



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
13 FEBRUARY 2017**

Application Number	FUL/MAL/16/01129
Location	Fisheries Laboratory Remembrance Avenue Burnham-On-Crouch Essex
Proposal	Variation of conditions 4 (external materials) and 8 (external joinery) of approved planning application FUL/MAL/15/00019 (Application for variation of Condition 2 Reference Number: FUL/MAL/12/01062) Amendments to scheme to reflect conservation issues relating to the site to include: Painted timber fascias and soffits to traditional eaves in lieu of tall parapets. Amendments to fenestration and detailing of elevations. Windows and doors to be painted timber. Minor amendments to plans to dwellings 08-12 and revisions to plots 13 and 14 to include replacement of round tower and omission of link. Variation of condition 2 to amend the design of plots 08-14 as revised drawings 1420/08-15.) Plots 1 - 7 inclusive shall be carried out in accordance with drawings 1244-012 Rev D.
Applicant	Mr M Hughes - Lynton Homes Ltd
Agent	Mr Richard Bennett - Bennetts(SA)LLP
Target Decision Date	10 April 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Parish Trigger Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Fisheries Laboratory - Remembrance Avenue

Burnham On Crouch FUL/MAL/16/01129



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Maldon District Council 100018588 2014



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	South East Committee
Date:	02/02/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Remembrance Avenue within the town of Burnham-on-Crouch. Approximately 80% of the application site is located within the development boundary for Burnham-on-Crouch with the remaining 20% located outside of the development boundary and within the designated Coastal Zone. The section of the application site located outside of the development boundary is located along the western site boundary. The entire application site is located within Flood Zone 3.
- 3.1.2 To the south of the application site is the Burnham Sailing Club with the sea wall beyond. To the east of the application site is a drainage ditch with Coronation Road and Queens Court beyond. To the west of the site is the Burnham Sailing club car park and boat park with the Mill Fields playing fields beyond. To the north of the application site is the end of Remembrance Avenue which is a residential street accessed off Station Road.
- 3.1.3 The application site is located adjacent to the Conservation Area for Burnham-on-Crouch which extends as far as Burnham Sailing Club as well as Coronation Road and Queens Court to the east of the application site.
- 3.1.4 On 18 December 2013, planning permission was granted for the demolition of the former Cefas (Centre for Environment, Fisheries and Aquaculture Science) Laboratory on the site, and the construction of 7 no. townhouses and 7 no. detached houses. The development approved as part of this application is currently commencing on the site.
- 3.1.5 Permission is sought as part of this application to vary conditions 4 and 8 of approved planning application FUL/MAL/15/00019, to allow for the external weatherboarding to be pre finished feather edged profile board, and windows to be Rehau Heritage UPVC (white). The conditions to be varied are as follows:

Condition 4

The external materials of the development hereby approved shall be carried out in accordance with the submitted report Bennetts (SA)LLP, dated January 2015 and received by the Council on 26 January 2015.

***REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.*

Condition 8

Notwithstanding details stated within the application all external joinery including the window frames shall be in timber with a painted finish unless otherwise agreed in writing by the Local Planning Authority and shall be retained as such thereafter.

***REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon*

District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

3.2 Conclusion

- 3.2.1 Given the distance of the development from the conservation area, and public viewpoints, the proposed amendments to external materials are not considered to result in demonstrable visual harm to the conservation area, or the surrounding locality, subject to conditions regarding the development to be carried out in accordance with the details and samples already submitted to the Council. As such, the proposal is considered to be in accordance with the Maldon District Replacement Local Plan, the submitted Local Plan and the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- Policy S1 - Sustainable Development;
- Policy D1 – Design and Quality and Built Environment;
- Policy D3 – Conservation and Heritage Assets;

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 – Development Boundaries and New Development
- S2 - Development outside development boundaries
- CC6 – Landscape Protection
- CC11 - The Coastal Zone
- BE1 - Design of New Development and Landscaping
- BE13 – Development in Conservation Areas

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of the site accommodating residential development has already been established. The determining factor is whether the proposed amendments to the external materials and windows are acceptable.

- 5.1.2 The reasons for imposing both conditions was *“To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.”*. As such, it must be demonstrated that the proposed external materials, would still meet this requirement.

5.2 Design and Impact on the Character of the Area

- 5.2.1 While the site falls outside the conservation area, it is immediately adjacent to it and within its setting. The NPPF makes clear that the significance of a heritage asset may be harmed by development within its setting. As such any new materials must safeguard the character and appearance of the locality and the character and appearance of the conservation area.
- 5.2.2 The current proposal is to use plastic windows and cement-fibre cladding instead of painted timber, which is a more traditional material.
- 5.2.3 There generally has been a marked improvement in manmade materials and a growth in building materials that are sensitive to their historic setting. It is considered that the installation of low maintenance windows, but which have a suitably traditional profile and detailing could be acceptable, this has been confirmed by comments from the Conservation Officer.
- 5.2.4 Whilst there are public views into the site from the river wall, the nearest point to any of the proposed dwellings is 35 metres away and viewed obliquely between existing buildings on the river frontage. As such, the alterations to the weatherboarding and window materials are not considered to be noticeably prominent from the conservation area, or from the public viewpoints around the site; provided that they are sympathetic in design, finish and detailing, to the historic character.
- 5.2.5 In addition, the existing conditions on the permission provide limited control over future replacement of windows.
- 5.2.6 Profile detailing of the windows has been submitted with the application, these included a Flush Casement UPVC window sample, Flush Casement window details, James Hardie pre finished weatherboarding to be finished in Cedar (colour white). It is considered that the detailing of the new windows submitted would preserve and enhance the character and appearance of the conservation area.
- 5.2.7 In light of the above and subject to appropriate conditions requiring details of the windows to be in accordance with the submitted information, the proposed alteration to the windows are considered to be acceptable.

5.3 Impact on Residential Amenity

- 5.3.1 No new windows or additional built form are proposed as part of this current application, as such, the proposal is not considered to result in any demonstrable harm by reason of overlooking or loss of light.

5.4 Access, Parking and Highway Safety

- 5.4.1 No new access or parking alterations are sought as part of this current application. In addition, no new built form on the site is proposed as part of the current scheme. As such, the proposed is not considered to result in any demonstrable harm by reason of highway safety or free flow of traffic.

5.5 Private Amenity Space and Landscaping

- 5.5.1 No amendments are sought to the layout of the proposal or the provision of amenity space. As such, there is not considered to be any demonstrable harm to the future occupiers of the site, by reason of amenity space provision.

5.6 Other considerations

- 5.6.1 Condition 3 imposed on approved application FUL/MAL/15/00019 stated that *‘Within three months of the date of this permission, a detailed scheme of interim screening shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented in its entirety’*. The reason for imposing this condition was in order to protect local visual amenity in the event of development being delayed once demolition has been completed in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 5.6.2 The Council’s records show that this information was never submitted, as such, it is considered appropriate to reimpose this condition.
- 5.6.3 Condition 11 on the extant planning permission states that *‘Notwithstanding the details shown on the plans all timber boarding to the elevations of the buildings shall be weatherboarding with a feather edged profile’*. Whilst this condition was not to be varied or removed as part of the application, given the details provided as part of the submission it would not be reasonable to still impose this condition.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/12/01062** – Demolition of former Cefas Laboratory and construction of 7 No. townhouses and 7 No. detached houses. Change of use of land to residential. Approved – 18 December 2013.
- **FUL/MAL/14/00036** - Variation on conditions 4, 9, 10, 13, 14, 15, 16 & 19 of approved planning permission FUL/MAL/12/01062. Condition 4 - Samples. Condition 9 - Treatment of boundaries. Condition 10 - Hard & Soft Landscape. Condition 13 - Surface water drainage. Condition 14 - Foul water drainage. Condition 15 - Flood proofing. Condition 16 - Site construction management plan. Condition 19 - Contamination of land or pollution. The variation seeks to change the wording to the conditions to include 'with the exception of demolition no development shall take place until....' to replace 'no development shall commence' and 'prior to the commencement of the development'. Approved – 11 April 2014.
- **FUL/MAL/1400037** - Application for removal of condition 3 in respect of planning permission FUL/MAL/12/01062 (Demolition). Approved 11 April 2014.

- **FUL/MAL/14/00107** - Removal of Conditions 5 (external brickwork) 6 (external joinery) 7 (rainwater goods) 8 (timber boarding) & 20 (asbestos survey) of approved application FUL/MAL/12/01062 (Demolition of former Cefas Laboratory and construction of 7 no. townhouses and 7 no. detached houses. Change of use of land to residential). Refused 14 May 2014.
- **NMA/14/01047** - Application for non-material amendment following grant of Planning Permission FUL/MAL/12/01062 (Demolition of former Cefas Laboratory and construction of 7 no. townhouses and 7 no. detached houses. Change of use of land to residential) Amendment sought: Alterations to the approved 7no. detached dwellings to include: Painted timber fascias and soffits to traditional eaves in lieu of parapet walls. Amendments to fenestration and detailing of elevations. Minor amendments to plans. Amendment to plots 13 and 14 to include omission of round tower and link. Windows and doors to be painted timber. Refused 17 November 2014.
- **FUL/MAL/15/00019** - Application for variation of Condition 2 (Reference Number: FUL/MAL/12/01062) Amendments to scheme to reflect conservation issues relating to the site to include: Painted timber fascias and soffits to traditional eaves in lieu of tall parapets. Amendments to fenestration and detailing of elevations. Windows and doors to be painted timber. Minor amendments to plans to dwellings 08-12 and revisions to plots 13 and 14 to include replacement of round tower and omission of link. Variation of condition 2 to amend the design of plots 08-14 as revised drawings 1420/08-15. Approved 18 June 2016.

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>Object - this development has already been approved with suitable materials being used in the development in keeping with its location, on the edge of the Burnham Conservation area.</p> <p>The Town Council sees no reason why the original materials should not be used and sees this as a slow dilution of the original plan for which approval was given.</p>	

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection, subject to conditons.	Covered within Officer report.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 None received at the time of writing.

8. **PROPOSED CONDITIONS**

- 1 The development hereby approved for Plots 8 - 14 inclusive shall be carried out in accordance with drawings 1244-001 Rev A, 1240/NMA15 Rev A, 1420/NMA08 Rev A, 1420/NMA09 Rev A, 1420/NMA10 Rev A, 1420/NMA11 Rev A, 1420/NMA12 Rev A, 1420/NMA13 Rev A and 1420/NMA14 Rev A
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The development hereby approved for Plots 1 - 7 inclusive shall be carried out in accordance with drawings 1244-012 Rev D as submitted under grant of permission FUL/MAL/12/01062
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Within three months of the date of this permission, a detailed scheme of interim screening shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented in its entirety
REASON: In order to protect local visual amenity in the event of development being delayed once demolition has been completed in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 4 The development shall be carried out in accordance with James Hardie pre finished weatherboard (colour white) and the flush casement window details as submitted to the Council on 19 January 2017, and retained as such thereafter.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 5 The external materials of the development hereby approved shall be carried out in accordance with the submitted report Bennetts (SA)LLP, dated January 2015 and received by the Council on 26 January 2015, with the exception of the weatherboarding and window details which are to be James Hardie pre finished weatherboard (colour white) and the flush casement window details as submitted to the Council on the 19th January 2017, and retained as such thereafter.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the

- adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 6 The boundary treatments of the development hereby approved shall be carried out in accordance with submitted drawing 1420/16 dated January 2015. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: In order to safeguard the amenities of neighbouring residents and to safeguard the character and appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 7 The hard and soft landscaping of the development hereby approved shall be carried out in accordance with submitted drawing 1420/16 Dated January 2015. The hard landscaping scheme shall be carried out prior to the first beneficial occupation of the development. The soft landscaping scheme shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 8 The external brickwork shall be constructed in a Flemish Bond.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 9 All new window frames, including sections through the head, jamb, cill and glazing bars shall be carried out in accordance with the Flush Casement details submitted to the Local Planning Authority on 19 January 2017.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 10 All rainwater goods shall be of cast metal with a black painted finish unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the locality and to safeguard the character appearance of the adjacent Conservation Area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 11 There shall be no discharge of surface water from the site onto the public highway.
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 12 The surface water drainage scheme shall be carried out in accordance with the details as submitted on drawing reference 1420/18, dated January 2015 and implemented in accordance with the approved scheme prior to completion of the development.
REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policy CON5 of the Maldon District Replacement Local Plan and the requirements of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 13 The foul drainage scheme shall be carried out in accordance with the details as submitted on drawing 1420/17, dated January 2015 and implemented as approved prior to the first occupation of the development.
REASON: To prevent environmental and amenity problems arising from flooding in accordance with policy CON5 of the Maldon District Replacement Local Plan and the requirements of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 14 The floor proofing measures shall be carried out in accordance with the details as submitted in report RB January 2015 and prior to the first occupation of the development.
REASON: To ensure occupiers / owners of the dwellings can achieve safe refuge / evacuation during a flooding event in accordance with the provisions of the National Planning Policy Framework and the guidance contained within the National Planning Policy Framework.
- 15 The development hereby approved shall be carried out in accordance with the submitted Health and Safety Plan and Method Statement, by Clarke Demolition Co. Ltd ref: 10236 Rev 00 and dated 27 May 2014. The approved measures shall be put in place prior to the commencement of construction on site and all subsequent construction of the development shall be implemented in accordance with the approved details.
REASON: In the interests of protecting the amenities of adjacent occupiers during construction, having regard to policies CON5 and BE1 of the Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 16 The development hereby approved shall be carried out in accordance with the submitted Ecology Report.
REASON: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.
- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local transport operator. The details shall

be made available for the future occupiers of each dwelling upon first occupation of the buildings hereby approved.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 18 Prior to the first occupation of the dwellings hereby permitted details of biological enhancements throughout the site shall be submitted in writing to and approved by the Local Planning Authority. The details shall be implemented as approved.

REASON: To provide biodiversity opportunities for species in the area in accordance with the guidance and provisions of the National Planning Policy Framework.

- 19 The development hereby approved shall be undertaken in accordance with the Ground Investigation Report dated July 2010. Should any ground conditions or the existence, extent and concentration of any contamination be found that was not previously identified or not considered in the submitted scheme, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 20 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected to any of the dwellings within the site without planning permission having been obtained from the Local Planning Authority.

REASON: To protect the amenities of the occupants of existing and future neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 21 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the buildings hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON: To protect the amenities of the occupants of existing and future neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

- 22 Prior to the first occupation of the buildings hereby permitted, the first, second and third floor windows in the east flank elevation of plot 7 shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight and shall be retained as such thereafter.

REASON: To protect the amenities of the occupants of neighbouring dwellings in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and the guidance contained within the National Planning Policy Framework.

INFORMATIVES

- 1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.