



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
23 JANUARY 2024**

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**PRESENT**

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, K Jennings, A M Lay, W J Laybourn, S J N Morgan, C P Morley, M G Neall, N G F Shaughnessy, U C G Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, CC, N J Swindle, M E Thompson, S White and L L Wiffen

**432. CHAIRPERSON'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

At this point and with the permission of the Chairperson, Councillor W J Laybourn made a short statement apologising to Officers for remarks she had made at a previous Committee meeting.

The Chairperson advised that for this meeting he was suspending Procedure Rule 4(8)3, the requirement to stand when addressing the Chairperson.

**433. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M F L Durham CC, J C Hughes, N R Miller, R H Siddall and J C Stilts.

**434. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 6 September 2024 be approved and confirmed.

**435. DISCLOSURE OF INTEREST**

There were none.

**436. 23/00807/FULM - LAND SOUTH WEST OF THE WARREN, HACKMANS LANE, PURLEIGH**

<b>Application Number</b>	<b>23/00807/FULM</b>
<b>Location</b>	Land South West of the Warren, Hackmans Lane, Purleigh
<b>Proposal</b>	Solar Farm together with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access.
<b>Applicant</b>	Anglo Renewables Limited
<b>Agent</b>	James Hollyman – Harris Lamb Limited
<b>Target Decision Date</b>	02.02.2024
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Proposal is a ‘development of strategic interest’ as defined under the Scheme of Delegation

The Members’ Update sought to amend paragraphs 3.1.17 and 3.1.18 of the report and add in a section regarding pre-commencement conditions, this was noted. Amendments to conditions 5 and 18 were also detailed and noted.

Prior to her presentation of the application to Members, the Principal Planning Officer advised the Committee of an error in the information submitted with the application, the amount of electricity the solar farm would produce would power approximately 5,200 homes per year and offset approximately 4,200 tonnes of CO<sub>2</sub> per year (this was different to what was provided in the report).

An objector, Ms Middleton and the applicant, Mr Howie then addressed the Committee.

The Chairperson moved the recommendation of approval as set out in the report, but this was not seconded.

A lengthy debate ensued and in response to some queries raised the following information was highlighted:

- In respect of biodiversity it was not necessary for this information to be provided prior to the approval of the development. Specialist advice from Essex County Council Ecology had been taken.
- The ancient woodland was not within the application site boundary and therefore it was not possible to require biodiversity net gain / diversity improvements as the woodland was not within the ownership or control of the applicant.
- Any disruption caused by the construction of the proposed development would be temporary and a construction management plan would ensure any disruption was minimised.
- The application site was 140m at its closest point to the dwelling at The Crib. The Officer commented that the solar farm, being a low lying and quiet development, may be visible but not necessarily harmful. A number of Members expressed concern regarding the proximity of the proposed development to The Crib including in relation to potential glint and glare.
- In response to concerns raised an assessment looking at the impact on the Stow Maries Great War Aerodrome had been undertaken and no harm was found to justify refusal of planning permission.

Following the debate the Chairperson put the Officers' recommendation of approval to the Committee.

Councillor A S Fluker proposed that the application be refused, contrary to Officers' recommendation, under Policy D1 as it had not been demonstrated that the harm the development would cause was outweighed by its benefits in this case. He further clarified that this was particularly in relation to the impact of the proposal on The Crib. This proposal was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that this application be **REFUSED** subject to reasons delegated to Officers in consultation with the Chairperson.

**437. 23/00853/FULM - LAND NORTH WEST OF 2 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/00853/FULM</b>
<b>Location</b>	Land North West Of 2, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Erect 40No. Flats and Associated Infrastructure, Access Ways, Parking, and Landscaping; Construct Enlarged Detention Basin; and Provide Additional Parking Spaces for Approved Medical Centre
<b>Applicant</b>	Mr Ian Holloway – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	31.01.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

The Head of Service: Development Management and Building Control drew Members' attention to a late update that had been circulated in relation to this application. The Update advised that paragraph 5.11.1 of the report should be deleted as it did not reflect the Council's current position in that the Local Plan Policies were not considered to be out of date and therefore the tilted balance was not engaged.

Following the Officer's presentation, the Agent Mr Rowe addressed the Committee.

The Housing Development and Allocations Manager then provided Members with a detailed update regarding independent extra care living / older person's housing advising of the work the Council had been undertaking with the Head of Extra Care at Essex County Council (ECC) and Housing Associations to get extra care into the District. The Officer outlined some of the difficulties being faced by Housing Associations and concerns regarding running an extra care housing scheme. It was confirmed that Officers supported this scheme and it was noted that the commuted sum offered would enable the Council to carry out other affordable housing projects across the District.

During the lengthy debate that followed Officers provided the Committee with further information relating to the scheme.

Councillor T Fittock proposed that the application be approved, subject to a change to the description to include affordable housing. In response the Chairperson advised the Committee that there was already a proposal on the table which had been duly seconded.

The Chairperson then withdrew his earlier proposition to accept the Officers' recommendation of approval.

Councillor Fittock repeated his earlier proposals that the application be approved subject to a change to the description to include affordable housing and clarification regarding whether affordable housing was to be provided on-site or in the form of a commuted sum. The Head of Service: Development Management and Building Control advised that the Committee could not unilaterally change the description of a development that had been applied for. In response to further discussion the Principal Planning Officer provided reassurance that the Section 106 Agreement would ensure that affordable housing obligations were met before all of the market housing had been provided but the exact triggers had yet to be agreed. The Head of Service – Housing and Community Safety gave assurance to the Committee that there was a Registered Provider who was in advance discussions with the developer to take on 20no. affordable units.

Councillor A S Fluker referred to comments from Officers and his understanding from this that the Council could agree the Officers' recommendation subject to the determination notice not being issued until the Council was satisfied with regards to what was supplied and where. He then proposed that the Officers' recommendation of approval be agreed. This proposal was duly seconded. Councillor Fluker added a caveat to his proposal that the determination notice, and conditions be agreed with the Chairperson of this Committee and Councillor Fittock.

In response to further questions the Head of Service – Housing and Community Safety provided the Committee with further details regarding the proposed affordable housing units for both this and the other phases of development linked to this site.

Councillor Fluker added to his proposal that the proposed commuted sums only be used for the south of the District. In response Officers advised Members that this could not be the subject of a planning condition and advised against this being a clause in the Section 106 agreement. Use of the commuted sums was a decision to be made by the Council in accordance with relevant policies and procedures. Councillor Fluker advised in light of Officers' advice he wished to withdraw this addition to his proposal.

Following further debate, Councillor Fluker clarified his proposal and proposed that the Officers' recommendation be agreed. Upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations, subject to the Chairman of this Committee and Councillor A Fittock being informed of the content of the Section 106 prior to its completion and subject to the following conditions:

**Heads of Terms for Section 106 Agreement:**

- No dwelling shall be occupied other than by persons over 55 years of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to residents of the District of Maldon (as per the Phase 1, 2, and Completion Phase S106 Agreements);
- A scheme for the provision, retention and future management and maintenance of community open space and strategic landscaping;
- To nominate a Management Company with responsibility for future management and maintenance of the private open spaces, highways, car parks, footways, related lighting, street furniture, signage etc and all landscaping;

- Residents of all dwellings in the development shall have access to the electric cycle club scheme on the same terms as all other residents of the retirement community;
- Residents of all dwellings in the development shall have access to the minibus service on the same terms as all other residents of the retirement community;

#### Affordable Housing Obligations:

- On-site provision of 12No. one-bedroom flats or a commuted sum equivalent to 12No. one-bedroom affordable rent apartments, provision/payment to be made before occupation of 75% of market units.

#### Health Care Contributions

- To make developer contributions for health care provision in the circumstances set out in an NHS consultation response (as per Phases 1 and 2 S106 Agreements);
- To submit to the Council and agree a range of care and support packages to be made available to residents of the development.

#### Highways Obligations

- To submit, agree, and implement a Residential Travel Information Plan;

#### Ecology

- To provide a developer contribution in accordance with the Council's adopted RAMS scheme;
- To provide signage and interpretation boards within the application site to explain and support RAMS and encourage recreation away from the sensitive estuarine habitats - all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement;
- To include information on the Burnham Waters app'/website media to explain and support RAMS and encourage recreation on-site and nearby: away from the sensitive estuarine habitats, all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.

#### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Transport Statement (Cottee Transport Planning, March 2023);
  - Ecological Impact Assessment (BWB Consulting Ltd, February 2023);
  - Site Specific Flood Risk Assessment (including surface water and foul drainage strategy) (Richard Jackson Engineering Consultants, June 2023);
  - SuDS Checklist;
  - Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates, April 2023);
  - Accommodation Schedule;
  - Landscape Masterplan: drawing 404.063903.00001\_BW1\_002, NTS @ A2 (SLR Consulting, June 2023);
  - Landscape Management Plan (SLR Consulting, May 2023);
  - Hard Landscape: drawing 404.063903.00001\_BW\_2 Rev 2, 1:500 @ A3 (SLR Consulting, June 2023);
  - Planting Plan – Overview: drawing 404.063903.00001\_BW\_3 Rev 2, 1:500 @ A2;
  - Planting Plan: drawing 404.063903.00001\_BW\_4 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_5 Rev 2, 1:100 @ A1;

- Planting Plan: drawing 404.063903.00001\_BW\_6 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_7 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_8 Rev 2, 1:100 @ A1;
  - Soft Landscape Details: drawing 404.063903.00001\_BW\_9 Rev 1, 1:25 @ A3;
  - Vehicle Tracking Check: drawing 191451-SK11;
  - Topographical Survey, 8 drawings: 14885/JD1 – 14885/JD8, 1:500 @ A0;
  - Site Location Plan: drawing 6931-1101-P1, 1:2500 @ A1;
  - Existing Block Plan: drawing 6931-1102-P1 1:500 @ A1;
  - Proposed Block Plan: drawing 6931-1103-P1, 1:500 @ A1;
  - Proposed Ground Floor Site Plan: drawing 6931-1104-P1, 1:200 @ A1;
  - Private Block B – Proposed Ground Floor Plan: drawing 6931-1201-P1, 1:100 @ A1;
  - Private Block B – Proposed First Floor Plan: drawing 6931-1202-P1, 1:100 @ A1;
  - Private Block B – Proposed Roof Plan: drawing 6931-1203-P1, 1:100 @ A1;
  - Affordable Block A –Ground Floor Plan: drawing 6931-1206-P1, 1:100 @ A2;
  - Affordable Block A –First Floor Plan: drawing 6931-1207-P1, 1:100 @ A2;
  - Affordable Block A – Roof Plan: drawing 6931-1208-P1, 1:100 @ A2;
  - Bins and Bike Store Plans and Elevations: drawing 6931-1211-P1, 1:100 @ A3;
  - Bike Store Plans and Elevations: drawing 6931-1212-P1, 1:100 @ A3;
  - Private Block B Proposed Elevations (1 of 2): drawing 6931-1301-P1, 1:100 @ A1;
  - Private Block B Proposed Elevations (2 of 2): drawing 6931-1302-P1, 1:100 @ A1;
  - Affordable Block A - Proposed Elevations (1 of 3): drawing 6931-1306-P1, 1:100 @A1;
  - Affordable Block A - Proposed Elevations (2 of 3): drawing 6931-1307-P1B, 1:100 @ A1;
  - Affordable Block A - Proposed Elevations (3 of 3): drawing 6931-1308-P1, 1:100 @ A1;
  - Affordable Block - Concept Perspective Views: drawing 6931-1601-P2, NTS, A3;
  - Southern Pond General Arrangement: drawing 191451-2720 Rev C1, 1:250 @ A1;
  - Southern Pond Section Key Plan: drawing 191451-2721 Rev C1, 1:2250 @ A1;
  - Southern Pond Long Section (Sheet 1 of 2): drawing 191451-2722 Rev C1, 1:250 @ A1;
  - Southern Pond Levels Cross-Sections (Sheet 2 of 2): drawing 191451-2723 Rev C1, 1:250 @ A1;
  - Southern Pond Construction Cross-Sections (Sheet 1 of 2): drawing 191451-2725 Rev C1, 1:250 @ A1 Berwick Multi Brick – Product Data Sheet;
  - LD Ultra First Grade natural slate 500mm X 250mm – Blue-Black.
3. No development shall take place until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required

- Tree retention protection plan

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.

4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BWB, February 2023). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”
5. 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 approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
6. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

7. None of the dwellings hereby permitted shall be occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

8. There shall be no development above slab level until samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
9. 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.
10. A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
11. Prior to the occupation of the buildings hereby permitted the proposed vehicle, cycle and scooter parking shall be provided in accordance with the approved details. The vehicle parking spaces shall be hard surfaced, sealed and marked out in parking bays in accordance with the plans and details hereby approved. The parking areas shall be retained in this form in perpetuity. The parking areas shall not be used for any purpose other than the parking that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
12. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the two blocks of flats hereby permitted. No individual satellite dishes or antenna shall be provided per flat.
13. The development hereby permitted shall be carried out in accordance with the approved Site Specific Flood Risk Assessment (FRA) ref 48854 RevB by Richard Jackson Consultants, dated 06/06/23 and the following mitigation measures detailed within the FRA:
  - Limiting the discharge from the site to 8.3l/s into the Southern pond and 4.8l/s into the Northern pond
  - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.



438. **23/01233/MLA - LAND NORTH WEST OF 2, MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/01233/MLA</b>
<b>Location</b>	Land North West Of 2, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Modification to Section 106 Legal Agreement dated 30.08.19 (executed under planning reference 18/00443/OUT) to amend obligations relating to affordable housing
<b>Applicant</b>	Mr Ian Holloway – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	14.02.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

Following the Officers' presentation, the Agent, Mr Rowe addressed the Committee.

During the discussion, the Principal Planning Officer explained that following approval of the previous application option 2 as detailed in the report no longer applied. She advised that the options included in the Officers' recommendation were aimed at providing flexibility for the Council's solicitor in drafting the modification to the Section 106 Agreement to secure the best legal outcome. In response to a question, Members were advised that payment of the first instalment of the commuted sum based on anticipated build-out rates could be fairly soon.

The Chairperson then put the Officers' recommendation as set out in the report. This was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that the variation of affordable housing obligations within the existing Section 106 Agreement associated with planning permission reference 18/00443/OUT for Phase 1 be **APPROVED** to allow the substitution of the approved 50no. assisted living extra care, on-site residential units with 8no. on-site units proposed as part of application reference 23/00853/FULM (Block A) and a commuted sum for the equivalent off-site provision of the balance of 42no. assisted living extra care affordable units OR substitution of the approved 50no. assisted living extra care, on-site residential units with 20no. on-site units proposed as part of application reference 23/00853/FULM (Block A) and a commuted sum for the equivalent off-site provision of the balance of 30no. assisted living extra care affordable units.

439. **23/00500/FULM - LAND BOUNDED BY MALDON ROAD AND CREEKSEA LANE, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/00500/FULM</b>
<b>Location</b>	Land Bounded By Maldon Road And Creeksea Lane, Burnham-on-Crouch, Essex
<b>Proposal</b>	Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.
<b>Applicant</b>	Barratt Developments Ltd
<b>Agent</b>	Libby Hindle - Barratt Developments Ltd
<b>Target Decision Date</b>	30.01.2024
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

It was noted from the Members' Update that two further letters of objection had been received.

During her presentation the Principal Planning Officer advised Members of a response from the Lead Local Flood Authority and as a result of this an amendment to proposed condition 9. The Officer outlined the proposed change to this condition which resulted in removal of the requirement for a management plan and inclusion of a requirement to check pipe works prior to commencement.

The Agent, Ms Hindle then addressed the Committee.

In response to questions raised, the Officer advised there was no provision for bridleways, solar panels for each development were included within the application but not conditioned and confirmed that details of biodiversity net gain had been provided.

Councillor A S Fluker proposed that the application be approved, as per Officers' recommendation, subject to the addition of a condition for the provision of solar panels. This proposal was duly seconded. Councillor Fluker confirmed that this proposal also included the revision to condition 9.

Councillor W Stamp expressed some concerns regarding the application and advised she would not be voting on this application due to living close to the site.

The Chairperson then put the proposal in the name of Councillor Fluker to the Committee and this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations and subject to the following conditions:

**Heads of Terms for Section 106 Agreement:**

Affordable Housing:

13no. Affordable Housing units (35.14%) comprising the mix and tenure split (70% affordable rent and 30% shared ownership) as set out on drawing PCHL-2A-SP-009 Rev. A.

#### Healthcare:

A financial contribution of £18,400 in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area, through any combination of extension, reconfiguration or relocation of premises as requested by the Mid and South Essex ICS.

#### Education:

- Early Years and Childcare - A developer contribution of £68,880.00 index linked to Q1 2023 towards the creation of 2.97 additional childcare places to mitigate the impact of the development on local Early Years & Childcare provision (equating to £23,192 per place).
- Primary Education - A developer contribution of £229,601.00 index linked to Q1 2023 towards the creation of 9.90 additional primary school places and / or a new education facility is sought to mitigate the impact of the development on local Primary School provision (equating to £23,192.00 per place).
- Secondary Education - A developer contribution of £185,434.00 index linked to Q1 2023 towards the creation of 6.60 additional secondary school places and / or a new education facility, is sought to mitigate the developments impact on local Secondary School provision (equating to £28,096.00 per place).

#### Libraries

A developer contribution of £2,878.60 index linked to April 2020 (equating to £77.80 per unit) to improve, enhance and extend the facilities and services provided at Burnham-on-Crouch Library due to expected additional usage that would be brought about by the proposed development.

#### ECC Monitoring Fees:

To pay the County Councils Monitoring Fee of £550 per obligation (financial and otherwise).

#### Employment and Skills Plan:

An Employment and Skills Plan (ESP) to set out how the developer will engage with and maximise local labour and skills opportunities.

#### Essex Coast RAMS:

A financial contribution of £5,800.12 (£156.76 x 37) to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the Zol of the Essex Coast protected areas

Appointment of Management Company:

Secure the appointment of a management company for the development.

#### Indexing:

All contribution payments to be index linked.

#### S106 Legal and District Council Monitoring fees:

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

#### **Conditions:**

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - H7660-2A-LP-002 Location Plan
  - LTG1G8-TG-001 Rev - Large Triple Garage
  - LDG1H8-DG-001 Rev - Double Garage

- Garage Portfolio Rev A Front Cover
- CYCLE-2A-CS-001 Rev - Cycle Storage
- SSG1H8-SG-001 Rev - Single Garage
- SDG1H8-DG-001 Rev - Double Garage
- H312-EX-FP-001 Rev - Exeter Floor Plans
- H312-EE-GS-001 Rev - Exeter Elevations
- H312-BF-FP-001 Rev A Blyford Floor Plans
- H312-BE-GS-001 Rev A Blyford Elevations
- DWB3\_5-BF-FP-001 Rev A Buckfastleigh Floor Plans
- DWB3\_5-BE-RE-001 Rev A Buckfastleigh Elevations (Render)
- DWB3\_5-BE-GS-001 Rev A Buckfastleigh Elevations
- Z113-2A-HD-001 Rev - Leyland End Elevations
- Z113-2A-FP-001 Rev - Leyland End Floor Plans
- YH52-2A-HD-002 Rev - YH52 Mid Elevations
- YH52-2A-HD-001 Rev - YH52 End Elevations
- YH52-2A-FP-002 Rev - YH52 Mid Floor Plans
- YH52-2A-FP-001 Rev - YH52 End Floor Plans
- YH50-2A-HD-002 Rev - YH50 Mid Elevations
- YH50-2A-HD-001 Rev - YH50 End Elevations
- YH50-2A-FP-002 Rev - YH50 Mid Floor Plans
- YH50-2A-FP-001 Rev - YH50 End Floor Plans
- P286-AE-GS-001 Rev A Ashdown Elevations
- P286-AE-FP-001 Rev A Ashdown Floor Plan
- N2D8&9-NE-FP-001 Rev A N2D8 & 9 Floor Plans
- N2D8&9-NE-EC-001 Rev A N2D8 & 9 Elevations
- Housetype Portfolio Rev B - Front Page
- H588-HE-TB-001 Rev A Henley Elevations (Tudor Boarding)
- H588-HE-RE-001 Rev A Henley Elevations (Render)
- H586-EF-FP-001 Rev A Evesham Floor Plans
- H586-EE-TB-001 Rev A Evesham Elevations (Tudor Boarding)
- H586-EE-RQ-001 Rev A Evesham Elevations (Render)
- H586-EE-GS-001 Rev A Evesham Elevations
- H577-ME-RE-001 Rev A Manning Elevations (Render)
- H577-ME-GS-001 Rev A Manning Elevations
- H577-HF-FP-001 Rev A Henley Floor Plans
- H577-FP-GS-001 Rev A Manning Floor Plans
- 22007-01 Rev H Landscape Masterplan
- 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3
- 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3
- 22007-05 Rev F Detailed Planting Specification
- 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3
- 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3
- 02 Rev C Hard Landscape Specification
- PCHL-2A-SP-006 Rev A Refuse Collection Plan
- PCHL-2A-SP-005 Rev A Parking Plan
- PCHL-2A-SP-004 Rev A Buildings Height Plan
- PCHL-2A-SP-003 Rev A Affordable Tenure Plan
- PCHL-2A-SP-001 Rev A Master Plan (Update)
- PCHL-2A-SP-001 Rev A Master Plan (Update) - Coloured
- PCHL-2A-SS-001 Rev A Streetscenes A, B & C
- PCHL-2A-SS-001 Rev A Streetscene Location Plan
- PCHL-2A-SP-009 Rev A Housing Mix Plan
- PCHL-2A-SP-008 Rev A External Works Plan
- PCHL-2A-SP-007 Rev A Materials Plan

- H8769-3B-SP-2036 Rev C Creeksea Lane - Access Visibility

#### External materials

3. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, roof tiles and proposed cladding of the development hereby approved 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 prior to the occupation of the development and retained for the lifetime of the development.

#### Landscape

4. Within the first available planting season following the first occupation of the development the landscaping works shown on plans no's 22007-01 Rev H Landscape Masterplan, 22007-05 Rev F Detailed Planting Specification, 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3 and 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3 and specifications attached to and forming part of this permission shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is 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 at the same place, unless the local planning authority gives its written consent to any variation.
5. The development shall be implemented in accordance with the hard landscaping work shown on plan no. 22007-01 Rev H Landscape Masterplan, 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3, 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3 and 02 Rev C Hard Landscape Specification and the specifications attached to and forming part of this permission. The hard landscaping works, including boundary treatments, shall be carried out prior to the first occupation of the development hereby approved and be retained and maintained for the lifetime of the development.

#### Tree Protection

6. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)
  -

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.

## Drainage

7. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 4.1l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 1.
  - Limiting discharge rates to 16.4l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 2.
  - The run off rates were previously agreed as part of the wider site.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.
8. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
9. The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
10. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

## Land Contamination

11. Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, the site or part of the site shall be reassessed and a scheme to bring the site to suitable condition shall be submitted to and approved in writing by the local planning authority within three months of the identification of the contamination or hazard. A "suitable condition" means one that is acceptable in terms of human health, the water environment and ecosystems and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

## Highways

12. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:
- Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
  - Construction traffic routing
  - Construction signage and traffic management
  - Noise and vibration impacts on neighbouring receptors during the construction phase.

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The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

13. Prior to the first occupation of the development the access arrangements for Parcel 1, as shown in principle on drawing no. 22-059-DR-CE-2003 Rev C (included in Appendix A of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Maldon Road, shall include the following:
- 2.4m x 90m visibility splays
  - A new bellmouth access with minimum 6m radii and 2m footways with dropped kerb crossing points
  - Provision of a 2m footway across the site frontage, with dropped kerb crossing point across Maldon Road to the west of the access.

The approved details shall be implemented and retained as such for the life of the development.

14. Prior to the first occupation of the development the access arrangements, as shown in principle on approved drawing no. H8769-3B-SP-2036 Rev C, for the private drive onto Creeksea Lane, shall be implemented and retained as such for the life of the development.
15. Prior to the first occupation of the development the access arrangements for Parcel 2, as shown in principle on drawing no. 22-059-DR-CE-2005 Rev B (included in Appendix B of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Endeavour Way, shall include the following:
- 2.4m x 25m visibility splays
  - A new bellmouth access with minimum 6m radii and 2m footways
  - Provision of dropped kerbs for vehicular access where appropriate.

The approved details shall be implemented and retained as such for the life of the development.

16. Prior to the occupation of the development, the vehicular parking spaces shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and detailed hereby approved. Fast charging points for electric vehicles shall be provided adjacent to at least one parking space for each new dwelling. The vehicular parking and associated manoeuvring areas shall be retained in perpetuity. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles.
17. 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.
18. Prior to first occupation of each dwelling on Plots 21-35 inclusive, the cycle storage for that dwelling shall be provided in accordance with drawing no. CYCLE-2A-CS-001 and PCHL-2A-SP-005 Rev A. The cycle parking provision shall be retained in perpetuity.

#### Archaeology

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

#### Waste

21. Prior to first occupation, details of the waste collection points for plots 1, 2, 3, 4, 11, 17, 18, 19, 20 and for plot 21 to 31 inclusive shall be submitted to and approved in writing by the local planning authority. The collection points must be of a sufficient size to accommodate 2 wheeled bins and a food caddy per property, full details of which can be found in the Council's Waste Management Technical Document. The collection points shall be installed prior to first occupation and retained as such for the life of the development.

#### Permitted Development

22. 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 dormer window or other form of addition, extension or opening shall be constructed in the roof or gable walls of the buildings hereby permitted in Plots 1-11 inclusive without planning permission having been obtained from the local planning authority.
23. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of the front and/or side gardens of any dwelling.

#### Ecology

24. The development shall be carried out in accordance with the mitigation measures and/or works contained in the Preliminary Ecological Appraisal (SES, April 2023) and Non-Licensed Methods Statement for Great Crested Newt (CSA Environmental, January 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.



25. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

26. None of the dwellings hereby permitted shall be occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting design scheme and maintained thereafter in accordance with the approved lighting design scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

#### Solar Panels

- 27 No development above slab level shall take place until details of solar panels to be installed within each plot has been submitted to and approved in writing by the local planning authority. The details shall include the position of the panels on the roof slope and number of panels to be installed on each dwelling and/or garage. Where no panels are proposed within a plot the submitted details must provide a justification as to why solar panels cannot be provided. The panels shall be installed in accordance with the approved details, be operational prior to occupation and shall be retained in that manner thereafter.

There being no other items of business the Chairperson closed the meeting at 10.12 pm.

K M H LAGAN  
CHAIRPERSON