

**Town and Country Planning Act 1990**  
**Weekly List Of Decisions**  
**Week Ending 05 May 2023**



**LBC/MAL/23/00177**      **Burnham North**

Internal alterations to the first floor partitions & two new doors at ground floor  
Creeksea Place Events Limited Creeksea Place Manor House Ferry Road  
Burnham-On-Crouch  
(UPRN - 100091255750)  
Mr Jon - Paul Lindsey

**APPROVE** subject to the following conditions:-

1      **CONDITION**

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

**REASON**

To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2      **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2021/64/01, 2021/64/02, 2021/64/03, 2021/64/04 Rev A, 2021/64/05, 2021/64/06, 2021/64/07.

**REASON**

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

3      **CONDITION**

Prior to their installation in the development hereby approved, large-scale drawings of the two new ground floor doors - illustrating elevations at 1:20 and sections at 1:2 - and information on their materials and finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and retained as such thereafter.

**REASON**

In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4 **CONDITION**

Prior to their installation in the development hereby approved, details of the location and external appearance of any new external flues, extract vents or pipework shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and retained as such thereafter.

**REASON**

In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

Officer: Hayley Sadler  
Dated : 04/05/2023

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**VAR/MAL/23/00308      Burnham North**  
Variation of condition 2 on approved planning permission 22/01069/FUL  
(Erection of 5 new dwellings.)  
Woodpeckers 15 Mangapp Chase Burnham-On-Crouch Essex  
(UPRN - 100090553175)  
Mr Darren Daniel

**APPROVE** subject to the following conditions:-

1 **CONDITION**

The development hereby permitted shall be begun before 2nd March 2026.

**REASON**

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

2 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: sk.2115.0 Rev A Block Plan; sk2115.1 Plots 1 & 2 plans & elevations; sk.2115.2 Plot 3 plans & elevations; sk.2115.3 Plot 4 elevations & floor plans; sk.2115.4

Services Drainage Plan; sk2115.5 Landscape Plan; sk2115.7 Rev A Plot  
5 elevations & floor plans

REASON

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

3 CONDITION

The external materials used in the development hereby approved shall be in accordance with the details set out in the Materials List received on 17th October 2022.

REASON

In the interest of the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

4 CONDITION

No development shall commence until a tree protection method statement has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012. The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON

To protect the trees on site and the amenity and rural character of the area, in accordance with Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

5 CONDITION

The development shall be carried out in accordance with the Construction Management Plan approved by the local planning authority

pursuant to condition 5 of planning permission previously granted under application reference FUL/MAL/20/01288. The applicant shall also ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

## REASON

In the interests of pollution and contamination and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with Policies D1 and T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

## 6 CONDITION

The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report (MH1187 V1 dated 03.12.2020) which is attached to and forms part of the original permission reference 20/01288/FUL.

#### 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 present on site in accordance with Policy N2 of the Maldon District Local Development Plan, and Government guidance as contained within The National Planning Policy Framework (2021).

#### 7 CONDITION

The soft landscaping works shall be carried out in accordance with the details provided on approved landscape plan 2115.5 and within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

The hard landscape shall be carried out in accordance with the details provided on approved landscape plan 2115.5 prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

#### REASON

In the interest of the character and appearance of the area, in accordance with Policies S8, D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

#### 8 CONDITION

The treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers shall be carried out in accordance with the details provided on approved landscape plan 2115.5. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

#### REASON

In the interest of local amenity and in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

9 CONDITION

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

REASON

To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

10 CONDITION

The foul drainage scheme to serve the development shall be carried out in accordance with the details provided on approved drainage plan 2115.4 and shall be implemented prior to the first occupation of the development.

REASON

To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and Policy D5 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

11 CONDITION

No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. In order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground.

If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the Local Planning Authority.

## REASON

To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and Policy D5 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

12 CONDITION

No dwelling hereby approved shall be occupied until the car parking spaces have been laid out for each plot and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear has been provided, in accordance with drawing no. sk.2115.0, and that space shall thereafter be kept available for such purposes in perpetuity.

REASON

To ensure appropriate parking is retained at the site in accordance with the Maldon District Vehicle Parking Standards SPD, Policies D1 and T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

13 CONDITION

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1 and T2 of the Maldon District Local Development Plan (2021) and the policies and guidance contained within the National Planning Policy Framework (2021).

14 CONDITION

Prior to first occupation and as shown within planning drawing no. sk2115.0, the shared vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be narrowed to no more than 6 metres wide for the first 6.0m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge to the specifications of the Highway Authority.

REASON



To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

15 CONDITION

Prior to first occupation of the development, and as shown in principle on planning drawing no. sk2115.0 the vehicular access for the single dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the interests of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

16 CONDITION

Prior to occupation of the development, each access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.

REASON

To provide adequate intervisibility between vehicles using the site access and those in the existing public highway in the interests of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

17 CONDITION

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

### REASON

To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

### 18 CONDITION

There shall be no discharge of surface water onto the Highway.

### REASON

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).

### **INFORMATIVES**

1. 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.
2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been

received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Tim Marsh  
Dated : 03/05/2023

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**HOUSE/MAL/23/00251 Burnham South**

Loft conversion within existing roof volume with new front facing window and flush rooflights.

47A Western Road Burnham-On-Crouch Essex CM0 8JG  
(UPRN - 100090554240)  
Mr Ken Smith

**APPROVE** subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2202 01, 2202 02, 2202 03, 2202 04 Rev B, 2202 05 Rev B, 2202 06 Rev A, 2202 07 Rev A

**REASON**

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

3 **CONDITION**

The rooflights shall be of black-finished metal and shall not protrude above the upper surface of the roof tiles unless otherwise agreed in writing prior to their installation.

**REASON**

To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and Policy D3 (Conservation and Heritage Assets) of the Local Development Plan.

4 **CONDITION**

The new window in the northern elevation and weatherboarding shall be of painted timber only and retained as such thereafter.

**REASON**

To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and Policy D3 (Conservation and Heritage Assets) of the Local Development Plan.

**POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Hayley Sadler  
Dated : 03/05/2023

**TCA/MAL/23/00261      Burnham South**  
T1 Walnut - Reduce the size and overhang by approximately 2-3 metres.  
7 Orchard Road Burnham-On-Crouch Essex CM0 8JQ  
(UPRN - 100090553467)  
Mr Simon Wilson

**ALLOWED TO PROCEED**

Officer: Hayley Sadler  
Dated : 02/05/2023