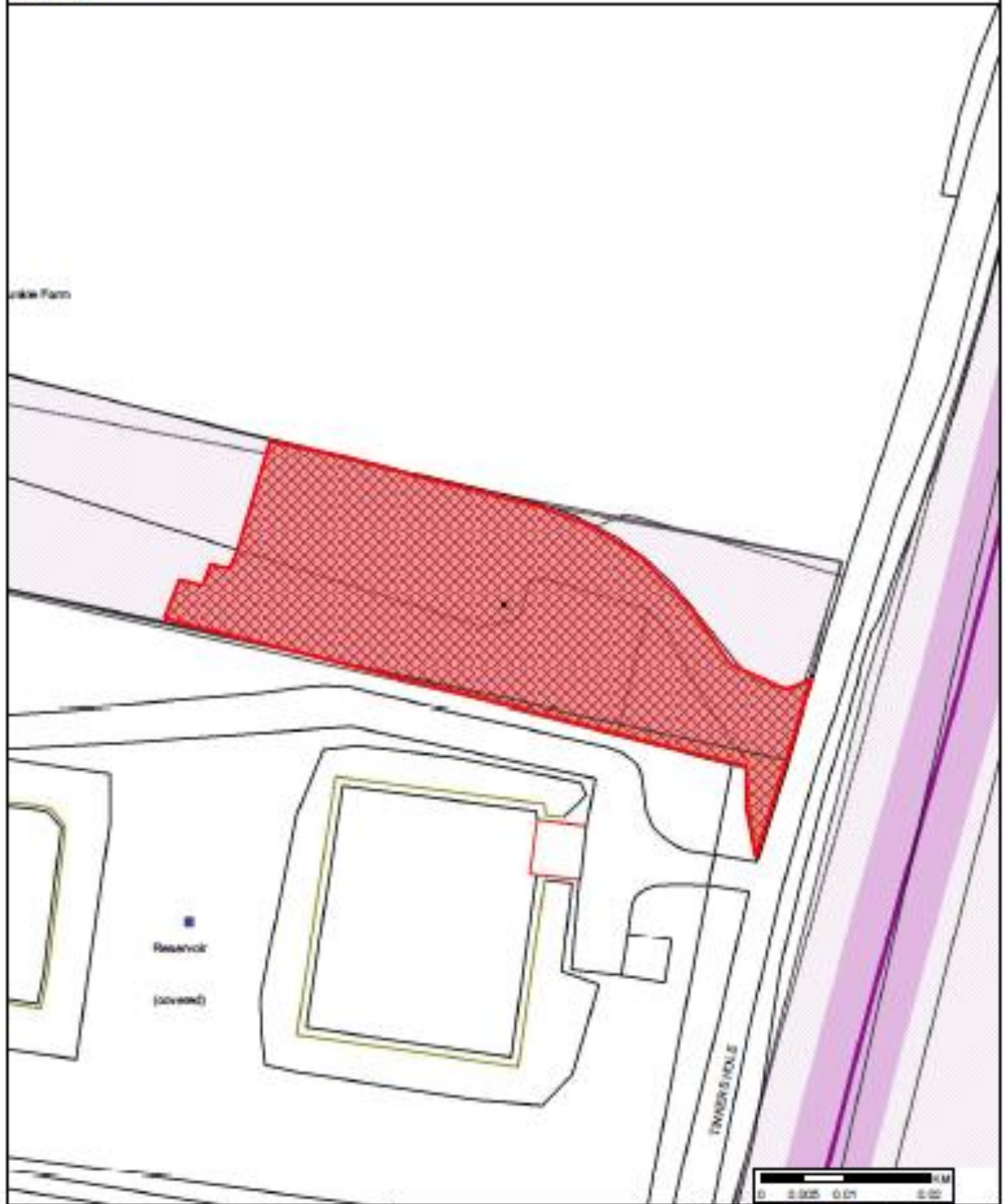
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

22/00628/FUL
Not Set



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Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 30/09/2022

MSA Number: 100018588

3. SUMMARY

Proposal / brief overview, including any relevant background information

Application site

- 3.1.1 The application site is located to the north of Maldon Road and to the west of Tinkers Hole, north west of the settlement boundary of Burnham-on-Crouch. The villages of Althorne and Southminster are sited approximately 2 miles to the west and 3 miles to the north east respectively. The site forms part of Carbunkle Farm, and is roughly rectangular in shape, measuring approximately 1330 square metres. The site is formed of rough made ground with no material vegetation and a trackway, used by the owners of Carbunkle Farm and surrounding landowners.
- 3.1.2 Access to the site is at Tinkers Hole. The section of Maldon Road that abuts the application site is a 60mph (miles per hour) stretch of public highway, whilst Tinkers Hole is a minor rural road with less frequent usage.
- 3.1.3 Burnham Reservoir is sited immediately to the south of the site. Carbunkle Farm lies to the west. To the north of the site is open countryside. To the east of the site, beyond the highway, is an area of land the subject of planning permission reference OUT/MAL/18/00443 and reference RES/MAL/20/00846 and forms the Burnham Waters Retirement Community Development. It is the intention that the temporary building the subject of this report will serve this development.
- 3.1.4 Topographically, the area is broadly flat, sloping marginally in a northeast direction. The site is open at the frontage. The site is located entirely within Flood Zone 1.

The Proposal and Background Information

- 3.1.5 Planning permission is sought for the erection of a show home and sales and marketing suite, form a car park, and lay out associated hard and soft landscaping in connection with adjacent Burnham Waters Retirement Community Development OUT/MAL/18/00443 and RES/MAL/20/00846 for a temporary period of one year.
- 3.1.6 There is no relevant planning history for the immediate site, however, as aforementioned, the temporary building the subject of this report is proposed to serve the site to the east of Tinkers Hole, the Burnham Waters Retirement Community Development (planning references OUT/MAL/18/00443 and RES/MAL/20/00846).
- 3.1.7 By way of context, subject to a Section 106 Agreement, outline planning permission was originally granted on 13 September 2019 to create a retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home buildings (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and maintenance buildings. Layout amenity and sports facilities including outdoor swimming pool, tennis courts, allotments and open spaces. Layout estate roads, footpath and surface water drainage infrastructure including swales and detention basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping (planning reference 18/00443/OUT).

- 3.1.8 A reserved matters application for the development was then approved on 14 October 2020 (planning reference RES/MAL/20/00846).
- 3.1.9 It is noted that an 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 additional affordable housing: erect 206 dwellings (planning application reference 22/00887/OUTM) is currently pending consideration.
- 3.1.10 In September 2020, a Marketing Strategy submitted to support planning application reference OUT/MAL/18/00443 was confirmed by the Local Planning Authority (LPA) as being in compliance with clause 3.7.1 of the Section 106 Agreement. The 'Strategy' contained details relating directly to the site sales and marketing suite and show home, and stated that:

"An on-site and sales and marketing suite and show home will be constructed in the first phase of the development and will be completed, fully staffed and fully operational within 12 months of the development commencement.

The developer will notify the Council in writing within seven days of the date that the on-site sales and marketing suite and show home is completed, staffed and is operational. **This action shall constitute the Primary Implementation Date of the Marketing Strategy**, and the three-month marketing period required by in Clause 3.7.1 shall apply from this date."

The 3-month marketing period refers to a period of time agreed with the applicant in which every open market dwelling shall be marketed for sale only to residents of the District of Maldon. If after 3 months of normal marketing, to be determined by the Council, no resident of the District of Maldon has entered into a contract for the purchase of the Open Market Dwelling then it can be marketed to the public without restriction.

- 3.1.11 The Planning Statement submitted to support the proposal acknowledges that owing to delays in the signing of the Section 278 Agreement relating to Phase 1 of the Retirement Community Development, there has been a delay in the permanent show home becoming operational. Further, Clause 3.1 of the Section 106 Agreement imposes a restriction whereby no more than 55% of the open market dwellings may be occupied before all of the affordable housing units have been constructed, are completed and have been transferred or leased for not in excess of the Transfer Price to either a Registered Provider or some other body approved by the Council; or at the request of the Council to the Council. Therefore, the applicant wishes to construct a temporary show home and sales and marketing suite to facilitate the early sales of units to residents and permit occupation as soon as possible after the transfer or lease of the affordable units. Both affordable housing and older persons accommodation are in short supply across the District (Maldon District Local Housing Needs Assessment (2021)), and the prompt occupation of the units will assist in addressing market and affordable housing supply issues in the District.
- 3.1.12 The Statement confirms that the temporary permission will expire 1 year from the date of the grant of planning permission, or at a point when the permanent show home is constructed (whichever is sooner). The construction of the permanent show home is likely to be completed by January 2023, if not earlier. The applicant will agree to the imposition of a suitably worded planning permission to ensure that the temporary show home would be removed at this time and the land restored to its

current state. Permission has been granted by the owners of the land, Farrow & Wilsden Ltd, for its lease, and the relevant notice has been served on the company.

- 3.1.13 The construction of the temporary show home will include the conversion of a temporary building already in the applicant's ownership. The applicant will seek to provide a floor plan of a 'Colne one-bedroom bungalow type', as approved in Phase 1 of the approved development. The 'Colne' will provide for 1no. bedroom; 1no. ensuite; 1no. bathroom; 1no. cupboard; 1no. utility store; 1no. kitchen and 1no. living room / diner. The building will also provide for a sales and marketing office, and 2no. W.C.s (see drawing no. PDB/22/001/04). The fenestration and fittings will replicate those to be used within the new Colne bungalows.
- 3.1.14 The building will measure approximately 9.15 metres in depth and 17.491 metres in length. A W.C. area will measure 3.040 metres in depth and 2.430 metres in length. The overall ridge height is proposed to be approximately 3.67 metres, with an eaves height of approximately 2.97 metres (this is measured from ground floor level, not the ridge of the concrete strip foundations).
- 3.1.15 The eastern and northern elevations will be clad in pre-coloured cement weatherboarding of the type and colour approved for the Phase 1 bungalows (Cedral cladding in C05 grey). The plinth will be formed from red stick brickwork of a type also approved in the Phase 1 development (Waterouse Red Multi bricks). The remaining elevations / walls will be painted in a texture finished and are proposed to be of C05 grey to match the colour of the cladding. Doors and windows will be of the Rehau range, and the approved Spanish slates from Phase 1 used to cover the roof slopes. External paths would be laid in the also approved Marshalls Drivesett tegula (harvest colour) permeable block paving as approved for driveways and cul-de-sacs (the materials have been agreed under planning reference 21/05037/DET and hard landscaping agreed under planning reference RES/MAL/20/00846).
- 3.1.16 The building would be laid on shallow concrete strip foundations and positioned 3 metres from the north of the fence line of the covered reservoir to the south. The access will be constructed with tarmac, and car parking for 6no. vehicles provided to the east of the site with access from the existing track off Tinkers Hole. The Statement acknowledges that the track 'may' be improved with fresh crushed aggregate dressing, but this is not confirmed. A visibility splay measuring 120m x 2.4m already exists either side of the existing site access.
- 3.1.17 Soft landscaping is also proposed across the site, around the temporary building, to screen the car park and show home from views at Tinkers Hole. Plant types are provided and are set out in the body of this report. A 'Planting and Maintenance Schedule' has also been provided.
- 3.1.18 A maximum of 2no. staff will be present in the building at any one time. Visitors will attend by appointment only and casual calling will be discouraged.
- 3.1.19 The applicant wishes to utilise an existing septic tank on the site for toilets and waste water from the temporary building. Surface water would be disposed of via soakaways.

3.2 Conclusion

- 3.2.1 On balance, having taken into account all of the material planning considerations relevant to this application, it is considered that the details submitted are acceptable for a temporary period, as the development is to facilitate the sale of homes at the Retirement Community Development the subject of planning application references

OUT/MAL/18/00443 and RES/MAL/20/00846. The sale of the homes will contribute towards the provision of much needed small sized and appropriate residential accommodation for an older population and affordable housing in the District. Given the shortfall of such types of accommodation, the completion of the development is therefore supported.

- 3.2.2 Whilst it would be preferable for the show home and marketing suite to be constructed within the approved development site to the west of Tinkers Hole, it is accepted that this is not currently viable. The development would bring benefits to the District and would outweigh any potential short-term harm that could be caused to the character and beauty of the countryside and the locality more widely. At the end of the temporary period, the land will be returned to its original state.
- 3.2.3 The site is already used as a track and the development will not encroach any further into the undeveloped countryside to the north. Whilst it is acknowledged that the temporary building will be visible in part from Tinkers Hole, soft landscaping will be introduced to soften the impact. The application site is not considered to have any overriding landscape, heritage or ecological interest that contribute to the character of the area.
- 3.2.4 Subject to the imposition of a suitably worded planning condition which will ensure that the change of use is terminated after a period of twelve months from the granting of planning permission (or when the permanent show home has been constructed, whichever is sooner) and the land returned to its original state, and that the building will only be used as a show home and sales and marketing suite (use class sui generis), the development is not considered to cause demonstrable permanent harm to the character of the area and the details of the development as submitted are acceptable and generally accord with the aims of the development plan and the conditions and obligation imposed on the outline and reserved matters planning permissions.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 2021, 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
- 55 – 59 Planning conditions and obligations
- 60-67 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 92-97 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119 – 125 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change
- 174 – 188 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I1 Health and Wellbeing

4.3 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP)

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.4 – Affordable Market Housing
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG) (first released in 2014, but regularly updated)
- Maldon District Design Guide SPD (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Housing Needs Housing SPD (2018)
- Maldon District Local Housing Needs Assessment (2021)
- Essex Design Guide.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

5.1.2 Whilst it is acknowledged that the principle of development for the adjacent site has been approved under planning permission references OUT/MAL/18/00443, the

development the subject of this report is located on land outside of the red line boundary for the application site. Notwithstanding this, as aforementioned, owing to a delay in the completion of the Section 278 Agreement, it has not yet been possible for the show home, which was included as part of Phase 1 of the proposed retirement development, to be completed. Consequently, the applicant is not able to provide a sales and marketing suite to facilitate the sale of market homes at the site.

- 5.1.3 Policy S8 of the Local Development Plan (LDP) acknowledges that the countryside will be protected for its landscape, natural resources and ecological value. Planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it satisfies a closed list of criteria. Criterion m) of Policy S8 is for 'other development proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.'
- 5.1.4 Policy HO.2 of the Burnham-on-Crouch Neighbourhood Plan states that "housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate."
- 5.1.5 Policy S1 of the LDP asserts 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 a closed list of key principles. Principle 2) seeks to deliver a sustainable level of housing growth that meets local needs. Principle 4) supports growth within the environmental limits of the District. Principle 9) seeks to conserve and enhance the natural environment. The post-amble to this Policy also states that:
- "The Council will always work proactively with applicants jointly to find a solution which means that development proposals can be approved wherever possible, and to secure sustainable development that improves the economic, social and environmental conditions in the area."
- 5.1.6 Further, Policy 78 of the NPPF (2021) acknowledges that in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs. LPAs should be able to bring forward such sites that will provide affordable housing to meet identified local needs. Paragraph 223 of the same Framework also asserts that the Government will continue to explore within individual areas the potential for flexibility, for example, where this would facilitate an increase in the amount of housing that can be delivered.
- 5.1.7 Whilst it is noted that several representations have been made expressing concern to the impact on the countryside, the LPA is satisfied in this instance that the development will be sited on an existing access track and that it will be temporary, simply to facilitate the delivery of the adjacent retirement development. Whilst it would be preferred that the show home and marketing suite were within the red line boundary of the approved development, owing to legal constraints and delays, this has simply not been possible. Imposing suitably worded planning conditions will ensure that the change of use is only for a period of twelve months from the determination date (or upon completion of the original show home and marketing suite, whichever is sooner), and that at this point the land will be returned to its original state. Further, the imposition of an additional planning condition will ensure that the building is only to be used as a show home and marketing suite and not for any form of residential (or other) use. This will ensure that the proposal will not set a precedent for inappropriate development within the open countryside.

5.1.8 Whilst it is noted that representations have been made with regard to sustainable travel, and it is acknowledged that the site is outside of a defined Settlement Boundary, only 2no. members of staff will be on site at any one time and visitors will attend the site by appointment. It is therefore considered that the generation of traffic to the site will be minimal and temporary and will facilitate the development of the adjacent retirement community. Further, as part of the outline planning consent for this development (planning reference 18/00443/OUT), it was confirmed that a new bus stop opposite the main vehicle access and one within the site in front of the proposed medical centre would be introduced to improve the accessibility of future residents to the nearby towns, where facilities are concentrated. Footways on either side of Maldon Road were also proposed to increase the access and connectivity to such towns.

5.1.9 On balance, it is therefore considered that the public benefits of the scheme outweigh any potential temporary harm and the principle of development is therefore acceptable.

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 As aforementioned, the construction of the temporary show home will include the conversion of a temporary building already in the applicant's ownership. The applicant will seek to provide a floor plan of a 'Colne one-bedroom bungalow type', as approved in Phase 1 of the approved development. The 'Colne' will provide for 1no. bedroom; 1no. en-suite; 1no. bathroom; 1no. cupboard; 1no. utility store; 1no. kitchen and 1no. living room / diner. The building will also provide for a sales and marketing office, and 2no. W.C.s (see drawing no. PDB/22/001/04). The fenestration and fittings will replicate those to be used within the new Colne bungalows.

5.2.6 The building will measure approximately 9.15 metres in depth and 17.491 metres in length. A W.C. area will measure 3.040 metres in depth and 2.430 metres in length. The overall ridge height is proposed to be approximately 3.67 metres, with an eaves height of approximately 2.97 metres (this is measured from ground floor level, not the ridge of the concrete strip foundations).

5.2.7 The eastern and northern elevations will be clad in pre-coloured cement weatherboarding of the type and colour approved for the Phase 1 bungalows (Cedral cladding in C05 grey). The plinth will be formed from red stick brickwork of a type also approved in the Phase 1 development (Waterouse Red Multi bricks). The remaining elevations / walls will be painted in a texture finished and are proposed to be of C05 grey to match the colour of the cladding. Doors and windows will be of the Rehau range, and the approved Spanish slates from Phase 1 used to cover the roof slopes. External paths would be laid in the also approved Marshalls Drivesett tegula (harvest colour) permeable block paving as approved for driveways and cul-de-sacs (the materials have been agreed under planning reference 21/05037/DET and hard landscaping agreed under planning reference RES/MAL/20/00846).

5.2.8 The building would be laid on shallow concrete strip foundations and positioned 3 metres from the north of the fence line of the covered reservoir to the south. The access will be constructed with tarmac, and car parking for 6no. vehicles provided to the east of the site with access from the existing track off Tinkers Hole. The Statement acknowledges that the track 'may' be improved with fresh crushed aggregate dressing, but this is not confirmed. A visibility splay measuring 120m x 2.4m already exists either side of the existing site access.

5.2.9 Soft landscaping is also proposed across the site, around the temporary building, to screen the car park and show home from views at Tinkers Hole. Plant types are provided and are set out in the body of this report. A 'Planting and Maintenance Schedule' has also been provided.

5.2.10 It is acknowledged that several representations have been received with regard to the design of the building and the visual harm the development of this building could cause to the intrinsic beauty and character of the countryside.

5.2.11 Whilst it is acknowledged that the proposed building is not in keeping with the rural setting, the LPA acknowledges the temporary nature of the proposed development, and that the applicant is seeking to introduce a structure that replicates one of the bungalow types found within the adjacent retirement development that the building

will serve. The bungalow is of a single storey and will be set back from the highway (Tinkers Hole) by in excess of 100 metres. An area of hardstanding is proposed to the front of the bungalow, to provide parking for 2no. members of staff and 4no. visitors. The parking area will be screened by hedgerow and an area of grass maintained at the frontage. The existing access road will be surface dressed with compacted aggregate to avoid dust spillage onto the highway and surrounding countryside. In accordance with Policy D1 of the LDP, the proposal is durable and will function well for its required lifetime. It is also adaptable, and as a temporary structure, can be removed at the end of the twelve-month period / further to the completion of the original sales and marketing suite (whichever is sooner).

5.2.12 Policy D1 supports the objectives of Paragraph 130 of the NPPF (2021), which acknowledges that planning decisions should ensure that developments will function well over the lifetime of the development (in this case, a maximum period of twelve months).

5.2.13 Owing to the temporary nature of the proposed development, the scale and height of the building proposed, and the landscape features that will soften the visual impact of the development, it is considered that the proposal generally accords with the requirements of Policy D1 of the LDP and the policies and guidance within the NPPF (2021) and for the purpose of the development, is acceptable.

5.3 Affordable Housing

5.3.1 Policy H1 of the LDP acknowledges that all housing development of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.

5.3.2 The application has been called to the Planning Committee as it is not considered to accord with Policy H1 of the LDP. Policy H1 sets out the Council's objectives for affordable housing.

5.3.3 The application seeks to erect a show home and sales and marketing suite, form car park and lay out associated hard and soft landscaping in connection with the adjacent Burnham Waters Retirement Community Development, the subject of planning permission references OUT/MAL/18/00443 and RES/MAL/20/00846 for a temporary period of one year.

5.3.4 Owing to the nature of the development proposed, the applicant is not required to provide affordable housing at the site, nor are planning obligations sought so that affordable housing can be provided elsewhere within the District.

5.3.5 It is noted that in accordance with the agreed Section 106 agreement, no more than 55% of the market homes in association with the approved planning applications may be occupied until all of the affordable homes have been constructed, completed and transferred or leased for not in excess of the transfer price to either a registered provider or some other body approved by the Council, or at the request of the Council to the Council. It is the intention that the show home and marketing suite will permit the prompt sale of the remaining market homes and this will lead to the quick occupation of the site, following the transfer or lease of the affordable units, thus helping to address a shortfall in this type of accommodation within the District. The proposal is therefore considered to be acceptable in this regard.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The site is separated from nearest existing residential development to the south by in excess of 230 metres. The construction of the residential development to the east at the Burnham Waters Community Retirement Development is yet to be completed. Notwithstanding this, once complete, the nearest residential unit would be sited in excess of approximately 100 metres to the east of the site.
- 5.4.3 Owing to the design of the proposed sales and marketing suite (which is of one storey), and the separation distances of the proposed building to the nearest residential development, it is not considered that the proposal will result in a loss of daylight and sunlight or privacy to these neighbours, nor will it appear as overbearing. Whilst it is acknowledged that there may be some increase in traffic to the site, this will be minimal. Only 2no. members of staff will be present on site at one time and visits to the site will be via appointment only. It is therefore not considered that the traffic or noise generated by this temporary development is considered to be harmful to neighbour amenity. The proposal is therefore acceptable in this regard.

5.5 Access, Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 Access and Highway Safety

- 5.5.2.1 Access is proposed to be provided via an existing access point at Tinkers Lane. The Planning Statement and drawing no. PDB/22/001/01 confirm that the access is already served by a 2.4 metre x 120 metre visibility splay and this is considered to be acceptable.
- 5.5.2.2 Neighbour objections have been received with regard to access and highway safety, as Tinkers Holt is a quieter road and the junction at Tinkers Hole and the B1010 is narrow.
- 5.5.2.3 Whilst it is noted that the proposed development will increase the traffic generated to the site, this is not considered to be at a level that could be considered to be harmful. A maximum of 2no. members of staff will be on site at any one time, and members of the public will visit the sales and marketing suite by appointment only. The use is also only temporary and for a maximum period of one year.
- 5.5.2.4 Further, as previously stated, the proposed temporary scheme will facilitate the construction of the adjacent retirement development, which in turn proposes to introduce additional footways and bus services, improving the accessibility, safety and connectivity to the nearby towns of Burnham-on-Crouch and Maldon. The proposal is therefore considered to be acceptable in this regard.

5.5.3 Parking Provision

- 5.5.3.1 The proposal seeks to provide for 6no. car parking spaces to the east of the site. The parking spaces will serve 2no. members of staff and 4no. visitors, who will attend the site by appointment only.
- 5.5.3.2 In accordance with the Council's Parking Standards (2018), sites with a sui generis Use Class should provide a minimum level of car parking as per individual assessment / justification.
- 5.5.3.3 In the opinion of the LPA, 6no. car parking spaces is considered to be sufficient. The spaces will respectively measure 3m x 6m, and this meets the requirements of the Standards for the size of other parking bays. As only 2no. members of staff will be on site, it is reasonable to assume that they will only be able to assist 2no. individuals / groups visiting the show home and marketing suite. It is also assumed that such visitors would travel in the same car. 6no. parking spaces is therefore considered to be more than adequate, and the proposal is acceptable in this regard.

5.6 **Landscaping and Boundary Treatments**

- 5.6.1 Drawing no. PDB/22/001/02 provides some detail of the proposed landscaping and boundary treatments at the site. As stated, grass is proposed at the frontage and the remaining land will be laid to turf. An evergreen hedge is also proposed to the east of the car parking area to screen the tarmac and the show home and marketing suite from the highway. An existing 4m dense hedge is to be retained at the boundary shared with the reservoir to the south east and south west of the site. To date, no formal comments regarding the landscaping proposal have been received from the Council's arboriculturist consultant, but any comments received will be presented to committee by way of a members' update.
- 5.6.2 Existing 2m high metal palisade gates and posts are to be retained at the entrance to the site. An existing 1.6 metre high chainlink fence around the reservoir land is also to be retained. The existing access road surface will be dressed with compacted aggregate.
- 5.6.3 A 'Planting and Maintenance Schedule' has been submitted to support the proposal and confirms the Standards the development will adhere to; the materials and plants / shrubs to be used; and the preparation, planting and maintenance. The landscaping and boundary treatments proposed are considered to be acceptable and will serve the purpose of softening the visual impact of the development within its rural setting, when viewed at the highway. The Schedule confirms this is suitable for the lifetime of the development.
- 5.6.4 It is noted that a 2-metre-high timber screen fence with applied vinyl graphics is also proposed to the rear of the site. Should planning permission be forthcoming, this will not extend to the timber screen fence with applied vinyl graphics. This is owing to the fact that a timber panel screen would introduce an urbanising effect to the site (a post and rail or hedgerow boundary treatment would be more suitable) and the design of the graphics is not known. If appropriate, an advertisement consent application should be submitted to Maldon District Council to allow appropriate assessment. If considered by the applicant that this isn't required, the imposition of a suitably worded planning condition will ensure that details of the vinyl design are submitted to, and approved in writing by, the Local Planning Authority. This is to allow the LPA to assess the appropriateness of the design and the impact on the intrinsic beauty and character of the countryside.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.7.2 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding.
- 5.7.3 With regard to drainage, the Planning Statement and application form submitted to support the proposal confirms that a septic tank already exists at the site and the toilets and waste water from the temporary building will be connected to that for its duration on site. Surface water would be disposed of via soakaways. The proposal has been reviewed by the Council's Environmental Health Officer, who raises no objection and the proposal is considered to be acceptable in this regard.

5.8 Nature Conservation and Biodiversity

- 5.8.1 Paragraph 174 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.8.2 Strategic LDP Policy S1 includes a requirement to 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.
- 5.8.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.4 Initial comments were received from the Council's Ecological Consultation on 20 July 2022. The comments noted that insufficient information had been submitted by the applicant with regard to ecology. The Officer noted that a Preliminary Ecological Appraisal, mitigation measures and planning conditions were in place for the adjacent Retirement Development, but that there had been no survey and specific actions provided for this development. The Officer therefore raised a holding objection.
- 5.8.5 Subsequent to this, a letter was received by the LPA from ACJ ecology limited. The letter confirms that a site visit has now been undertaken by ACJ, and that the site is made up of rough made ground with no material vegetation and a trackway used by the farmer / landowner for activities related to agricultural use of the surrounding land. The Consultant has examined the site and advises that it does not contain any protected habitats or species and that there is no need for a Preliminary Ecological Appraisal.
- 5.8.6 At this juncture, no formal comments regarding the impacts to biodiversity and geodiversity have been received from the Council's arboriculturist consultant, but any comments received will be presented to committee by way of a members' update.

5.9 Other Matters

5.9.1 Archaeology

5.9.1.1 The proposal has been reviewed by an Historic Environment Officer at Essex County Council. The Officer has made reference to outstanding works associated with planning application reference 18/00443/OUT. This has also been raised within a representation. This matter will be dealt with separately, by the LPA, and is not a material consideration for the proposal the subject of this report.

5.9.1.2 With reference to this particular application, however, the Officer notes that the historic cartographic mapping shows a small cottage on the road frontage, at the approximate location of the proposed show house carpark. The cottage appears to have taken land from the roadside verge, a practice known as purpresture, which suggests a late medieval or early post-medieval date. In addition, the fieldwork in the adjoining field has established the presence of medieval activity along the road frontage and a prehistoric enclosure.

5.9.1.3 Any permitted development on site should therefore be preceded by a programme of archaeological investigation, which should be secured via the imposition of an appropriate condition attached to any forthcoming planning consent. This is in line with advice given under the NPPF (2021) and will be implemented as such.

5.9.2 Climate change and environmental factors

The proposal has been reviewed by the Council's Environmental Health Officer, who raises no objection to the scheme and has not requested any additional information.

5.9.3 Matters relating to the development of the adjacent retirement village

Representations have been received with regard to the impact the construction of the retirement development on the highway and neighbour amenity, and financial contributions for the approved development. Such matters were addressed as part of the assessment process for the approved applications reference OUT/MAL/18/00443 and reference RES/MAL/20/00846 and are not material planning considerations in this case.

5.9.4 Cadent Gas

The application has been reviewed by Cadent Gas, who raise no objection to the proposal in principle, but state that high pressure assets are located in the vicinity of the work area. As such, should planning permission be forthcoming, an informative is required to ensure the applicant is aware of their responsibilities and obligations.

5.9.5 Matters relating to the status of the application

A representation has been made to suggest that this application should be retrospective. This is noted, and it is considered that this application seeks to regularise any activity at the site.

6 ANY RELEVANT SITE HISTORY

As aforementioned, there is no relevant planning history for the application site.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish/Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Crouch Town Council	Object The site is outside of the Settlement Boundary. Causes urban sprawl, encroaching on the countryside. Irregularities of siting.	Noted, and discussed at Sections 5.1 and 5.2 of this report.
Althorne Parish Council	Object This is not on the development site. It should be a retrospective application, as it has already been built.	Noted, and discussed at Section 5.1 of this report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No response.	Noted.
Cadent Gas Network	Comment – No objection, however, should planning permission be forthcoming, the decision notice should include an informative regarding the gas infrastructure within the area of development.	Noted, and discussed at Section 5.9 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Ecology (Countryside and Access Officer)	No response.	Awaiting further comment.
Environmental Health	No comment.	Noted.
Archaeology	Comment – There are inaccuracies in the information submitted to support the proposal. No post-excavation work has been undertaken as required by the Written Scheme of Investigation. It was therefore recommended that condition 21 of planning permission reference 18/00442/OUT was not	Noted, and discussed at Section 5.9 of this report.

Name of Internal Consultee	Comment	Officer Response
	discharged until the assessment had taken place and approved in writing by the LPA. With regard to this application, historic mapping shows late medieval or postmedieval development and the potential for archaeological deposits. Should planning permission be forthcoming, the imposition of planning conditions are therefore recommended.	

7.4 Representations received from Interested Parties

18no. letters of representation have been received, however, 2no. letters were from the same household, and 1no. letter was received after the consultation period expired. Therefore, a total of 16no. representations will be considered.

7.4.1 Representations objecting to the application:

16no. letters of objection have been received raising the following summarised matters:

Objecting Comment	Officer Response
<p>Sustainability</p> <ul style="list-style-type: none"> • Unsustainable development built and demolished within a 12-month period. • Site is outside of the settlement boundary of Burnham-on-Crouch. • Proposal is contrary to Policy S8 of the LDP. <p>Design & impact on countryside</p> <ul style="list-style-type: none"> • Impact on visual amenity of the countryside, out of keeping. • Impact on agricultural land (valuable arable land). • Inappropriate layout and density of buildings. • Is this design relevant? <p>Highways and access</p> <ul style="list-style-type: none"> • Inadequate access and danger to highway safety. • Traffic generation on a quiet lane. • Tinkers Holt Lane / B1010 junction 	<p>Noted, and discussed at Sections 5.1; 5.2; 5.5; 5.8 and 5.9 of this report.</p>

Objecting Comment	Officer Response
<p>is narrow.</p> <p>Biodiversity & geodiversity</p> <ul style="list-style-type: none"> • Harm to priority species and habitats. Several recordings have been made in the area. <p>Archaeology</p> <ul style="list-style-type: none"> • A post-excavation assessment has not been undertaken, as required by the Written Scheme of Investigation in association with the approved application. <p>Climate change / environmental impacts</p> <ul style="list-style-type: none"> • Emissions from car journeys. <p>Other matters</p> <ul style="list-style-type: none"> • Risk this will set a precedent. • Building will not be demolished in 12 months. • The building should have been included on the plans associated with planning permission references OUT/MAL/18/00443 and RES/MAL/20/00846). • Is there a need for a marketing suite, as buildings sold off plan? • What will happen to the site after 1 year? • The highway is not stable enough to take the weight of trucks etc. • Money is needed for road improvements. 	

8. PROPOSED CONDITIONS

1. The use hereby permitted shall be discontinued, all buildings and structures associated with the temporary permission removed, and the land restored to its condition immediately prior to the development authorised by this permission on or before twelve months after the date of the granting of this planning permission, or at a time when the permanent show home and marketing suite associated with planning permission references OUT/MAL/18/00443 and RES/MAL/20/00846 comes into operation (whichever is sooner), in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority unless before that date a formal planning application for the continuation of such use has been approved by the Local Planning Authority.

REASON It is not considered that the granting of a permanent planning permission would be appropriate, and a temporary permission would enable the local planning authority to reassess the impact of the development on the character and appearance of the area.

2. The occupation of the site shall be limited to a show home and marketing suite associated with the development of the adjacent site (permission references OUT/MAL/18/00443 and reference RES/MAL/20/00846) and shall not at any time be occupied for any other use.

REASON An additional assessment would be required to permit the use of the site for any other purpose than that connected with the development of planning references OUT/MAL/18/00443 and reference RES/MAL/20/00846, in accordance with Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance in the National Planning Policy Framework (2021).

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: drawing no.PDB/22/001/02 (Site Location Plan); drawing no.PDB/22/001/04 (Proposed Floor Plans and Elevations); Cedral cladding brochure; Planting Specification and Maintenance Schedule; Rehau windows brochure; Spanish Slate Product brochure; Waterhouse red brick brochure; Marhalls Tegula Harvest product brochure; Planning Statement; drawing no.PDB/22/001/04 (Proposed Streetscene Elevation).

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

4. Planning permission does not extend to the 2m high timber screen fence with applied vinyl graphics.

REASON To provide clarity on what is being approved.

5. Prior to occupation, details and drawings of the proposed 'vinyl design' are to be submitted to, and approved in writing by, the Local Planning Authority.

REASON To allow the Local Planning Authority to assess the appropriateness of the design and the impact of the intrinsic beauty and character of the countryside, in accordance with Policies S1, D1 and S8 of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework (2021).

6. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON To protect the site, which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework (2021).

7. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

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

REASON To protect the site, which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework (2021).

8. No floodlighting or other external or internal form of illumination of the site shall be installed without the prior written approval of the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.

INFORMATIVES

1. CADENT GAS

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

- Specific MAHP BPD (15 METERS MIN)
- Specific IP BPD (3 METERS MIN)
- Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution.

Your responsibilities and obligations

This does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact box.eaplantprotectionops@cadentgas.com