



**REPORT of  
CHIEF EXECUTIVE**

---

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
4 DECEMBER 2017**

<b>Application Number</b>	<b>OUT/MAL/17/01107</b>
<b>Location</b>	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed construction of 5 bungalows
<b>Applicant</b>	Think Green Energy Ltd
<b>Agent</b>	Cussen Construction Consultants
<b>Target Decision Date</b>	18 <sup>th</sup> December 2017
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017 Previous Committee Decision

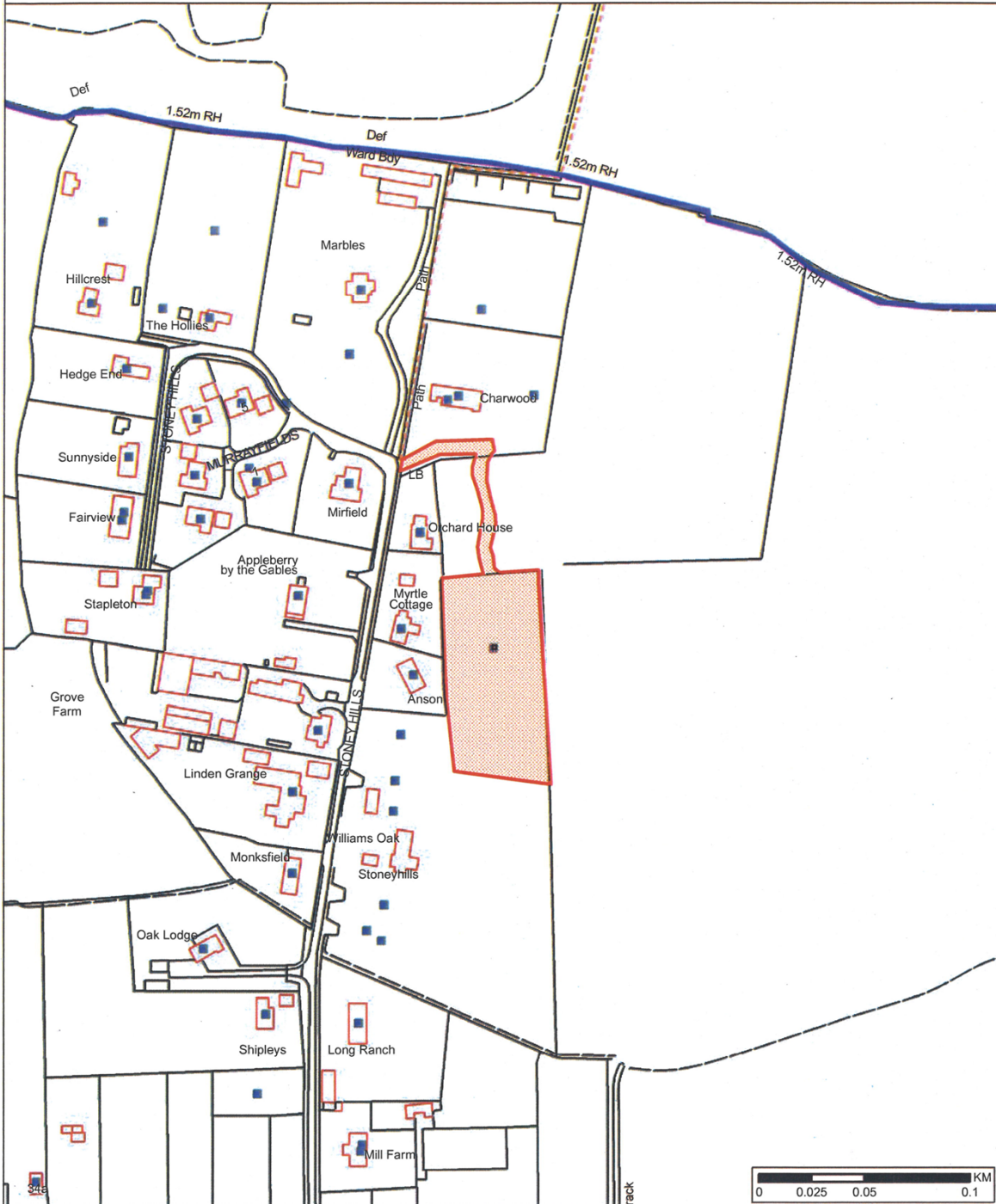
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land South of Charwood, Stoney Hills, Burnham-on-Crouch**  
**OUT/MAL/17/01107**



**Copyright**  
 For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014

  
**MALDON DISTRICT COUNCIL**

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 17/01107/OUT
Date:	21/11/2017
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### **3.1.1 Site description**

3.1.2 The site abuts the rear boundaries of Myrtle Cottage, Anson and High Cook House and it shares the access point from the eastern side of Stoney Hills with Charwood, a large detached house located within the northeast corner of the Stoney Hills area. The site is located around 60m to the south of the shared access.

3.1.3 Currently the site is mainly covered by shrubs and grass and hedges along the north and east boundary of the site. Between Charwood and the application site there is a field. To the east there is open countryside. An informal public footway traverses the site.

3.1.4 Stoney Hills is located outside of the settlement boundary of Burnham-on-Crouch and comprises of mainly large detached dwellings, set within large plots. The area has been the subject of many redevelopment proposals over recent years which have changed its character from a rural character to a more suburban style. The properties within the wider area are mainly individual detached bungalows which vary in terms of style, scale and form. There is no distinctive character or consistency with dwelling style in the area. Although the positioning of the houses would have been more linear in the past, following the redevelopment of the area, the front building line is no longer uniform and a number of properties have been granted in backland locations of off private roads. Overall the character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via cul de sacs.

##### **3.1.5 Description of proposal**

3.1.6 Outline planning permission with all matters reserved is sought to erect five bungalows with associated off-street parking, amenity space and landscaping. A new cul de sac, providing access to the proposed dwellings is also proposed to be formed.

3.1.7 An indicative layout has been submitted along with a Design and Access Statement in support of the application.

3.1.8 The site is approximately 0.49ha. The proposed dwellings would have a footprint of 166.5sqm and would be served by an average of 487sqm amenity space.

3.1.9 As shown on the indicative site plan, a total of eight off-street parking spaces would be provided on site, two of which would be for visitor parking. Pedestrian access would be formed along either side of the proposed cul de sac.

3.1.10 The application constitutes the resubmission of an application (OUT/MAL/17/00752) that was previously refused. The amendments incorporated to the current proposal include the reduction of the number of units from six to five and the increase in the average amenity area provided.

### 3.1.11 Background of the application

3.1.12 It is noted that an application (Ref.no.: OUT/MAL/1700383) to erect two bungalows at the land South of Charwood was previously approved by the South Eastern Area Planning Committee (19 June 2017). The current application has the same access point with the previously approved application; however, the size of the application has been increased towards the south to include an additional 0.13ha.

3.1.13 An outline application (OUT/MAL/1700752) was thereafter submitted proposing the erection of six bungalows. The application presented to Members of South Eastern Area Planning Committee with an officer recommendation for approval. The officers' recommendation was overturned at committee to refuse the application for the following reason:

- *The proposed development is located outside of the defined settlement boundaries of the Maldon District and would represent an intensive and urban form of development that would be materially harmful to the character of the application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies S1, S8, D1, H4 and policies HO.1 and H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).*

## 3.2 **Conclusion**

3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch; it must be noted that the Council's policies seek to direct new residential development to established settlements. However, recent appeal decisions and approvals have resulted in a relatively large number of new dwellings being permitted in the area which has resulted in a change to its character and appearance and more urban nature. Although an application was previously refused by Members of the Committee, the number of units proposed on site has now been reduced to five and on balance, given the history of the area, it is considered that the impact of the development has been reduced to an acceptable level and would not result in a detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. Other materials planning considerations would be fully assessed at the reserved matters stage.

## 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:**

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes

- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

#### **4.2 Approved Maldon District Local Development Plan (MDLDP) (July 2017):**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

#### **4.3 Burnham-on-Crouch Neighbourhood Development Plan (7 September 2017):**

- Policy HO.1 – 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)
- Essex Design Guide
- Car Parking Standards

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies beyond the development boundaries of Burnham-on-Crouch. Stoney Hills forms a separate ‘suburban’ style development extending into the open countryside.

5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, garden suburbs and strategic allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan”*.

- 5.1.4 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location. It has also been acknowledged that the character of the area has evolved over time so it is no longer an area of scattered residential development but a more suburban residential one.
- 5.1.5 In August 2016, an appeal against the refusal of planning permission for 4 x two bed bungalows on the land to the north of Charwood was allowed on appeal. In determining the appeal the Inspector considered that the character of the site was residential curtilage and that the proposed development would not impinge on the character of the adjacent rural area. The Inspector also in relation to the character of Stoney Hills stated that *“The original character of Stoney Hills was predominantly single dwellings within large plots, but changes that have occurred over time have led to a less homogeneous appearance across the area”*. A similar approach has been taken by inspectors who have recently allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL14/00591), a further three dwellings to the rear of “Hillcrest” (Ref. OUT/MAL/16/00196) which lie a short distance to the west and an additional 5 bungalows between Appleberry and Linden Lea (Ref. OUT/MAL/15/01082). It must be noted that when allowed the appeal for the rear of the “Hollies” the Inspector stated *“I find the appeal site as part of an established residential area. It can be readily distinguished from the countryside to the rear, which is far more open and agricultural in character”*. In addition, on 15 January 2015 the Council approved an application for a dwelling to the east of Charwood (Ref. OUT/MAL/14/01049). This final application has allowed the further expansion to the east of the urban grain, which is in a notional line with the eastern boundary of the application site.
- 5.1.6 As noted above, an application to erect two bungalows within part of the application site was previously approved by the Local Planning Authority. It is therefore considered that the acceptability in principle of additional residential accommodation in this location has previously been established. However, it was decided that the application for six dwellings should be refused on the grounds of the location outside the development boundary and its urban form of development, which was considered to be harmful to the character of the surrounding area. It should be noted that a number of dwellings have been allowed to the rear of existing dwellings and accessed from private roads which have changed the urban grain of the area.
- 5.1.7 The number of dwellings proposed on site has been reduced. The dwellings proposed on site are not proposed to be larger than those previously refused and therefore the built coverage would be reduced. The proposed residential accommodation would be of similar proportions and configuration to other nearby recently approved residential developments and following the reduction of the units proposed on site it would result in dwellings contained within larger plots and benefiting from larger amenity areas which would soften the appearance of the site and add to its appearance as a transitional form of development between Stoney Hills and the countryside beyond. As such, on balance, it is considered that the urbanising impact of the development has been reduced.
- 5.1.8 Given the recent planning and appeal decisions within Stoney Hills, the principle of development for residential purposes is considered acceptable in the area.

- 5.1.9 Whilst the submitted layout is only indicative, it is reasonable to conclude that given the size and configuration of the site, five bungalows are likely to be able to be accommodated within the site, without resulting in a development being at odds or harmful to its surroundings. The Council's Strategic Housing Market Assessment identifies that there is a particular need for smaller units and so the form of this development is to be welcomed.
- 5.1.10 The proposed dwellings would be sited in line with the eastern boundary line of the development located within the grounds of Charwoods and the two bungalow development previously approved on site. Therefore, the proposal would not result in the extension of built form or development out further towards the countryside, which extends to the east of the site, than that has already been granted permission. The principle of the current proposal is similar in nature to other developments recently allowed by inspectors at various sites throughout Stoney Hills. Thus, the development is considered to be, on balance, acceptable.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 Policy H4 of the MDLDP states that *"All development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) *The location and the setting of the site;*
- 2) *The existing character and density of the surrounding area;*
- 3) *Accessibility to local services and facilities;*
- 4) *The capacity of local infrastructure;*
- 5) *Parking standards;*
- 6) *Proximity to public transport; and*
- 7) *The impacts upon the amenities of neighbouring properties."*

- 5.2.2 The application is for an outline planning permission with all matters reserved for future consideration. All that is before the Council is an indicative site plan, an application form and a Design and Access Statement, providing limited information regarding the design, scale and overall appearance of the proposed five bungalows. A reserved matters application would be required to be submitted, if outline approval is to be granted and detailed matters of layout, scale and design would be dealt with at that stage.

- 5.2.3 As stated previously, the character of the area has significantly changed over recent years as planning permissions have been granted or appeals upheld on a number of sites within the wider area around the application site, so that the area is no longer characterised by scattered development where infilling has taken place. This has been noted and highlighted by a number of inspectors. Whilst the increased number of dwellings proposed (from two to five) on a larger site (0.13ha larger than the previous application site), would add to the creation a more urban character, given that similar proposals were considered acceptable in the past from the inspectors and the Council and that the number of dwellings proposed on site has been reduced from the previously refused application, it is not considered that the current application should be refused on the basis of impact of the development on the character and appearance of the area.

5.2.4 In light of the above and taking into account the reduction of the proposed units, it is considered that the development, as currently proposed, would not be out of keeping with the character of the area and it would not result in a harmfully greater impact to the grain of the area.

### **5.3 Impact on Residential Amenity**

5.3.1 Policy D1 and H4 of the approved MDLDP 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.

5.3.2 Given the size and siting of the proposed bungalows in conjunction with the size of the site, it is considered unlikely that there will be any demonstrable harm relating to overlooking, overshadowing or domination that cannot be resolved at the reserved matters stage.

### **5.4 Access, Parking and Highway Safety**

5.4.1 The principle of an access from Stoney Hills for the development of this land and that to the north has already been established and the issue of off-street parking will be dealt with at the reserved matters stage. However, it is noted that as shown on the indicative site plan, limited off-street parking spaces are proposed to be provided for the development. Given the location of the properties outside the defined settlement boundary and the distance to the nearest local amenities and services, it is considered that the provision of at least two off-street parking spaces per dwelling would be required to meet the needs of the future occupiers. This is a matter that will be fully assessed at the reserved matters stage and thus, given the size of the site, it is not considered reasonable to form a reason for refusal of the current application. A condition (6) has been imposed in that respect.

5.4.2 The Essex County Highways has requested an informative to ensure that there would be no obstruction to the public footpath that runs along the north part of the access point.

### **5.5 Private Amenity Space and Landscaping**

5.5.1 Private amenity and landscaping issues would be dealt with in detail by way of reserved matters submissions. However, the site is likely to be capable of accommodating an acceptable level of private amenity space to meet the needs of the future occupiers. The size of the proposed dwellings would be also large enough to provide a good level of accommodation.

5.5.2 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with as part of the submission of a reserved matters application.

### **5.6 Other Material Considerations**

5.6.1 Concerns were previously raised with regard to the presence of protected species and contamination of the land. Both issues at recent appeal decisions for comparable sites have not been considered to be appropriate reasons for refusal. A pre-commencement

condition in relation to submission of an ecological survey would be imposed as well as a condition requiring to carry out an investigation and risk assessment, in the event that contamination is found on site.

## 6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/17/00383** - Proposed construction of two bungalows. Planning permission granted by members of the Development Control Committee on 19 June 2017.
- **OUT/MAL/17/00752** - Proposed construction of 6 bungalows. Planning permission refused for the following reason:
  - The proposed development is located outside of the defined settlement boundaries of the Maldon District and would represent an intensive and urban form of development that would be materially harmful to the character of the application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies S1, S8, D1, H4 and policies HO.1 and H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).

### Wider area

- **OUT/MAL15/00978** - Land Rear Of Charwood Stoney Hills - Outline planning permission for a proposed development of 4no. two bedroom bungalows. – REFUSED [22.12.2015] – APPEAL ALLOWED [19.10.2016]
- **RES/MAL/15/00718** – Land Adjacent Charwood Stoney Hills - Reserved Matters application for the approval of appearance, landscaping and layout for the erection of one new dwelling. Following Approved Outline Planning Permission OUT/MAL/14/01049 - APPROVED [18.09.2015]
- **OUT/MAL/14/01049** – Land Adjacent Charwood Stoney Hills - One new dwelling - APPROVED [16.01.2015]
- **OUT/MAL/13/00674** – Land Adjacent Charwood Stoney Hills - Erection of one new dwelling - REFUSED [01.10.2013]
- **OUT/MAL/17/00103** – Land Rear Of Charwood Stoney Hills - Proposed development of two bungalows - APPROVED [11.04.2017]
- **FUL/MAL/14/00610** – Land Adjacent Myrtle Cottage Stoney Hills - Proposed new dwelling house - APPROVED [22.09.2014]
- **FUL/MAL/12/00775** – Myrtle Cottage Stoney Hills – New dwelling house – APPROVED [08.11.2012]
- **OUT/MAL/14/01152** – Land South Of Anson Stoney Hills - Two storey dwelling of an area of 232 square metres or 2500 sq feet – APPROVED [12.02.2015]
- **RES/MAL/15/00839** - Land South Of Anson Stoney Hills - Reserved Matters application for the approval of appearance, landscaping, layout and scale for a two storey dwelling of an area of 232 square metres or 2500 sq feet. Following approved outline planning permission OUT/MAL/14/01152 – APPROVED [12.10.2015]
- **FUL/MAL/14/00662** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – REFUSED [02.09.2014]

- **FUL/MAL/14/00956** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.02.2014]
- **OUT/MAL/12/01038** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.03.2013]
- **OUT/MAL/15/00420** – Land Opposite Linden Lea Stoney Hills - Outline application for one dwelling including determination of access – REFUSED [02.09.2014] APPEAL ALLOWED [21.07.2016]
- **RES/MAL/16/01187** – Land Opposite Linden Lea Stoney Hills - Reserved matters application for the approval of appearance, landscaping, layout and scale OUT/MAL/15/00420 – APPROVED [22.12.2016]
- **OUT/MAL/15/00445** – Outline application for one dwelling including determination of access – ALLOWED ON APPEAL [31.10.2016]
- **OUT/MAL/15/01082** – Outline application for the erection of five bungalows in lieu of existing commercial and agricultural buildings. ALLOWED ON APPEAL [31.10.2016]

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham- On- Crouch Town Council	No comments received at the time of writing of the report.	

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) Highway Authority	Stoney Hills is a private road and therefore, the Highway Authority raised no objection to the proposal. The addition of two informatives has been requested, one in relation to unobstruction of the Public Footpath and the second regarding prior arrangement with the Highway Authority of any work that affects the highway.	Comments noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Contaminated land conditions shall be applied along with conditions about surface and foul water drainage.	Comments noted. Please see section 5.6 of the report

### 7.4 Representations received from Interested Parties

7.4.1 A letter was received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Nick Wood, Marbles Hills, Stoney Hills, Burnham-on-Crouch

Objection Comment	Officer Response
The development would be out of keeping with the rural character of the area.	Refer to sections ‘Principle of development’ and ‘Impact on the character of the area’ of the report.
Concerns raised in relation to different approach taken (refusal) to other development proposal within the District (such as Tillingham and Southminster) and Stoney Hills, where applications are approved.	It is noted that each application is assessed on its own merits. Furthermore, appeal decisions are material planning considerations and therefore, should be taken into consideration when determining an application.
The proposed development is inappropriate, unsustainable and unsympathetic.	The comments are addressed in sections 5.1 and 5.2.
Contrived development due to access arrangements.	The comments are addressed in section 5.4.
Mill Road is not designed for the additional traffic that would be generated by the development.	The Highways Authority has been consulted and raised no objections on the impact of the development on Mill Road.
Wildlife habitats and vegetation would be affected by the development.	Comments noted – secured by condition.
The development would adversely impact upon the amenities of the neighbours.	The comments are addressed in section 5.3.

## 8. PROPOSED CONDITIONS

### Conditions:

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 No development shall take place including any demolition or clearance works, until a comprehensive ecological survey of the site has been undertaken to ascertain if any protected species are present. The results of the survey shall be submitted to and approved in writing by the local planning authority along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present. The development shall be carried out and completed in accordance with the approved mitigation scheme.  
REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.
- 3 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.  
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Replacement Local Plan (MDRLP).
- 4 Unless otherwise shown to be removed on the approved plan all of the hedgerow boundaries shall be retained and maintained at all times thereafter.  
REASON: To ensure that protected species are not harmed during the course of development and in the interest of the visual amenity of the area in accordance with policy D1 and N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.
- 5 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

- 6 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

- 7 No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels 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.

REASON: To protect the amenities of the area in accordance with policy D1 of the Maldon District Development Local Plan.

- 8 The development shall be single storey only comprising of one floor of accommodation and no more than 5 dwellings. The total floor area of the proposed bungalows and associated outbuildings shall not exceed 999sqm.

REASON: To ensure that the development is as applied for and that it does not exceed the minimum threshold for affordable housing contribution in accordance with Policy H1 of the approved Maldon District Development Local Plan.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 10 Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.  
REASON: To avoid the risk of surface water flooding of adjacent land in accordance with policy D5 of the Maldon District Local Development Plan.
- 11 Development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.  
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

### **INFORMATIVES**

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 2 Waste Management  
 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
 Springfield Highways Depot,  
 Colchester Road,  
 Chelmsford.  
 CM2 5PU.

- 4 You are advised that at least two off-street parking spaces shall be provided per dwelling, should the proposed bungalows comprise accommodation larger than one bedroom dwellings.

- 5 You are advised that public's rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times.
- 6 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.