



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 FEBRUARY 2023**

Application Number	19/00929/FUL
Location	Dock, The Quay, Burnham-On-Crouch, Essex
Proposal	Removal of various structures and construction of access deck, handrails and jetty to access new access bridge and floating pontoon with support piles to serve 4 no. new houseboat berths with associated mains services to shoreside.
Applicant	Maldon District Council
Agent	John James Associates
Target Decision Date	17.03.2020
Case Officer	Kathryn Mathews
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Council application relating to Council owned land

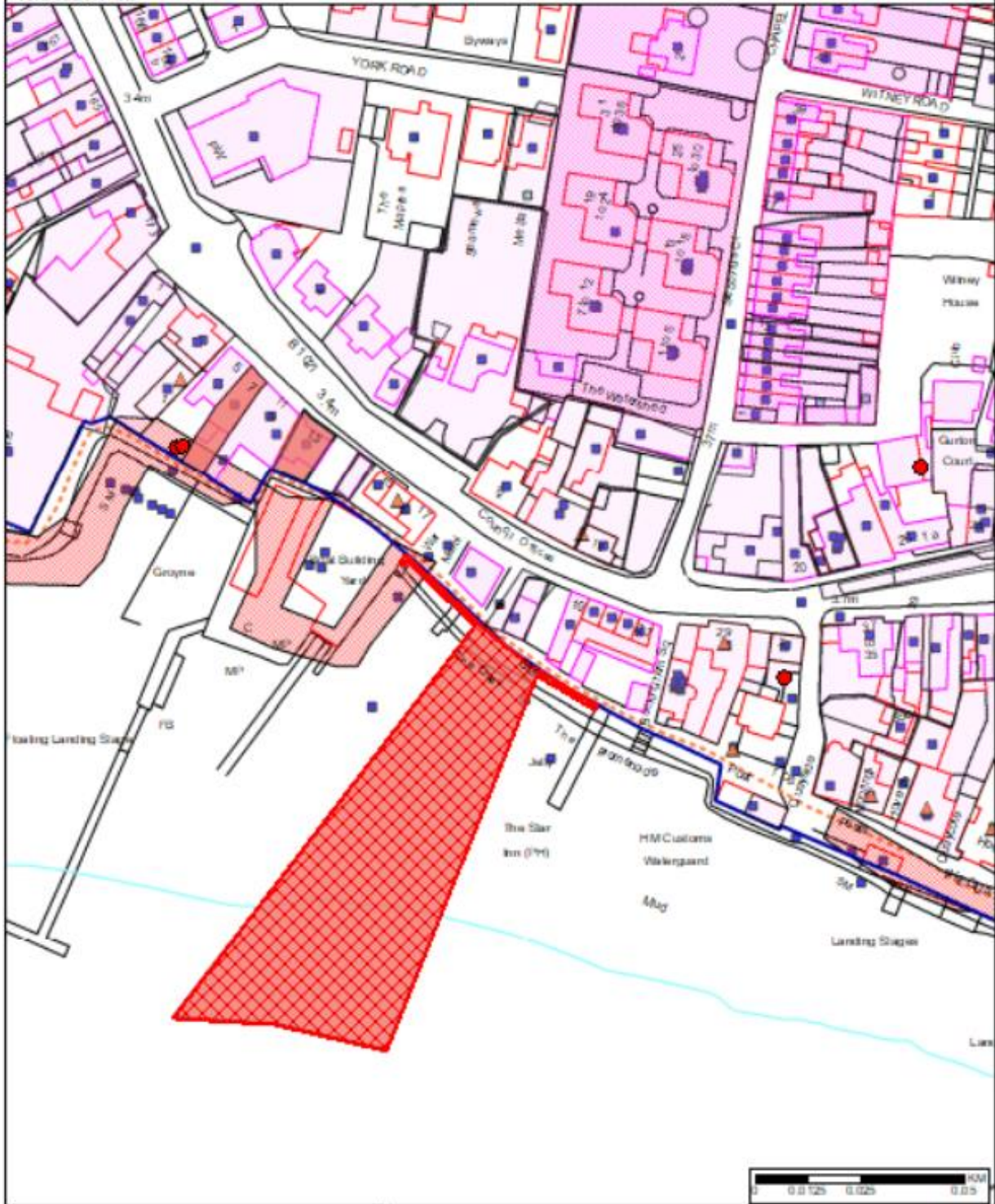
1. RECOMMENDATION


APPROVE subject to the conditions as detailed in Section 8.

2. SITE MAP

Please see below.

The Quay, Burnham-on-Crouch
19/00929/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South Eastern Area
	Date:	10/01/2023
	MSA Number:	100018568

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located in an area of intertidal mudflats and foreshore on The Quay on the seaward side of the seawall within Burnham-on-Crouch Conservation Area, opposite the Grade II listed War Memorial. The Quay forms part of a National Cycle route and accommodates a public right of way (No.11 Burnham-on-Crouch). The site extends down to Low Water Level of the River Crouch and is tidal.
- 3.1.2 Land either side of the site is understood to form part of Priors Boatyard which is used by residential houseboats with associated decks and jetties.
- 3.1.3 The application site was, until recently, occupied by a capsized, deteriorating former houseboat.
- 3.1.4 The site measures 18.5m along the northern boundary and 38.2m at the southern boundary.
- 3.1.5 The proposal includes the demolition of the existing structures within the tidal foreshore and on the riverside of the seawall. It is also suggested that the existing houseboats moored / berthed on the adjacent sites owned by Priors Boatyard are to be removed but these are not included within the application site.
- 3.1.6 It is proposed to install a new floating pontoon with steel supported access deck consisting of the following elements:
- **Access deck:** 1.5m wide surfaced in timber (Yellow Balau or similar) with a handrail (steel tubular uprights with galvanized steel cables and hardwood handrail). The new access deck would extend along the river side of the existing seawall and gateways beyond the main eastern and western boundaries of the site (for a distance of 15m to the east and 21m to the west to link with the Priors Boatyard building). At the western end of the access deck would be a bin storage facility adjacent to flood gate 1 which would serve the existing and proposed houseboats.
 - **Access bridge:** 10m long x 1.5m wide (zinc spray painted structural steel frame with hardwood (Yellow Balau or similar) decking). The pontoon for the access bridge would measure 7.5m long x 2.5m wide.
 - **Floating pontoon:** 53.5m long x 2.5m wide (floats would be fibre reinforced concrete covering expanded polystyrene; the pontoon would have a galvanized steel frame with hard wood (Yellow Balau or similar) decking and three support piles)
- 3.1.7 The development would accommodate four permanent berths for residential houseboats (which would be leased from Maldon District Council) which could be approximately 21m x 6m in size. The houseboats would be provided with mains electricity, mains fresh water and facilities for foul drainage which would all terminate in the Priors Boatyard building to the west of the site.
- 3.1.8 Surface water drainage would be to the existing watercourse. The existing means of foul drainage is directly into the River but, as part of the development proposed, a new gravity foul drain is to be installed which would run below the proposed access deck and into the existing foul drain in the Priors Boatyard building to the west from where the existing foul drain extends northwards into the public sewer located below the High Street. The proposed and existing houseboats will be able to utilize this foul

drainage system provided that the necessary equipment is installed in the houseboats to store and pump the foul drainage into the new foul drain.

3.1.9 It is stated that the seawall and flood-resisting access gateways (1, 2 and 3) which are owned and maintained by the Environment Agency would be retained and be unaffected by the development. Whilst the application form submitted suggests that a new or altered access is proposed to or from the public highway and the proposal would require the diversion/extinguishment and /or creation of rights of way, the existing gateways 1, 2 and 3 would be used to gain access to the new access deck which would also provide improved access to the existing houseboats on adjacent sites. Wheelchair users would gain access via the wider, gateway 3. However, there is no existing or proposed car parking to serve the houseboats.

3.1.10 The application is accompanied by supporting documents as follows:

- Planning, Design and Access Statement as part of which it is noted that consent from Marine Management Organisation and Crouch Harbour Authority would also be required.
- Updated Preliminary Ecological Appraisal Report (December 2021)
- Habitat Regulations Assessment Screening Report (October 2021)
- Ecological Statement (July 2022)
- Outline Method Statement (November 2021)
- Flood Risk Assessment (December 2019)

3.1.11 The application was advertised as a departure to the Local Development Plan (LDP), but it is now considered this was unnecessary as Policy H8 of the LDP does allow for the provision of houseboats.

3.2 Conclusion

3.2.1 It is considered that the principle of the development is acceptable, and no objections are raised in relation to the impact of the proposal on the character or appearance of the area (which is a Conservation Area and includes a Grade II listed building), the amenity of local residents, highway safety/access/parking, flood risk or nature conservation.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities

- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy H8 – Provision for Houseboats
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 - Flood Risk and Coastal Management
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP) (relevant even though the site lies outside the area covered by the BOCNP):

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy EN.3 – Enhancement of the Natural Environment
- Policy R1.1 – Protection and Improvement of the Riverside
- Policy RI.2 – Design Sensitivity of Riverside Developments
- Policy RI.3 – Retention of Primary River Related Employment Uses
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Burnham On Crouch Neighbourhood Plan
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)
- Emerging South East Marine Plan

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area (which is a Conservation Area and contains a Grade II listed building), any impact on the amenity of the occupiers of

neighbouring residential properties, quality of life for occupiers of the houseboats, highways / access / parking, flood risk, and nature conservation.

5.2 Principle of Development

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan is the approved LDP.
- 5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.3 The application site lies outside of any defined development boundary. 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 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.
- 5.2.4 Policy H8 states that planning permission for houseboats and associated activities may be considered appropriate if it can be demonstrated that:
- 1) The proposal does not have a significantly detrimental impact on the surrounding area in terms of pollution, biodiversity value, character and appearance.
 - 2) The proposal is within or adjacent to settlement boundaries; and
 - 3) The proposal does not conflict with activity, privacy and amenity of neighbouring uses.
- 5.2.5 Where planning permission is granted for the mooring of houseboats, the Council will require the applicant to enter into a legal agreement for the removal and disposal of any vessel so moored if it subsequently sinks, or becomes unfit for habitation, derelict or is otherwise abandoned. Any proposal for the replacement of houseboats will have to comply with the above requirements.
- 5.2.6 The preamble to the Policy states that *'the small groups of houseboats in the District's rivers and estuaries provide a unique type of housing which forms part of the District's varied character'*.
- 5.2.7 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS, with the most recently published figures showing that only 3.66 years of housing land supply is currently available.
- 5.2.8 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, its housing supply Policies are considered to be out-of-date and the

presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the NPPF which states:

"For decision taking this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 8 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.2.9 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5-year housing land supply cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37). As currently the Council is unable to demonstrate a deliverable 5-year supply of housing land, for planning purposes, the housing delivery Policies within the LDP, in particular Policy S1, are out-of-date and so cannot be afforded material weight in the determination of this application. Therefore, with respect to housing delivery, the NPPF would take precedence over the LDP.
- 5.2.10 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.2.11 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.2.12 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental parts. The LDP through Policy S1 reiterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable

development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up-to-date five-year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three-dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These three dimensions are assessed below.

5.3 Environmental Dimension

- 5.3.1 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.3.2 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment.
- 5.3.3 The application site is located adjacent to The Quay within Burnham-on-Crouch which is a main settlement which contains a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links.
- 5.3.4 The location of the site would, therefore, not fail to discourage the use of private cars. Paragraph 105 of the NPPF states that "The planning system should actively manage patterns of growth in support of these objectives [sustainable transport]. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes." As highlighted above, occupiers of the site would have opportunities for utilising sustainable transport. The proposal is considered to accord with Policy T2 of the LDP where it seeks 'to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate'. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.
- 5.3.5 The other aspects of the environmental dimension of sustainable development (including the impact of the development on the character and appearance of the area (which is a Conservation Area and within the setting of a listed building), nature conservation, flood risk/drainage, residential amenity and the quality of life for the occupiers of the site) are discussed in the relevant sections below.

5.4 Social Dimension

- 5.4.1 The development would accommodate four units of residential accommodation. The number of bedrooms within the houseboats is not known but they are likely to be smaller units. The Council currently encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (LHNA) (May 2021) identifies that the greatest need is for two and three-bedroom dwellings. The development has the potential to provide units which would meet this greatest need which would, therefore, contribute positively to the identified housing need and be sufficiently responsive to local circumstances, which weighs in favour of the proposal. However, it is acknowledged that the social benefits of the residential development of four dwellings would not be significant in the context of the District as a whole.

5.5 Economic Dimension

- 5.5.1 It is reasonable to assume that there may be some support for local trade from the development, and the occupiers of the additional units may support local businesses. This would however be limited given the scale of the proposal in the context of the District as a whole. There is also no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. These economic benefits would therefore be considered to be limited.

5.6 Conclusion

- 5.6.1 Based on the above assessment and as the proposal is adjacent to the settlement boundary of Burnham-on-Crouch thereby complying with criterion 2) of Policy H8, it is considered that the principle of the development is acceptable (subject to further assessment in relation to other material considerations as set out below).

5.7 Design and Impact on the Character of the Area

- 5.7.1 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.

- 5.7.2 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”.

- 5.7.3 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.

- 5.7.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (2017) (MDDG).
- 5.7.5 One of the requirements of Policy H8 is that houseboats and associated activities may be considered appropriate if it can be demonstrated that the proposal does not have a significantly detrimental impact on the surrounding area in terms of pollution, biodiversity value, character and appearance (criterion 1). The preamble to the Policy states that *'the small groups of houseboats in the District's rivers and estuaries provide a unique type of housing which forms part of the District's varied character'*.
- 5.7.6 The application site falls within the Burnham on Crouch Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.7.7 The Burnham-on-Crouch Conservation Area Review and Character Appraisal (2004) comments on the 'many significant features of marine activity' which remain along the quay, such as 'projecting wharfs, jetties, cranes, shell traps and even the formation of Priors dock' (p.13).
- 5.7.8 The development would consist of a new access deck, access bridge and floating pontoons which would enable up to four houseboats to be moored within the site. However, the site contains the remains of structures which were used for a similar purpose previously and the development would have no greater impact on the character or appearance of the area than that of the neighbouring houseboat sites. Furthermore, there is an existing jetty greater in length than that proposed around 45m to the west of the site and another a further 265m to the west adjacent Burnham Sailing Club. The site is outside the development boundary for Burnham-on-Crouch but is immediately adjacent to it. Through the imposition of conditions, there would be the ability to control the appearance and size of the houseboats to be moored and to require that they are removed if they became unused to ensure that they do not detract from the character and appearance of the site and the surrounding area as currently is the case.
- 5.7.9 In relation to the impact of the development on heritage assets, the Specialist – Conservation and Heritage has advised that the Grade II war memorial has 'group value' for its relationship with the grade II listed buildings which enclose two sides of the square; The Cabin Dairy to the west and Nos 14 & 16 High Street to the north. The war memorial square is an important part of the Burnham Conservation Area providing a strong visual link between the High Street and the river.
- 5.7.10 The Specialist comments that some of the existing houseboats have a traditional appearance, whereas others look rather like sheds or caravans with uPVC windows and plastic cladding which can appear somewhat at odds with the traditional character and appearance of the Conservation Area. However, he does not consider that they currently detract from the setting of the war memorial. He notes that there

are already three houseboats immediately adjacent the war memorial and that the proposed houseboat berths would be positioned further away from the War Memorial than the existing houseboats.

- 5.7.11 On the basis of the above, the Specialist does not object in principle to the creation of four more houseboat moorings in relation to their impact on the character and appearance of the Conservation Area and the setting of the Grade II listed war memorial, since this use already characterises this area. However, to help avoid any negative impact on the character of the conservation area which might be caused by unattractive houseboats, he recommends that a condition is attached to the permission requiring the appearance of the houseboats to be agreed and suggests that it will be important that the superstructures aim to be nautical rather than domestic in appearance, preferably with the walls at a raked angle with curved roofs. As stated above, this condition could be imposed if planning permission were to be granted.
- 5.7.12 As also stated above, a condition could be imposed if planning permission were to be granted requiring that the houseboats are removed if any subsequently sink, become unfit for habitation, derelict or otherwise abandoned, in compliance with Policy H8.
- 5.7.13 In conclusion, it is considered that the development proposed would be in-keeping with the character and appearance of the site and the surrounding area and would not detract from the character or appearance of the Conservation Area or the setting of the Grade II listed War Memorial, in compliance with Policies S1, S8, H8, D1 and D3 of the approved LDP.

5.8 Impact on Residential Amenity

- 5.8.1 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).
- 5.8.2 It is noted that the Specialist – Environmental Health raises no objections.
- 5.8.3 The proposal would continue the previous use of the site and be the same as the use of the neighbouring sites. Furthermore, the development proposed would be located at a sufficient distance away (over 15m) from existing residential properties to avoid any adverse impact being caused with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.8.4 Based on the above, as a result of the location, nature and scale of the development proposed, it is not considered that the proposal would have a materially adverse impact on the activity, privacy or amenity of neighbouring uses, in compliance with criterion 3) of Policies H8 and D1 of the LDP.

5.9 Quality of Life for the Occupiers

- 5.9.1 Policy D1 of the approved LDP requires all residential development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 5.9.2 The preamble to Policy H8 states that *'the small groups of houseboats in the District's rivers and estuaries provide a unique type of housing which forms part of the District's varied character. In planning terms, houseboats are considered to be a form of residential development similar to that of land based housing, requiring similar infrastructure such as car parking provision, access roads, refuse disposal points, and where possible access to main infrastructure networks'*.
- 5.9.3 The proposal is for residential accommodation which would be visible from the public domain as the house boats would be adjacent to a public right of way. However, the availability of views into the houseboats would depend on their design and would not be anticipated to be so significant to result in an unacceptable quality of life for the occupiers of the boats.
- 5.9.4 No private amenity space would be provided. However, given the specific nature of the residential accommodation proposed (it would not be practicable to provide private amenity space), the lifestyle that houseboats offer and as these houseboats are to remain navigable, along with the facilities available within the adjacent town of Burnham-on-Crouch, the lack of private amenity space is not considered unacceptable in this case. Provision for refuse disposal and access to main infrastructure networks are proposed as part of the application.
- 5.9.5 It is, therefore, considered that the accommodation would be of an adequate quality, in compliance with Policies D1 and H8 of the LDP.

5.10 Access, Parking and Highway Safety

- 5.10.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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.
- 5.10.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.10.3 The preamble to Policy H8 states that *'In planning terms, houseboats are considered to be a form of residential development similar to that of land based housing, requiring similar infrastructure such as car parking provision, access roads, refuse disposal points, and where possible access to main infrastructure networks'*.
- 5.10.4 There would be no off-street parking provision for the occupiers of the houseboats proposed. However, this was also the case for the previous use of the site. Furthermore, the houseboats to be moored would need to remain navigable to be acceptable from a flood risk perspective and, given their location immediately adjacent to the High Street with direct access from The Quay, occupiers of the houseboats would be able to access local services and facilities by means other than the private car. A condition requiring the provision of storage for bicycles could be imposed if planning permission were to be granted. Based on these facts, objection to the development on the basis of a lack of parking is not raised.
- 5.10.5 It is also noted that Essex County Council (ECC) Highways do not object to the proposal subject to the imposition of a condition that the public's rights and ease of passage over public footpath 11 (Burnham on Crouch) are maintained free and

unobstructed at all times, which could be imposed if planning permission were to be granted.

5.10.6 Based on the above, no objections to the proposal are raised on the grounds of highway safety, access or car parking.

5.11 Flood Risk and Drainage

5.11.1 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.

5.11.2 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that 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.

5.11.3 The Flood Risk Assessment (FRA) submitted identifies that the site is within Flood Zone 3b (functional floodplain) and suggests that the development could be considered to be 'Water Compatible'. The FRA also provides the following information:

- the 1:200-year +CC (2120) flood level is approximately 2.325m above the mean high water level.
- the houseboats and pontoon would need to be designed to raise to at least the 1:200-year +CC (2120) flood level of 5.175m AOD.
- the houseboats would also need to be adequately secured to be raised above the 1:200-year +CC (2120) flood level without becoming a floating debris hazard.
- a flood warning and evacuation plan and a plan if the foul drainage system were to fail are recommended.
- the site is at low risk of surface water flooding, groundwater flooding, sewer flooding and reservoir flooding.
- the means of surface water disposal would not increase the risk of flooding.

5.11.4 The Environment Agency agrees that the development could be considered 'Water Compatible' provided that the vessels are moveable with engines, and they raise no objections in relation to flood risk. However, they advise that, as the site forms part of the functional flood plain (Flood Zone 3b), the proposal would need to pass Sequential Test and be supported by a site-specific FRA. A site-specific FRA has been submitted and it is considered that the development passes the Sequential Test as there would no sites with a lower risk of flooding which could accommodate the type of development proposed i.e. boat moorings. As highlighted elsewhere in this report, a condition could be imposed if planning permission were to be granted requiring that the boats moored are and remain navigable.

5.11.5 As part of their consultation response, the Environment Agency also highlights the following from the FRA submitted:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability flood event, including an allowance for climate change, as well as within the flood extent for a 5% (1 in 20) current day annual probability flood event.
- The site does not benefit from the presence of defences.

- The floating pontoon and four houseboats are proposed to float above at least 5.175m AOD. This is above the 0.5% annual probability flood level including climate change of 5.11m AOD and therefore dry of flooding by 0.065m depth in this event.
- Flood resilience/resistance measures have not been proposed.
- The floating pontoon and four houseboats are proposed to float above at least 5.175m AOD and the FRA suggests that it will need to be raised adequately above this to ensure they are secured and do not become a floating debris hazard. Therefore, there is likely to be refuge above the 0.1% (1 in 1000) annual probability flood level of 5.21m AOD.
- the site access route is roughly 3.40m AOD and in a 0.5% annual probability flood level including climate change of 5.11m AOD, and so the flood depth would be 1.71 metres. Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). However, no objections to the proposed development are raised on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant, but the local planning authority should determine its adequacy to ensure the safety of the occupants.
- Compensatory storage is not required.

Residual Risk

- Section 6 of the FRA explores the residual risk of a breach using the Maldon District Council's Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 1.5 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event (up to the year 2107).
- The floating pontoon and four houseboats are proposed on the riverward side of the flood defences and so the FRA has considered the impact of a breach on the proposed development as low. This applies to both the 0.5% (1 in 200) annual probability including climate change breach flood event & 0.1% (1 in 1000) annual probability including climate change breach flood event.
- Maldon District Council's Strategic Flood Risk Assessment (SFRA) also assesses the flood hazard as danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Flood resilience/resistance measures have not been proposed.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access.

5.11.6 In terms of surface water drainage, no objections have been raised by the Statutory Consultees (including the Specialist – Environmental Health) to this being discharged into the River. Officers have no reason to disagree particularly taking into account the nature and scale of the development proposed which would replace a comparable use.

5.11.7 It is also noted that there have been no objections raised to the development in relation to any impact on the flow of the River or build-up of silt, including by the Environment Agency. The only immobile element of the development would be three piles, all the other elements would rise and fall on the tide. Therefore, and given that the site is located between two similarly developed/used sites, it is not considered that the development would materially affect tidal flow or the build-up of silt.

- 5.11.8 Foul drainage from the development is to be discharged via a new foul drain provided that the houseboats to be moored are equipped with the necessary storage and pumping equipment. If planning permission were to be granted, a condition could be imposed requiring that foul drainage is not disposed of into the River.
- 5.11.9 Based on the contents of the FRA submitted and the means of drainage proposed along with advice of the Environment Agency and the Specialist – Environmental Health, it is considered that the development would be safe for its lifetime and no objections are raised in relation to flood risk or drainage. Flood resilience and resistance measures along with measures to ensure that the houseboats are adequately secured could be required by condition, if planning permission were to be granted. Whilst some details of a Flood Evacuation Plan are included within the FRA submitted, it is considered necessary to require a more detailed Flood Evacuation Plan if planning permission were to be granted.
- 5.11.10 The development is, therefore, considered to be in compliance with Policies D5 and H8 of the LDP.

5.12 Nature Conservation

- 5.12.1 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.
- 5.12.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.12.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.12.4 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.
- 5.12.5 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.
- 5.12.6 One of the requirements of Policy H8 is that houseboats and associated activities may be considered appropriate if it can be demonstrated that the proposal does not have a significantly detrimental impact on the surrounding area in terms of pollution, biodiversity value, character and appearance (criterion 1).
- 5.12.7 The application is supported by an Updated Preliminary Ecological Appraisal Report (December 2021), a shadow Habitat Regulations Assessment (HRA) Screening Report, Ecological Statement (July 2022) and Outline Method Statement (November 2021).
- 5.12.8 The Ecological Statement responds to advice received from Natural England and Essex County Council (ECC) Ecology in March/April 2022. It concludes that further

wintering bird and invertebrate surveys are unnecessary and that it is considered unlikely that these animals will be significantly impacted by the proposed works considering the scale and nature of the works, provided that the mitigation measures in the HRA and the Method Statement are followed.

5.12.9 The Updated Preliminary Ecological Appraisal submitted advises that:

- Installation of piles into the riverbed has the potential to affect marine fauna through acoustic disturbance and vibrations and the potential to temporarily increase sediment
- Construction is likely to cause disturbance to marine fauna and bird assemblages for which the European designated sites are notified for
- The site is situated upon Priority Habitat Inventory mudflats and intertidal substrate foreshore (due to likely impacts, an Outline Method Statement has been produced)

5.12.10 The Appraisal concludes as follows:

- No issues with respect to bats are raised but consideration of lighting is recommended
- A low impact in relation to otters is anticipated but precautionary measures are recommended i.e. check for signs of otters prior to works commencing and the works being carried-out in accordance with pollution prevention guidance and over low tide
- There is potential for the site to be used by grey seal, harbour porpoise and harbour seal (which are all protected species and harbour porpoise and harbour seal are also Priority Species under the UK Post-2010 Biodiversity Framework). This use would be transitional with the daily incoming/receding tides, but it is recommended that works are carried-out in accordance with pollution prevention guidance and over low tide. The same recommendation is made in relation to fish.
- Birds could use the existing wreck [now removed] and decking for nesting, so it is recommended that disturbance is carried out from March to mid-August to create as little disturbance as possible to wintering wildfowl and waders, including brent geese.
- The adverse impact on aquatic invertebrates is likely to be low but it is recommended that works are carried-out in accordance with pollution prevention guidance and over low tide
- The site is unlikely to support any rare or protected flora

5.12.11 Enhancements are recommended within the Appraisal as follows: addition of standard bird boxes to house boats (two 1B Schwegler small hole nest boxes are recommended but located out of direct sunlight and close to but not restricted by vegetation); consideration of lighting details in relation to bats, wintering waders, wildfowl, marine mammals and fish to minimize light spillage onto mudflats; and the sympathetic management of the base of the sea wall to allow the area to vegetate naturally with the incoming/receding tides.

5.12.12 The Appraisal concludes that, if the precautionary measures recommended are followed, including in relation to aquatic invertebrates, European eel, grey seal, harbour porpoise, harbour seal, nesting birds, smelt and otter, and works are carried out during times of low tide and following the 'Outline Method Statement', the development is able to proceed with minimal impact on the local conservation status of any protected, principally important or rare species within the area.

5.12.13 Natural England has provided the following advice:

Initial response:

Further information is required to determine the impacts on designated sites. As submitted, the application could have potential significant effects on the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and the Essex Estuaries Special Area of Conservation (SAC). This site is also notified at a national level as the Crouch and Roach Site of Special Scientific Interest (SSSI) and impact risk zones are also triggered for the Outer Thames Estuary SPA and Blackwater, Crouch, Roach and Colne Estuaries - Marine Conservation Zones. Natural England requires further information to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal. The LPA needs to assess the proposal in relation to RAMS but does not consider the proposal will have an impact on the England Coast Path.

Further response (09.03.2022):

A HRA is required including the assessment on SAC habitat to determine impacts on designated sites.

To assist with screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site*
- the proposal is unlikely to have a significant effect on the SPA birds, either alone or in-combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment*
- Natural England advises that there is currently not enough information provided in relation to impacts on SAC habitat to determine whether the likelihood of significant effects can be ruled out. The LPA's HRA needs to consider all potential impacts on the SAC, proceeding to Appropriate Assessment if impacts cannot be ruled out*

5.12.14 ECC Ecology raised a holding objection based on the Updated Preliminary Ecological Appraisal (December 2021) due to insufficient information on the likely impacts on designated sites (the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Protection Area (SPA) & Ramsar site, Essex Estuaries Special Area of Conservation (SAC) and underpinning Site of Special Scientific Interest (SSSI)). They recommended that a shadow HRA was submitted to assist the LPA in preparing a HRA as the competent authority. They also advised that an appropriate financial contribution towards RAMS was secured.

5.12.15 Following the submission of a shadow HRA, a further response from ECC Ecology (November 2022) has been received which maintains a holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and SPA). They have advised that the LPA needs to complete a project level Appropriate Assessment and mitigation measures need to be secured to ensure they are adequate and delivery is in perpetuity. They recommended that the following additional information was required:

- Details of the methodology and timing and length of the construction works.
- Details of any likely increase in disturbance from increased visual disturbance, noise or vibration during construction and operation phases of the development, to be informed by appropriate assessments.
- Details of site drainage during construction and operation phases of the development.
- Likely impact upon the qualifying features of the Habitats Sites and SSSI's (Breeding and overwintering birds, plants and invertebrates)
- A strategy for mitigating any identified impacts upon the qualifying features of the Habitats Sites and SSSI's.

They advised that this further information was required to allow the LPA to demonstrate compliance with its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife & Countryside Act 1981 (as amended).

- 5.12.16 The shadow Habitat Regulations Assessment Screening Report submitted has been used to assist with the carrying out of a HRA for the proposal which has been sent to Natural England for agreement, as required. A response from Natural England had not been received at the time of writing this report.
- 5.12.17 Based on the above and the conclusions of the HRA (assuming they are agreed by Natural England), there is no reason to conclude that the development would have an adverse impact on the ecology of the site or its surroundings, subject to the imposition of conditions, as recommended below and a financial contribution towards RAMS being paid which the Council has agreed to. These conditions include a Construction Environmental Management Plan (CEMP) being required, details of external lighting being submitted and limiting the months of the year construction can be carried out. These conditions along with the payment of a financial contribution towards RAMS, address the matters raised by ECC Ecology set out above. Therefore, the proposal is in compliance with Policies S1, S8, D1, N1, N2 and H8 of the LDP and the NPPF.

6. ANY RELEVANT SITE HISTORY

None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	<p>Recommends refusal, for the following reasons:</p> <ul style="list-style-type: none"> - The proposed site is at an extremely sensitive location. It is: <ul style="list-style-type: none"> • In the centre of the town • In a conservation area on Burnham's ancient quayside • Immediately adjacent to and acting as a backdrop to registered heritage asset the Burnham war memorial • The memorial is the centre of Town services and commemorations with already very compromised visibility and access to the crowds that attend such events <p>Because of its scale, mass and design it is</p>	<p>Noted – refer to sections 5.2, 5.3, 5.4, 5.6 and 5.8 of this report. Financial contributions towards the NHS and education are not required for the scale of development proposed as a result of the limited impact it would have. The Llys Helig has now been removed from the site.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>believed that the addition of an extra 4 large domestic houseboats, with no effective control over design, appearance or maintenance standards (as has been demonstrated over the past 3 years with the Lylis Helig) would create an unacceptable precedent. The proposed development fails key NPPF strictures:</p> <ul style="list-style-type: none"> • 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. • 32. Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and allow for the efficient delivery of goods, and access by service and emergency vehicles • There are no proposed parking provisions to service these 4 large permanent houseboats in an area which already has severe shortfalls • The additional 4 large residential boats would be unsustainable because Burnham has insufficient NHS and Education facilities to meet present and already approved incremental residential accommodation when the town and district have in excess of 5-year land 	

Name of Parish / Town Council	Comment	Officer Response
	<p>supply</p> <ul style="list-style-type: none"> • 195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use. • 196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Furthermore, when the river is at high tide the houseboats will look directly into the neighbour's windows. Hence a loss of privacy This application should 	

Name of Parish / Town Council	Comment	Officer Response
	<p>not be conjoined with the application to remove the Lylis Helig boat. These should be treated as TWO separate applications.</p> <p>If this application was to be granted, then a condition be placed on the application that NO sewerage from the houseboats be discharged directly into the river.</p> <p>This application contravenes MDC policy H8 (Provision for houseboats)</p>	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	<p>Initial response:</p> <p>Further information is required to determine the impacts on designated sites. As submitted, the application could have potential significant effects on the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and the Essex Estuaries Special Area of Conservation (SAC). This site is also notified at a national level as the Crouch and Roach Site of Special Scientific Interest (SSSI) and impact risk zones are also triggered for the Outer Thames Estuary SPA and Blackwater, Crouch, Roach and Colne Estuaries - Marine Conservation Zones.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for</p>	<p>Noted – refer to section 5.8 of this report. A HRA for the development has been carried-out and sent to Natural England for agreement. Their response to awaited.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>mitigation. Without this information, Natural England may need to object to the proposal. The LPA needs to assess the proposal in relation to RAMS but does not consider the proposal will have an impact on the England Coast Path.</p> <p>Further response (09.03.2022):</p> <p>A HRA is required including the assessment on SAC habitat to determine impacts on designated sites.</p> <p>To assist with screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:</p> <ul style="list-style-type: none"> • the proposal is not directly connected with or necessary for the management of the European site • the proposal is unlikely to have a significant effect on the SPA birds, either alone or in-combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment • Natural England advises that there is currently not enough information provided in relation to impacts on SAC habitat to determine whether the likelihood of significant effects can be ruled out. <p>The LPA's HRA needs to consider all potential impacts on the SAC, proceeding to Appropriate Assessment if impacts cannot be ruled out</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Originally issued a holding objection on the grounds of lack of information regarding ecology and proximity to flood defences but this has subsequently been removed. They agree that the proposal could be considered water compatible provided that the vessels are moveable with engines. No objections raised in relation to flood risk. As functional flood plain (Flood Zone 3b) the proposal would need to pass the Sequential Test and be supported by a site-specific FRA.	Noted – refer to section 5.7 of this report.
Marine Management Organisation	Advisory comments made.	Noted.
ECC Highways	No objection subject to a condition that the public's rights and ease of passage over public footpath 11 (Burnham on Crouch) are maintained free and unobstructed at all times	Noted – refer to section 5.6 of this report - the recommended condition could be imposed if planning permission were to be granted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections but provides advisory comments in relation to construction.	Noted.
ECC Ecology	Based on Updated PEA (December 2021), holding objection issued due to insufficient information on the likely impacts on designated sites (the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Protection Area (SPA) & Ramsar site, Essex Estuaries Special Area of Conservation (SAC) and underpinning Site of Special Scientific Interest (SSSI)). A shadow HRA	Noted – refer to section 5.8 of this report. A HRA has been carried-out and sent to Natural England for agreement. Their response to awaited.

Name of Internal Consultee	Comment	Officer Response
	<p>should be submitted to assist the LPA in preparing a HRA as the competent authority. An appropriate financial contribution towards RAMS should also be secured.</p> <p>Further response (November 2022) maintained a holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and SPA). Advised that the LPA needs to complete a project level Appropriate Assessment and mitigation measures need to be secured by a planning obligation to ensure they are adequate and delivery is in perpetuity. The following additional information is required:</p> <ul style="list-style-type: none"> - Details of the methodology and timing and length of the construction works. - Details of any likely increase in disturbance from increased visual disturbance, noise or vibration during construction and operation phases of the development, to be informed by appropriate assessments. - Details of site drainage during construction and operation phases of the development. - Likely impact upon the qualifying features of the Habitats Sites and SSSI's (Breeding and overwintering birds, plants and invertebrates) - A strategy for mitigating any identified impacts upon the qualifying 	

Name of Internal Consultee	Comment	Officer Response
	features of the Habitats Sites and SSSI's. Consequently, this further information is required to allow the LPA to demonstrate compliance with its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife & Countryside Act 1981 (as amended).	
Specialist - Heritage and Conservation	No objection subject to the imposition of conditions.	Noted – refer to section 5.3 of this report.

7.4 Representations received from Interested Parties

7.4.1 12 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Area in need of tidying up and existing houseboats not visually attractive but would not be a positive addition to quayside and would obstruct river views if increased in number. Would affect views to and from the war memorial which is an important local feature.	Refer to section 5.2 of this report.
No parking provision	Refer to section 5.6 of this report.
No employment would be generated and no benefit to area	Refer to section 5.2 of this report.
Crouch Harbour Authority have policy not to grant further licenses for houseboats	This is not a material planning consideration.
Foul drainage should be provided for existing houseboats without development proposed	Noted.
Understood the existing berth is for the temporary mooring of vessels not permanent houseboats	Noted.
Grey water, as well as foul drainage, should be prevented from being discharged into River due to potential pollution	Noted but no objections to the proposed drainage have been raised by any consultee including the Specialist – Environmental Health and Natural England – refer to section 5.7 of this report.
Concern flood gates would be left open putting the town at risk of flooding	Noted - there is no reason to anticipate that this would be the case, but is not within the jurisdiction of the local

Objection Comment	Officer Response
	planning authority.
Long pontoon proposed – the boats would be vulnerable in high winds	The boats would be no more vulnerable than many boats already moored within the River, the pontoon is no longer than existing jetties and ensuring that the boats were adequately secured during high winds would be the responsibility of the occupiers.
Lack of privacy for occupiers of houseboats	Noted – refer to section 5.5 of this report.
Would add to light, noise etc pollution	Noted but given the scale and location of the site, it is not anticipated that any such pollution would be materially increased.
Will upset the flow of the river and wildlife	Refer to sections 5.7 and 5.8 of this report.
Excessive development on riverside waterfront	Noted.
Will affect seabed, tidal flow and build-up of silt	Noted – refer to section 5.7 of this report.
Access too narrow for wheelchair access	Access gateway 3 is wide enough for wheelchair users to access the site.
Local infrastructure, particularly sewerage, already overloaded	Noted.
Risk of drowning if anyone were to fall overboard due to strong tide	Noted but it would be the responsibility of the occupiers of the site to minimise the risk of falling overboard.
Suggests proposal is to fund removal of wreck but removal of existing vessel should happen anyway	The wreck has now been removed.
Concerns about safety of persons using the River. Would interfere with sailing; jetty should be reduced in length by half	It is not anticipated that the development would materially adversely impact on the safety or use of the river as there are existing, longer pontoons/ jetties in the vicinity of the site.
Potential damage to flood defence	There are no works proposed which would directly impact the existing flood defences.
Could negatively impact on local businesses from loss of view and increased silting	Noted.

8. PROPOSED CONDITIONS

Pre-Commencement Conditions

Pre-commencement conditions are recommended and the applicant/agent has been written to to advise of the intention to use these conditions. If no response is received or no objection raised to the conditions within 10 days, the Local Planning Authority is able to impose the suggested conditions. The recommended below is made on the assumption that agreement is gained.

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 and documents:
 - Drawing Number 1905/01: Site Location Plan.
 - Drawing Number 1905/04: Proposed Elevations & Cross Section.
 - Updated Preliminary Ecological Appraisal Report (December 2021)
 - Habitat Regulations Assessment Screening Report (October 2021)
 - Ecological Statement (July 2022)
 - Outline Method Statement (November 2021)
 - Flood Risk Assessment (December 2019)REASON To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place unless details of flood resilience and resistance measures to be incorporated into the development and measures to secure houseboats to ensure they do not become floating debris have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details and retained as such thereafter.
REASON To ensure the appropriate use of the site as it is located within an area at high risk of flooding, in accordance with Policy D5 of the Maldon District Local Development Plan and the NPPF.
4. No vessel shall be moored within the site unless a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the local planning authority. The use of the site shall be carried-out in accordance with the approved Plan, thereafter.
REASON As the site is located within a high-risk flood zone, in the interests of minimising the impacts of flood risk, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.
5. The public's rights and ease of passage over public footpath 11 (Burnham on Crouch) shall be maintained free and unobstructed at all times
REASON To protect the amenity of the area and to prevent pollution, in accordance with Policies D1 and T2 of the Maldon District Local Development Plan and the NPPF.
6. No boat shall be moored within the site unless provision for cycle storage has been made in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The storage shall be retained as such thereafter in perpetuity.
REASON To encourage the use of non-motorised means of transport, in accordance with Policy T2 of the Maldon District Local Development Plan and the NPPF.
7. Details of the scale, form, materials and finishes of all houseboats to be moored within the site shall be submitted to and approved in writing by Maldon District Council prior to them being moored within the site. The houseboats shall be retained in accordance with the approved details thereafter
REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

8. Houseboats shall be removed from the site within one month if they subsequently sink, become unfit for habitation, derelict or otherwise abandoned, in compliance with Policy H8.
REASON In the interests of the character and appearance of the area, in accordance with Policies D1, D3 and H8 of the Maldon District Local Development Plan and the NPPF.
9. No more than four boats shall be moored within the application site at any one time.
REASON In the interests of the character and appearance of the area, in accordance with Policies D1, D3 and H8 of the Maldon District Local Development Plan and the NPPF.
10. No boat moored within the site shall measure more than 20 metres in length.
REASON In the interests of protecting the appearance and amenities of the area in accordance with Policies D1, D3 and H8 of the approved Maldon District Local Development Plan and the NPPF.
11. Any houseboat occupying the site shall be and remain navigable and shall be moveable under its own power at all times.
REASON in the interests of protecting the appearance and amenities of the area and flood risk in accordance with Policies D1, D3, D5 and H8 of the approved Maldon District Local Development Plan and the NPPF.
12. No foul drainage from the houseboats moored within the site shall discharge into the River Crouch.
REASON To prevent pollution of the local area, in accordance with Policy D2 of the approved Maldon District Local Development Plan and the NPPF.
13. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The CEMP shall include the following measures:

- Toolbox talks by an ecologist to help inform construction workers and site personnel of the importance of the designated habitats and species, habitats and their sensitivities, as well as all required actions by staff. The toolbox talk will also appraise site workers of biosecurity procedures, including an overview of the identification of priority non-native species.
- All wastes to be stored in designated areas that are isolated from surface water drains, open water, and are bunded to contain any spillage, or releases.
- No waste concrete slurry/wash water from concrete or cement works will be discharged into the marine environment, particularly from the boat to be utilised for piling.
- For fuel spillages, run off and other potential pollution incidents which have the potential to impact on habitats including offsite watercourses, appropriate equipment such as spill kits containing absorbent material will be available to site operatives and site operatives shall be trained in the use of these spill

kits. All reagents and chemicals will be clearly signed and appropriately stored, contained and banded.

- Any coatings/treatments utilised have to be suitable for use in the marine environment and are to be used in accordance with best environmental practice.
- The floating jetty will be anchored by three steel piles driven by a floating pontoon mounted crane of minimum size required for the complete installation using either a hydraulic or pneumatic pile driver applying a soft start technique.
- The piles, access bridge and pontoon sections will be delivered by road to an offsite yard or wharf location and stored there until required. When required, they will be picked up by barge as needed and tides allow. Piles will be positioned by engineer viewing and giving instruction from shore by radio.
- The pontoon can be craned or floated into position.
- The access bridge will be connected to the jetty via flexible bolted connections. The bridge will be mounted directly onto the floating pontoon sections secured by the pre-driven piles.
- Works will likely take around two weeks to complete, with piling likely to be undertaken over one or two working days (dependent on weather and tide windows).
- Measures to prevent 'biofouling' through a biosecurity plan. Scheme activities which risk introducing or spreading non-native species will be identified. Biosecurity measures will include following a check, clean and dry procedure where working on The Estuary. Boat users and staff will be required to sign in and out, confirming that they have cleaned and inspected all their equipment. All clothing and equipment will be thoroughly inspected and any visible debris (mud, plant or animal matter) will be removed and left at the water body where it was found. Particular attention will be paid to seams and seals of boots and waders. Any pockets of pooled water will be emptied. Equipment will be hosed down or pressure-washed on site. If facilities are not available then equipment will be carefully contained, e.g. in plastic bags, until they can be found. Washings will be left at the water body where the equipment was used, or contained and not allowed to enter any other watercourse or drainage system (i.e. not put down the drain or sink). Where possible, clean equipment should be dipped in disinfectant solution (e.g. Virkon) to kill diseases, but note this is unlikely to kill non-native species. Thoroughly drying is the best method for disinfecting clothing and equipment. Water-cooled engines must be washed thoroughly with tap water to ensure the system does not harbour non-native species. Boots and nets should be hung-up to dry. Equipment should be thoroughly dry for 48 hours before it is used elsewhere. Some non-native species can survive for as many as 15 days in damp conditions and up to 2 days in dry conditions, so the drying process must be thorough. Biofouling will be thoroughly removed from all hulls and other submerged surfaces before transfer to another site.
- No emptying of the bilge pump to occur into the River Crouch.
- A contingency plan will be put in place if the presence or spread of non-native species is linked to the works.
- Details of surface water drainage during construction.

The approved CEMP shall be adhered to and implemented throughout the construction period.

REASON To conserve protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended)

and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

14. No floodlighting or other external form of illumination of the site shall be provided, including during construction.

REASON In order to minimise light spillage in the interests of the character and appearance of the rural area within which the site is located and to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.

15. No houseboat shall be occupied until details of measures to avoid light spill onto habitats have been submitted to and approved in writing by the local planning authority. Any lighting required for security/safety will use sensor activated lamps of no more than 2000 lumens (150 Watts) and only low wattage lamps (<70W) shall be used.

REASON In order to minimise light spillage to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.

16. Construction works shoreward of the flood defences shall not be undertaken during the overwintering period (1st October to second week of April).

REASON To avoid impacts to overwintering bird interest features for which the Crouch and Roach estuaries are notified and to avoid impacts on important migratory fish species allowing for local variations in migratory and spawning times for the relevant fish species e.g. smelt, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

17. All enhancement measures shall be carried out in accordance with the details contained in the Updated Preliminary Ecological Appraisal Report (December 2021) prior to the occupation of any houseboat within the site and retained as approved thereafter.

REASON In the interests of nature conservation, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.