



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
12 MARCH 2020**

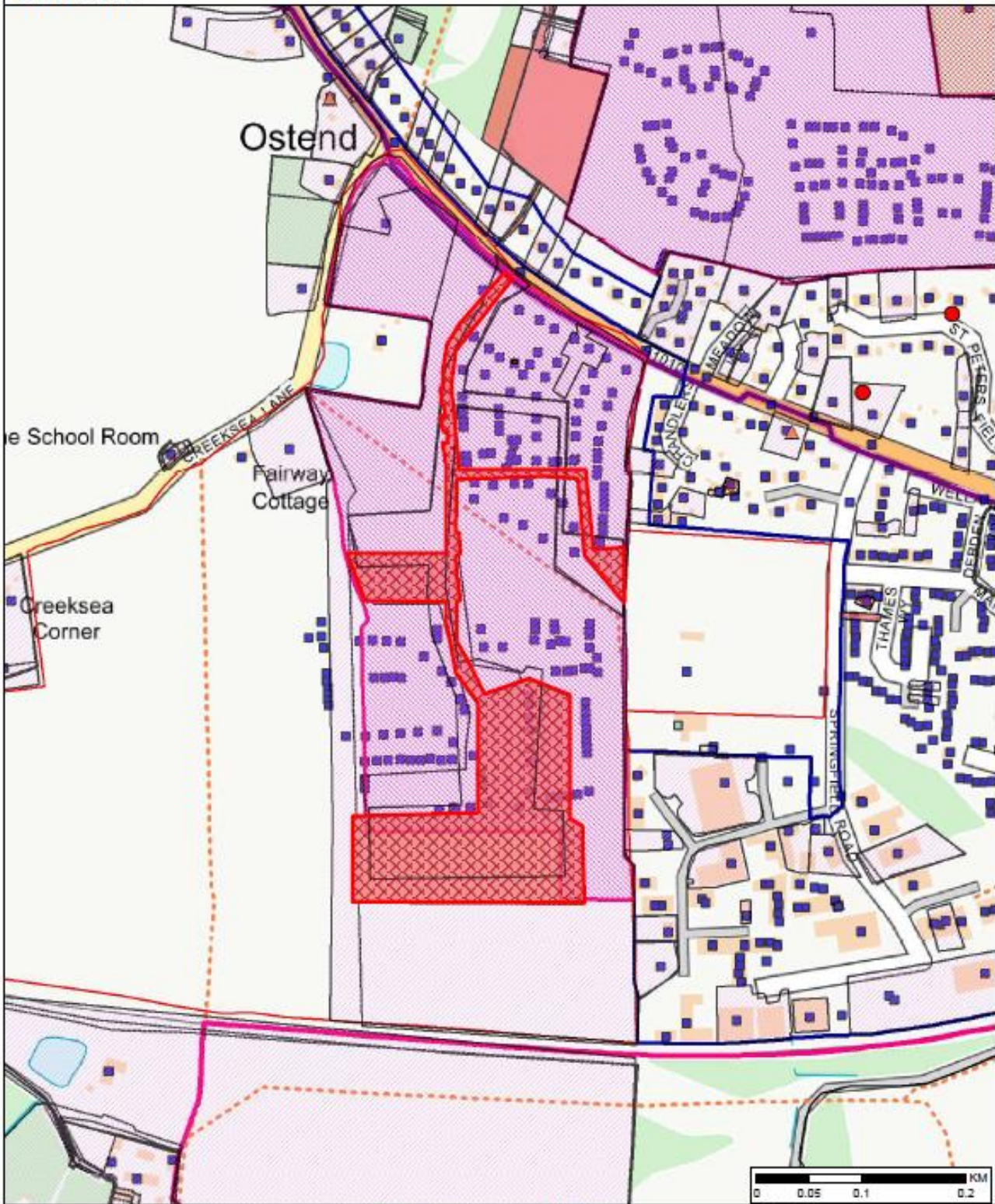
Application Number	19/01257/FUL
Location	Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-On-Crouch, Essex
Proposal	Erection of 36 dwellings, with associated off-street parking, public open space and landscaping
Applicant	David Wilson Homes Eastern Counties
Agent	N/A
Target Decision Date	02.03.2020 (EoT to be agreed for: 18.03.2020)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan


1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	20/02/2020
<p>www.maldon.gov.uk</p>	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site forms part of the strategic allocations under policy S2, known as S2(i) which is allocated for 180 dwellings within the first and second plan period (2014/15 – 2023/24).
- 3.1.2 The site is located to the south side of Maldon Road, east of Creeksea Lane, west of Chandlers and north of the allocated employment site E1(p) and it measures approximately 2.9 hectares in area.
- 3.1.3 The site is accessed via Maldon Road, utilising a recently constructed access, which is the main spinal road of the previously approved development (application reference 18/00093/FUL to vary the original hybrid application 14/03546/FUL and subsequent application 18/01424/FUL). A total number of 174 dwellings was finally approved. A large part of the site has already been built and the southern part is currently under construction. The allocated site includes a mixture of smaller one and two-bedroom residential units and larger three, four and five-bedroom dwellings.
- 3.1.4 The application site comprises part of the public open space of the previously approved development. The largest part of the application site is located along the southern part of the allocated site and there are also two smaller areas to the east and west adjacent to the previously approved central public open space and Local Equipped Area for Play (LEAP).
- 3.1.5 In terms of accessibility to public transport, two bus stops (Endeavour Way) are located in very close proximity to the main access of the application site, along Maldon Road. Burnham-on-Crouch is also served by train. The train station is located approximately 0.9 miles away from the application site. Near the train station there is secondary small local centre, while the main town centre is located approximately 1.2 miles away from the site. Ormiston Rivers Academy is located 0.9 miles away from the site. Burnham and St Mary's Primary Schools are located 1.3 miles and 1 mile away from the application site, respectively.

Description of proposal

- 3.1.6 Planning permission is sought for the erection of 36 dwellings, of which 14 dwelling will be affordable. The development would result in an uplift of 36 dwellings on the allocated site, known as S2(i), resulting in a total number of 210 residential properties (amounting to 20% above the site allocation) when considering the total amount within the allocated site.
- 3.1.7 The development would be erected in four parcels of land, one on the eastern side of the site, east of central public open space and LEAP, via a tuning head to the east of the primary spine road. The second parcel would be along the western part of the site adjacent to the spine road, while the other two sites would be to the east and west of the spine road at the southern part of the application site and the S2(i) allocated site.

The previously approved southernmost LEAP area will be moved to the rectangular public open space, which is central to the southern part of the allocated site.

3.1.8 The easternmost parcel would accommodate four no. one-bedroom units and two no. two-bedroom units. The westernmost parcel would accommodate two no. one-bedroom maisonettes, five no. two-bedroom dwellings, three no. three-bedroom dwellings and one four-bedroom dwelling. The southern part of the application site would be split into two parcels. The western parcel would be occupied by seven no. two-bedroom dwellings, and three no. three-bedroom dwellings. At the eastern parcel there would be six no. two-bedroom dwellings, two no. four-bedroom dwellings and one five-bedroom dwelling. Overall the development would provide eight bungalows, of which four would be affordable units.

3.1.9 The proposed development would include 12 house types which are summarised as follows:

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Plots
Wilford	2	4.5m	7.7m	5m	7.8m	206, 207, 208, 209
Ashdown	2	5.1m	8m	5m	8	196, 197, 199, 200, 202
Buckfastleigh	2+study	12.2m	10.1m	2.9m	5.8m	193, 194, 204, 205
Hadley	3	9.2m	6.1m	5.1m	8.5m	185, 201, 210, 183, 203
Holden	4+study	8.5m	9.7m	5m	8.6m	184
Layton	4+study	10.5m	10.3m	5.2m	8.7m	192, 196
Henley	5	11.5m	11.4m	5.2m	9m	198
SF58/59	1 (marionette)	6.4m	9m	5.4m	8.6m	186, 187, 177, 178
SH50	2	4.8m	8.9m	5m	8.2m	179, 180, 181, 188, 189
SH55	3	5.4m	10.1m	5.2m	7.9m	182
Belton	2	7.9m	10.3m	2.8m	5.6m	175, 176
Burleigh	1+study	6.9m	10m	2.9m	6m	190, 191

3.1.10 The proposed houses and maisonettes will be served by off-street parking spaces and some of the properties would also have garages on-site. A total of 71 allocated and 23 visitor parking spaces are proposed. Three types of garages are proposed for plots 198, 184, 192, 195, 193, 194, 204 and 205. The double garage serving the proposed five-bedroom dwelling would be 5.6m wide and 5.6m deep, 2.25m high to the eaves, with a maximum height of 4.6m. The larger single garage would measure 6.7m deep, 3.5m wide, 2.25m high to the eaves, with a maximum height of 4m. The smaller single garage would measure 2.9m wide, 5.6m deep, 2.25m high to the eaves, with a maximum height of 3.8m. The single garages would have gables roofs, whilst the double garage would have a pyramid roof.

- 3.1.11 The application is supported by a Garden Sizes Plan (H7660-2A-SP-012) which shows that maisonettes will be served by more than 25sqm, one and two-bedroom properties would be served by more than 50sqm and all other properties of three-bedrooms and more would be served by a minimum of 100sqm.
- 3.1.12 In terms of external finishing materials, the submitted plans show the use of a mixture of red and yellow bricks (Surrey red multi and Andante Golden Buff), grey / blue weatherboarding, cream render and grey blue render. The roofs would be finished in plain grey slates and plain terracotta tiles.
- 3.1.13 As noted above the submitted plans show the provision of 14 affordable units (plus an off-site contribution in lieu of the 0.4 of a property), of the following mix and tenure:
- Affordable rent:
 - 2 one-bedroom maisonettes
 - 2 one-bedroom bungalows
 - 2 two-bedroom bungalows
 - 4 two-bedroom houses
 - Shared Ownership
 - 2 one-bedroom maisonette
 - 1 two-bedroom house
 - 1 three-bedroom house
- 3.1.14 It should be noted that the current application is a resubmission, following withdrawal of application (19/00789/FUL) proposing the erection of 53 dwellings. This application was withdrawn following discussion with the Applicant and due to a number of concerns, particularly relating to the proposed layout of the development and the loss of previously approved public open space raised by the Council. The current proposal has been materially amended and the number of dwellings have been reduced by 17 dwellings from the withdrawn application to 36.

3.2 Conclusion

- 3.2.1 The proposed development is located within one of the strategically allocated sites in Burnham-on-Crouch. The site has been designated for a minimum of 180 dwellings and it benefits from planning permission for the erection of 174 dwellings (18/0093/FUL and subsequent amended under application 18/01424/FUL). The proposal is for an uplift of 36 houses and having regard to the type of dwellings to be provided and infrastructure contributions, no objection is raised to the principle of the provision of housing in excess of the minimum numbers stated in Policy S2 of the Local Development Plan (LDP) and Policy S1 of the Burnham-on-Crouch Neighbourhood Development Plan (NDP).
- 3.2.2 The development, following amendments from the previously submitted and withdrawn application (19/00789/FUL), would preserve the build pattern and overall character of the allocated site and it would still result in a largely landscaped led development, protecting the visual amenity of the area, as previously approved at the allocated site.

- 3.2.3 The development would also meet the identified need of the District for smaller residential accommodation (two-bedroom accommodation) and this would weigh in favour of the proposed development. The development would not be harmful to the amenities of the neighbouring occupiers, would make adequate provision for off-street parking and would not adversely impact upon habitats and protected species.
- 3.2.4 Therefore, subject to suggested conditions, the provision of an appropriate affordable housing contribution, the provision of public open space and play area, contributions towards education and to address the impact of the development on the Essex Coast, the development would be acceptable and in accordance with the aims of the development plan for the area.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 91 – 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 112 – 116 Supporting high quality communications
- 124-132 Achieving well-designed places
- 148 – 169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 170-183 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix

- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- I1 Infrastructure and Services

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

- Policy S1 – Strategic Housing Growth
- Policy CS.2 – Community Facilities
- Policy EN.3 – Enhancement of the Natural Environment
- Policy EN.7 - Waste Bins Storage
- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.4 – Affordable Market Housing
- Policy HO.5 – Land at Burnham West
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

- 5.1.3 The site is allocated as a Strategic Site in the Council's Approved Maldon District Local Development Plan. The Approved Maldon LDP Policy S2 plans for a minimum of 4,650 dwellings within the District between 2014 and 2029 and as stated within Policy S1 of the Burnham-on-Crouch NDP, a minimum of 450 in Burnham-on-Crouch. 180 of these dwellings are allocated at the west of Burnham-on-Crouch (S2(i)). Accordingly, the development of this land is acceptable in principle and paragraph 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.
- 5.1.4 Policy S3 sets out the key development principles new development in the Garden Suburbs and strategic allocations should follow. It states that *'a masterplan for each of the Garden Suburbs at Maldon and Heybridge will be prepared and developed in partnership between the Council, relevant stakeholders, infrastructure providers and developers/landowners for illustrative purposes and as a guide for developers'*.
- 5.1.5 Policy S6 for the allocated sites in Burnham-on-Crouch stated that permission will be given for development provided that:
1. *Development can be accommodated within the capacity of the Burnham-on-Crouch road network following appropriate mitigation measures and junction improvements;*
 2. *Safe pedestrian cycling and bridleway links are provided from the development to the town centre and, where applicable, to other public services, facilities and the existing urban area;*
 3. *Provision is made for increased and enhanced green infrastructure including provision for youth and children's facilities;*
 4. *Development will protect and enhance the landscape and the character of the historic environment;*
 5. *Community facilities of appropriate form and scale are integrated into the design and layout of development proposals;*
 6. *Pupil demand from the development can be accommodated within existing and new primary, secondary and early years and childcare facilities, as well as adult community learning;*
 7. *Contribution is made for enhanced medical provision in cooperation with the relevant health bodies;*
 8. *Appropriate surface water management mitigation measures are incorporated into the development;*
 9. *Adequate provision is made for enhanced and comprehensive sewerage infrastructure;*
 10. *Adequate provision is made for affordable housing provision;*
 11. *A significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and lifetime homes etc.;*
 12. *Provision for B use employment land in the form of an extension to the Burnham Business Park (relevant only to site S2(i));*

13. *The development will preserve and enhance the quality of the historic character including the built environment, archaeology and the historic skyline within the context of its riverside, estuarine and rural location;*
14. *Development proposals must be accompanied by a comprehensive and detailed ecological survey;*
15. *Prior to any development a comprehensive and detailed archaeological assessment is undertaken; and*
16. *Identified infrastructure will be delivered in line with the requirements set out in Policy 11 and having regard to the most recent evidence provided in the Infrastructure Delivery Plan.*

5.1.6 Furthermore Policy HO.5 of the Burnham-on-Crouch Neighbourhood Development Plan states that “*Development on the Maldon Road, Chandlers and Creeksea Lane frontages should respect the scale and character of the existing development and should bring forward high quality designs that account the following factors;*

- *The delivery of low density development along the Maldon Road frontage;*
- *The delivery of higher density development within the middle part of the site;*
- *The delivery of pedestrian and cycle route through the site and which are well-integrated into both new and existing networks;*
- *The preservation and enhancement of existing rights of way;*
- *The provision of facilities for persons of all ages;*
- *The provision of green and open space to District Council standards; and*
- *The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned.*

5.1.7 The proposal is for an uplift of 36 houses at the allocated site to the west of Burnham-on-Crouch. It should be noted that Policy S2 sets out the minimum number of dwellings to be provided within the allocated sites, allowing further development to be considered and incorporated, provided that it complies with the specific requirements set out for each designated strategic grown area; in this instance the criteria of policy S6, as set out above. On that basis, it is considered that the principle of the provisions of housing in excess of the minimum numbers stated in Policy S2 of the LDP and Policy S1 of the Burnham-on-Crouch NDP is acceptable, subject to compliance with criteria, as set out in these policies, which are further assessed below in each relevant section of the report.

5.2 Housing Need and Supply

5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities ‘*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be*

planned for'. Paragraph 61 continues stating that “*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies*”.

- 5.2.2 Following the publication of the February 2020 Government results of the Housing Delivery Test (HDT) the Council is able to maintain the 5% buffer to identify and update its Five-Year Housing Land Supply (5YHLS) statement. The latest statement published by the Council in November 2019, using the 5% buffer, shows that the Local Planning Authority can demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (5.27) worth of housing against the Council’s identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.4 Policy H2 of the Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner occupied properties having three or more bedrooms, identifying a need for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The proposed development would provide the following mix:
- Open market houses:
 - 13 two-bedroom dwellings
 - 5 three-bedroom dwellings
 - 3 four-bedroom dwelling
 - 1 five-bedroom dwelling
 - Affordable housing:
 - 6 one-bedroom units
 - 7 two-bedroom units
 - 1 three-bedroom unit
- 5.2.6 On the basis of the above, the proposed development would provide 59.1% smaller open market units and 40.9% of larger open market units. The percentage of the smaller affordable units would be 92.9%. Overall, when the development is taken as a whole, the percentage of smaller (one and two-bedroom units) units would be 72.2%. On that basis, it is considered that the development would provide sufficient number of smaller units in accordance with the policy H2 and the information contained within the SHMA. Although the percentage of smaller open market units is slightly less than 60%, this is only marginal and equates to 0.19 of a dwelling. Therefore, it would have been unreasonable an objection to be raised in that respect.

Besides, the overall number of smaller units would be in excess of the requirements, as identified in the SHMA and this is welcomed.

5.3 Affordable Housing

5.3.1 The application site is formal part of the strategic allocations in Burnham-on-Crouch and therefore, in accordance with policy H1 the affordable housing requirement is 40%. This equates to 14.4 units.

5.3.2 It is proposed to provide 14 affordable residential units on-site and a financial contribution equivalent of the 0.4 of a dwelling. In terms of the tenure and size of the on-site units, the Council's Housing department has been consulted and advised that a tenure mix of 70% Social / Affordable rent and 30% Intermediate (Shared Ownership) would be required and a housing mix of 80% smaller units, which may increase to 90% where required and when this will enable the provision of homes for older people. The development proposes the following mix:

- Affordable/social rent (total of 10 units):
 - 2 one-bedroom maisonettes
 - 2 one-bedroom bungalows
 - 2 two-bedroom bungalows
 - 4 two-bedroom houses

- Intermediate (total of 4 units):
 - 2 one-bedroom maisonettes
 - 1 two-bedroom house
 - 1 three-bedroom house

5.3.3 On the basis of the abovementioned mix the development would accord with the required tenure mix. The development would also provide a high percentage of smaller (one and two-bedroom) units, of which four would be bungalows, supporting the need for housing for older people. Therefore, no objection is raised with regard to the proposed tenure or housing mix.

5.3.4 Policy H1 states that *“Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council’s policies having regard to the SHMA, the Council’s adopted Affordable Housing Guide, and the Council’s Housing Strategy. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District’s need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site.”*

5.3.5 On the basis of the above, the development would provide sufficient affordable units on-site and a commuted sum for the remaining 0.4 of an affordable unit. When a commuted sum is to be paid in lieu of a percentage of an affordable unit, this should be calculated on the basis of the percentage a property would cost to a Registered Provider and also on the basis of the type of house that is the Strategic Housing

Services greatest need. In this instance the identified need is for two-bedroom, four persons houses and the cost to a Register Provider is likely to be in the region of £157,000. As such, the 0.4 equates to a commuted sum of £62,800. The applicant has confirmed that this amount would be payable to meet the policy requirement. This, in conjunction with the amount and tenure of the on-site affordable units would be secured through a Section 106 (S106) agreement.

5.4 Design and Impact on the Character of the Area

5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value*

5.4.4 Policy H4 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.”*

5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

5.4.6 The development proposes the erection of an additional 36 dwellings at the West of Burnham allocated site, which was previously approved to be developed, providing a total amount of 174 dwellings. The development would be erected at land that as part of the previously approved development formed small parcels of public open space.

5.4.7 Policy S6 of the LDP requires development within the allocated sites to make provision of increased and enhanced green infrastructure. This is also reiterated within Policy HO.5 of the Burnham-on-Crouch NDP. As noted above, within the ‘Description of Proposal’ section, the current proposal forms a resubmission, following the withdrawal of an application (19/00789/FUL) proposing the erection of 53 dwellings at the application site, which was considered unacceptable by officers due to the resultant loss of public open space, in particular due to the loss of the southernmost central open space. The current proposal has been evolved since the withdrawal of this application, retaining the central open space and also relocating the LEAP at the centre of this open space. This will make sure that good quality and sufficient in size open space would be able to be provided for the future occupiers of the development. Furthermore, a necessary green buffer between the residential development and the employment site to the south of the allocated site has been retained, providing a physical division between the different uses. It is therefore considered that, although the proposed development would reduce the amount of green infrastructure on site, provided that the most usable and secluded by residential properties public open space on the southern part of the application site would be retained and enhanced by the provision of central LEAP, the previously raised objections in relation to the loss of public open space have been overcome.

5.4.8 The areas of green space that will be lost are relatively small parcels of land at the edges of the allocated site, which are comparably of less importance than the main central public open spaces. Therefore, it is considered that in weighing up the benefits of the proposed increase in dwellings on the site that meet the identified needs of the District within an existing and sustainable allocated site, without increasing pressure for development through sprawl into the countryside, the harm would not, in officers view outweigh the benefits. It should be also noted that the development would still retain a significant amount of green infrastructure which is greater than the minimum requirements as set out in the adopted Green Infrastructure Strategy 2019. As a result, it is considered that the development would still be largely landscaped led, particularly within its core and interspersed along large tracts of the spine road.

5.4.9 With regard to access, the development would utilise the previously approved highway network at the allocated site. With the exception of a private access to the southernmost bungalows, no further changes to the approved network are proposed. On that basis, the proposed development would have limited impact on the previously

approved access and network of the site, which will not result in a material harm to the allocated site. A new network of footpaths and cycle routes has been created and linked with that of the previously approved development at the allocated site. This includes footpaths within the revised central public open space and along the southern green buffer of the development.

- 5.4.10 In terms of the layout, orientation of positioning of dwellings, the development, would have all properties facing towards the previously approved spine and secondary roads and the public open space of the allocated site. This is with the exception of a couple of bungalows at the southeasternmost part of the application site, which will be accessed via a private access. It is therefore considered that the proposal would maintain an active frontage along the highway and the public open space and it would also be in keeping with the built pattern of the development as previously approved at the allocated site, where dwellings are mainly positioned around the plots facing outwards to the public realm, with their gardens positioned centrally to the plots. It is therefore positive that uncharacteristic cul-de-sac arrangements have been avoided and that the rhythm and pattern of development follows the plot pattern of the previously approved development. This is considered to result in a consistent approach in terms of the urban grain established through the design process and the additional development would not result in a contrived layout, but it would be read as part of the originally approved development.
- 5.4.11 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights the housing design principles. In particular, principle NHD.9 states that *“The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the local vernacular are encouraged and the town centre conservation area provides many high quality examples of local forms”*.
- 5.4.12 The proposed development would provide a mixture of single and two-storey, detached and semi-detached dwellings, as well as two-storey maisonettes. In terms of their roof design, the properties would be a have a mixture of hipped and gabled roofs to reflect the roof form and design of the approved dwellings elsewhere within the larger site. The development would also utilise dwellings types that have already been used throughout the previously approved development, which is considered positive, as a level of consistency with the existing built form would be retained. This however, will not compromise the architectural interest that is necessary to create a vibrant built environment and a sense of place, given that twelve different dwellings types are proposed to be erected.
- 5.4.13 With regard to external finishing materials, the submitted plans show the use of a mixture of red and yellow bricks (Surrey red multi and Andante Golden Buff), grey / blue weatherboarding, cream render and grey blue render and roofs that would be finished in plain grey slates and plain terracotta tiles. These materials would be in keeping within those that have been approved to be used to the development previously approved at the allocated site and is currently under construction. On that basis, it is considered that the pallet of external finishing materials would be acceptable and would not detract from the character of the allocated site, as previously approved.

- 5.4.14 Policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. In that respect it is noted that affordable housing would not be all grouped in one area, but it would be pepper potted within the site. In terms of design and appearance, the affordable units would be of a relatively similar design and external finishing materials to the open market units. Therefore, the development would comply with the requirements of policy H2.
- 5.4.15 The proposed dwellings, although not of the same height, would be largely following a continuous eaves line, and a continuity in terms of fenestration, incorporating a windows hierarchy, with elongated and larger windows at ground floor and smaller to the upper floors, in accordance with the principles of good design. There would be some break to the continuity of the ridge line along the southern part of the development, with bungalows, being contained in between two-storey houses, which is not ideal. However, it is noted that these bungalows have been positioned opposite a row of bungalows to the north, creating a small cluster of dwellings of a lower height. Furthermore, sufficient distances would be maintained between the two-storey dwellings and the bungalows, and therefore, on balance, it is not considered that the proposal would result in an unacceptable prominence or juxtaposition of some dwellings in comparison to the others. All other proposed bungalows would be visually separated from the two storey dwellings and they would not be read as part of the same street view. For that reason, their relationship with the two-storey properties would not be visually harmful.
- 5.4.16 There would be dwellings that would be located on corner plots and thus, consideration should be had to provision of active frontages on both elevations visible from the streetscene. The submitted plans, in conjunction with the dwelling elevations and the streetscene elevations submitted, show that all properties located on corner plots would incorporate fenestration of both elevations. This would avoid large expanses of blank unattractive walls.
- 5.4.17 As noted above, the properties would be facing the highway and the public open space. However, the properties on the southwest parcel of the application site would be backing onto the green buffer which would also provide a pedestrian link to the allotments. Although this backwards orientation of the houses onto the footpath is not visually pleasing, the submitted landscaping scheme shows that a native buffer hedgerow mix would be planted along the rear boundaries of these properties, as well as a number of trees to reduce the impact of a long continuous fencing. The footpath would be located away from the rear boundaries of these properties and therefore, it is considered that once the soft landscaping has been established the impact of the orientation of these dwellings onto the public realm would be limited.
- 5.4.18 In terms of the provision for parking, it is noted that the majority of the properties would benefit from on-site parking, which would predominantly be located to the side of the dwellings, allowing the provision of soft landscaping to the front of the dwellings. There is one exception of a property (plot 197), where parking would be provided at the front of the property. On balance, and when considering the development as a whole, it is not considered a car dominated frontage of one dwelling would be materially harmful the appearance and character of the development. The proposal would also result in a rear car parking court at the northwest parcel of the application site, providing six parking spaces. The Maldon District Design Guide advises that rear parking courts should only be considered when all on-street options

have been exhausted and that it should be ensured that they are small in scale to avoid large expanse of tarmac area. In this particular instance, this parking arrangement was the result of the officers' suggestion for the dwellings to be fronting the footpath and a green corridor to the south of this parcel, so that they provide an active frontage from public vantage points, as well as the necessary surveillance. Following discussion with the applicant, the plans have been amended so that the tarmac area and the amount of parking spaces provided at this parking court is kept to a minimum. On balance and giving due respect to the benefit of properties fronting onto the footpath, it is considered that the impact of a small parking court at this location of the application site would have limited impact on the visual amenity of the wider area.

- 5.4.19 In light of the above, it is considered that the development would be in keeping with the build pattern and overall character of the allocated site and it would still result in a largely landscaped led development, protecting the visual amenity of the area, as previously approved at the allocated site.

5.5 Impact of the Development on Heritage Assets

- 5.5.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved Maldon District Local Development Plan states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.5.2 The application is supported by a Built Heritage Statement, which stipulates that the application site forms part of the wider setting of two Grade II listed buildings (the Cherry Garden and Pinner's Farmhouse). The statement advises that there is limited inter-visibility and no historical association between the site and the listed buildings. Furthermore, the development proposed under this application is hidden from views by existing vegetation and the new development that is currently under construction. It is therefore consulted that the proposed development would have neutral impact on the setting and significance of the heritage assets.

- 5.5.3 The Council's Conservation Officer has been consulted as part of the proposed development and following assessment of the proposal and on the basis of the submitted Built Heritage Statement concludes that the proposed development will have negligible impact upon and will not cause harm to the settings or significance of the listed buildings or any other designated heritage assets. As stated within the Built Heritage Statement this is largely due to the distance and intervening buildings which separate the heritage assets from the proposal. As a result, no objection is raised in terms of the impact of the development on existing heritage assets.

5.6 Green Infrastructure and Landscaping

- 5.6.1 Policy N1 of the LDP encourages the enhancement of the green infrastructure network, identifying that "*The requirement for new green infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation*

122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development”.

- 5.6.2 The greenspace standards for Maldon District are identified in the Green Infrastructure Strategy for Maldon District (2018). This states that 2.28ha per 1,000 people should be provided to meet the total parks and amenity space standards. The applicant has gone through an assessment of the open space requirements of the development, when taken together with the approved development on the allocated site. Based on the SHMA average household size by 2021 was calculated at 2.31. The development (including the current proposal and that previously approved on the allocated site) would result in a population of 485.1 (210 dwellings x 2.31 persons per household). As a result, the requirement for Public Open Space (POS) would be 1.10ha. The proposed POS provided at the allocated site, considering the current proposal and the resultant loss of some public open space, is 3.17ha and therefore, no objection is raised in relation to the provision of enhanced green infrastructure.
- 5.6.3 With regard to the proposed LEAP, the requirements are for the LEAP to be located within walking distance (five minutes) from all homes, that five play types are provided within a minimum zone activity of 400sqm, including fencing with pedestrian gates, seating and litter bins. The application is supported by a details LEAP proposal, which shows that five different play equipment types would be provided, that the area would be fenced with two pedestrian accesses, and three benches and two litter bins would be provided within the play area, which will measure around 400sqm and it would be provided within less than five minutes walking distance from proposed development. As a result, the development would provide quality play area, for the future occupiers that meets the requirements, as set out in the Green Infrastructure Strategy.
- 5.6.4 In terms of landscaping, the development is supported by a detailed planting proposal, which includes a detailed schedule of the trees, hedging, shrubs, herbaceous, native hedge mix, conifers, bulbs, ferns and grasses. Furthermore, details of the preparation of the site, the planting and the aftercare have been submitted with the proposal. Overall, it is considered that a good level and type of planting would be incorporated to soften the appearance of the development. As noted above, it is considered that once established, the soft landscaping would significantly improve the visual appearance of the development and enhance the landscape character at this edge of settlement location.
- 5.6.5 In terms of hard landscaping, Brett Omega Silver Haze paving is proposed to be laid at all off-street parking areas, and the service roads to the southernmost bungalows and the westernmost dwellings, as well as the junctions on the southwest and southeast corners of the central public open space. The roads and footpaths would be finished in tarmac. The majority of the boundary treatment would be 1.8m high fencing, with boundary walls adjacent to the highway or public open space finished in 1.8m high brick walls. Overall the proposed hard landscaping would be acceptable and in keeping with the previously approved development at the allocated site.
- 5.6.6 In light of the above assessment, it is considered that the proposal would provide public open space in excess of the minimum requirements, as well as an easily accessible and equipped area of play. Furthermore, both hard and soft landscaping

would be appropriate for this edge of settlement location and in keeping with the existing landscaping of the approved development that s currently under construction.

5.7 Impact on Residential Amenity

- 5.7.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the Maldon District Design Guide (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.7.2 The proposed development would increase the levels of activity at the site, due to the increased numbers of dwellings on site. Although it is accepted that the development would result in increased levels of activity and resultant increased noise levels, the proposal would be located within an allocated site for residential development and therefore, it is considered that it would result in a use that is compatible with the residential character that the area would have once constructed.
- 5.7.3 The proposed dwelling at northwest parcel would be located a minimum of 15.5m away from the nearest residential property to be erected to the south. This, distance of separation is sufficient to mitigate against any unacceptable overshadowing, overlooking or dominance. To the north, the development would maintain a minimum of 20 metres distance to the previously approved care home to the north. Again, this is separation distance is considered more than sufficient to prevent from unacceptable loss of light or privacy. To east the site neighbours with the previously approved public open space and to the west, the site abuts the open countryside. Therefore, this is not expected to have any further impact on residential amenity.
- 5.7.4 The northwest parcel would be located around 11.5m from the nearest approved properties to the north and 12.8m from those approved to the west. Given the orientation and the front to front relationship of the development with these properties, it is not considered that the proposal would have a materially harmful impact on the amenity of these future neighbouring occupiers. To the south, the nearest property would be located 25.3m away from the dwelling proposed at this parcel and to the east the site abuts the Burnham Ramblers Football Club. As such, it is not considered that this element of the development would be materially harmful to residential amenity.
- 5.7.5 The southeast parcel would be located 15 away from the nearest approved dwelling to the north, which is the only residential property close to this part of the development. Similar to the assessment above, the proposal is not expected to result in a harmful impact on the residential amenity of these neighbours, due to the separation distance and orientation of the properties.
- 5.7.6 The southwest parcel would have properties fronting the highway, being located opposite the previously approved dwellings, maintaining a minimum 11.5m separation distance. The relationship of the properties fronting the highway is such that, the development would not result in a material harm to the amenities of these neighbouring occupiers.

- 5.7.7 No other residential properties are located near the proposed development and therefore, it is not considered that the proposal would not have a detrimental impact on nearby existing or approved residential properties.
- 5.7.8 In terms of the interrelationship of the proposed dwellings, it is considered that sufficient back to back distances would be maintained to prevent from undue loss of light or privacy and the properties would be position in such way, they would not result in unacceptable overshadowing or overbearing impact. Furthermore, it is noted that all windows proposed at first floor on side elevations of the dwellings are either secondary windows or habitable rooms or windows to non-habitable rooms (bathrooms or landings) and therefore, can be glazed in obscure glass. This will be secured by condition.
- 5.7.9 In light of the above, it is considered that the development would be acceptable in terms of its impact on residential amenity.

5.8 Access, Parking and Highway Safety

- 5.8.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

- 5.8.2 Access to the site would be gained off of Maldon Road. The development would utilise the existing and approved to be constructed network of the previously approved development on site. This is with the exception of a private road to the south, providing access to the southernmost bungalows and the extension of the southwest turn onto the main spine road to provide access to the south westernmost dwellings.
- 5.8.3 The Highway Authority has been consulted and raised no objection to the proposed access, which as stated above was previously agreed as part of the previous applications on site. Therefore, no objection is raised in terms of the acceptability of the access and highway network of the application site.

Trip Generation

- 5.8.4 The proposed development is supported by a Transport Statement, where the impact of the development on the local highway network are assessed. To do so, the highway impact from the additional residential development of 36 dwellings is assessed in comparison to the previously approved development.
- 5.8.5 The TRICS assessment has been interrogated to establish the number of vehicular trips anticipated to be generated by the proposed site with trips obtained for residential development. On that basis, the total amount of trips that are expected to be generated at peak hours (am and pm) have been calculated at 20 additional trips in

am and pm peak hours, the equivalent of an additional vehicle every 3 minutes in each peak.

- 5.8.6 A comparison of the trips generated by the development and the previous Transport Assessment in 2014 and the Transport Statement prepared in 2015 for the current development shows that due to the decrease of the trips between those identified at the Transport Assessment in 2014 and the revised Transport Statement for the current development, the additional 20 trips per peak periods would result in a decrease of trips across both peak periods from the original 2014 Transport Assessment (53 less trips at am peak and 187 trips less at pm peak). It is also noted that the generated trips are expected to be less when considering residents of the site would undertake some trips associated with trips to other uses within the wider site. Therefore, on the basis of the above assessment, it is considered that the development would not result in severe impacts on the road network. The Highway Authority has been consulted and raised no objection in relation to the impact of the proposed development on the existing highway network.

Parking Provision

- 5.8.7 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.8.8 The proposed development would provide a total number of 94 parking spaces, of which 71 would be allocated spaces and 23 visitor spaces. Each one-bedroom maisonette would be served by one parking space and a minimum of two parking spaces would be provided for the two and three-bedroom properties. The four-bedroom properties would be served by two off-street parking spaces and the large single garage. The five-bedroom property would be served by four off-street parking spaces and a double garage.
- 5.8.9 The majority of the off-street parking spaces would be provided on plot. However, some of the properties (plot no's 178, 179 and 180) on the northwest parcel of the site would be provided in a parking court. Although the occupiers of these properties would have to walk a distance to reach their vehicles, this stance would be limited and it would not make the parking spaces unusable.
- 5.8.10 It is noted that none of the proposed garages meet the minimum internal garage dimensions as set out in the Vehicle Parking Standards SPD. However, the larger

single garage is only marginally smaller than the minimum standards (7m x 3m) and it is therefore, considered that it would be able to provide sufficient space for one vehicle. On that basis, it is considered that the off-street parking provision for the four-bedroom properties would be sufficient and it would not result in unacceptable levels of on-street parking.

- 5.8.11 The proposed development would provide more than sufficient visitor parking spaces, considering that a minimum of one visitor space per four dwellings is required; therefore, a minimum of 9 spaces and the proposal would provide 23 visitor spaces.
- 5.8.12 In light of the above, it is considered that the proposal would be served by sufficient off-street parking that meets the off-street parking requirements of the Vehicle Parking Standards.
- 5.8.13 All properties would be provided by one or two secure and covered cycle parking spaces and as such, no objection is raised in the provision of spaces for modes of transport alternative to private vehicles.

5.9 Flood Risk and Water Drainage

- 5.9.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.9.2 Policy D5 also states that *“The Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency”*.
- 5.9.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Flood Risk Assessment defining that the site has an annual probability of river or sea flooding of less than 0.1%. However, a drainage strategy including details of how surface and foul water would be managed is included.
- 5.9.4 To overcome any potential flooding issues arising from the increased amount of built form on site against the previously approved development, a surface water strategy is proposed. This would include surface water runoff from the plot roofs and hardstanding to the network constructed for the original development, which ultimately discharges to a detention basin on the southwest corner of the site (which is outside the current application site). This basin would be used to attenuate flows before discharging to an ordinary watercourse. The Lead Local Flood Authority (LLFA) has been consulted and raised no objection to the granting of planning permission, subject to the imposition of appropriate conditions regarding the submission of details of the surface water drainage scheme. This will be secured by the imposition of appropriate conditions.
- 5.9.5 In terms of foul water drainage strategy, it is advised that foul flows will be discharged to the existing public sewer. Anglian Water has been consulted and confirmed that the site is located within the catchment area of Burnham-on-Crouch Tham Water Recycling Centre that has available capacity for the flows from the site.

5.9.6 In light of the above, no objection is raised in terms of flood risk. furthermore, the development would make adequate provision for surface and foul drainage to mitigate the impacts of the development.

5.10 Private Amenity Space and Living Conditions of the Future Occupiers

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

5.10.2 The application is supported by a Garden Sizes Plan (H7660-2A-SP-012) which shows that maisonettes will be served by more than 25qsm, one and two-bedroom properties would be served by more than 50sqm and all other properties of three-bedrooms and more would be served by a minimum of 100sqm. On that basis, it is evident that the development would provide adequate outdoor amenity space that is capable of meeting the outdoor amenity space requirements of the future occupiers and it would comply with the minimum standards, as set out in the adopted MDDG.

5.10.3 All properties would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided for the future occupiers of all proposed residential properties and on that basis, it is considered that the development would provide a good level of living environment to the future occupiers.

5.10.4 The southern part of the application site is located adjacent to a designated employment site (E1(p)) and an established industrial estate (E1(b)). For that reason, a Noise Assessment was considered necessary to accompany the application.

5.10.5 The submitted Noise Assessment, dated 7 November 2019, states that the only potentially significant changes from previous assessments for the site, is the presence of housing immediately to the west of the nursery building, which was previously designated for commercial use. These properties may be affected by early morning noise from this part of the employment site. It is therefore recommended that first floor bedroom windows on the southern and eastern facades of units 192 to 198 should be provided with acoustically-attenuating mechanical ventilation to negate the need for occupants to open the windows for ventilation. The assessment advises that with these measures in place it is considered that the residential amenity of these properties would be protected.

5.10.6 Although it is not ideal that some habitable rooms would have to be provided with acoustically-attenuating mechanical ventilation, on balance, considering that this would affect only two properties, when looking at the development as a whole, the impact would be limited and not such that to warrant refusal of the application on those grounds. It is also noted that the Environmental Health Team has been consulted and raised no objection to the proposed development, subject to the implementation of the development in accordance with the suggested acoustic measures.

5.11 Impact on the Ecology, Trees and Biodiversity

- 5.11.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.11.2 On the basis of the abovementioned policy requirement, an Ecology Impact Assessment has been submitted in support of the application. The report advises that the development was assessed for its biodiversity value and its potential to support ecological receptors. Ecological surveys and assessments were undertaken. A table (table 9) summarising the impact, mitigation and enhancement measures is included in the Ecology report, which concludes that the impact of the development would be negligible on the ecology and biodiversity and that the mitigation and enhancement strategies will have beneficial effects on bats, breeding birds and invertebrates. Enhancement measures to be incorporated would include a sensitive lighting scheme, installation of external and internal bat boxes on new buildings, provision of bird boxes, use of nectar-rich planting and creation of hedgehog highways to allow access to gardens.
- 5.11.3 It is considered that the details included in the Ecology Impact Assessment are sufficient to secure that the development would not adversely impact on the existing ecological assets and habitats and subject to the implementation of the abovementioned enhancement measures, it would provide sufficient ecological enhancement as required by policy N2 of the approved LDP. The impact of the development on the European Designated Sites is further assessed in section below.
- 5.11.4 The development is also supported by a Tree Survey, Arboriculturally Impact Assessment including an Arboricultural Method Statement and Tree Protection Plan. The submitted Arboricultural report advises that the development would not result in a need for any trees to fell in order to achieve the proposed layout, as the proposed units do not encroach within the Root Protection Area of any trees that are to be retained. As a result, no specialist foundation designs or construction techniques are required to prevent damage to the tree roots. It is however advised that the site and associated development should be monitored regularly by a competent arboriculturalist to ensure that the arboricultural aspects of the planning permission are implemented. It is also noted that should any issue arise during the arboricultural monitoring of the development the Arboriculturalist will contact the Local Planning Authority.
- 5.11.5 The Tree Consultant has been consulted and highlighted that the submitted Arboricultural Report is comprehensive and covers the relevant identification of constraints of the trees and the protection measures to be implemented. Therefore, subject to the implementation of the development in accordance with the proposed protection measures, no objection is raised to the proposal.

5.12 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.12.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.12.2 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.12.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.12.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.12.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.12.6 To accord with Natural England's requirements, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to thirty six dwellings

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

5.12.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.12.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently on consultation and it therefore constitutes an emerging document for the Council. Given the stage of preparation of the emerging strategy, it is considered that material weight should be given to the document and its requirement to mitigate the impact of the development on the European designated sites. A flat rate tariff of £122.30 per new dwelling is identified within the submitted Coastal Recreational Avoidance and Mitigation Strategy as the contribution to mitigate the impact of a new residential property. Therefore, as the proposal is for thirty-six dwellings, the fee is calculated at £4,402.80. This contribution would have to be secured through a S106 agreement. Subject to a signed legal agreement, the development would comply with Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

5.13 Other Material Considerations

Contamination

5.13.1 Conservation and enhancement of the natural environment is one of the principles set in the NPPF and also one of the key principles as set out in the LDP in order to achieve sustainable development.

5.13.2 The application is supported by a Geoenvironmental Assessment Report and following ground investigations and assessment of soil chemical, ground gas and organic vapour data it is concluded that soil contamination above human health screening levels has not been identified and that made ground was not encountered. As such, no gas protection is considered as requirement or remediation for the intended residential development. The Council’s Environmental Health Team has been consulted and subject to the imposition of a condition ensuring reporting to the

Local Planning Authority any contaminated ground or ground water conditions or hazardous soils that were not previously identified, no objection is raised to the proposed residential development. As such, subject to the imposition of the suggested condition, it is not considered that the development would result in an unacceptable level of contamination which would potentially harm current and future receptors.

Archaeology

- 5.13.3 The application is supported by an Archaeological Evaluation and Mitigation Area report, dated September 2018. The report provides information regarding the scope of works and the methodology, as well as the results from the trial-trenches that previously being carried out. The Historic Environment Officer was consulted and advised that the application site was previously archeologically tested and the areas requiring further mitigation have been excavated. As such, no further recommendations are made with regard to the application by the Historic Environment Specialist. Given that the site was tested and no further mitigation is required, it is considered that the development of the site would not have an adverse impact on designated assets.

Waste management

- 5.13.4 Section C09 of the Maldon District Design Guide (MDDG) stipulates that the provision of waste management facilities within developments is fundamental to provide and maintain an attractive and healthy environment. To do so, sufficient space should be provided for storage of bins at a convenient pace and access of collection vehicles has been considered.
- 5.13.5 The submitted refuse collection plan shows that all properties would be provided with on plot storage facilities and the refuse carry distance to the collection point would be limited. Furthermore, all collection points would be easily accessible from the refuse collection vehicles. As a result, it is considered that adequate refuse provision has made for the future occupiers at locations that are convenient for both the occupiers and the collection vehicles, in accordance with the requirements of MDDG.

Air pollution

- 5.13.6 The application is supported by an Air Quality Statement, which was prepared in October 2019 using data from Defra regarding background Nitrogen Oxide (NO_x), Nitrogen Dioxide (NO₂) and Particulate Matter (PM) concentrations. The data show that background concentrations in the vicinity of the proposed development are well below the relevant air quality objectives. Maldon District Council in partnership with Essex County Council has drafted an Air Quality Action Plan 2020 – 2025 for the area of Market Hills, which was identified exceeding the pollution levels. At present, no other management areas have been identified. Therefore, no evidence of pollution in vicinity of the site has been identified. However, the submitted Air Quality Statement includes some recommendations for mitigation of the impact of the development on local air quality, including the following:
- All residential dwellings within the proposed development, all gas-fired boilers will meet an emission standard of <40 mg NO_x/kWh;
 - A residential Travel Information Pack will be supplied to future residents of the development. This will include travel vouchers for use with the relevant

public transport operator, bus timetables and further information to encourage walking, cycling, use of public transport and car clubs;

- Provision of infrastructure for high speed broadband will also encourage higher levels of home working, having a positive impact in reducing work related vehicle trips; and
- Electric Vehicle charging points will be provided to all dwellings.

5.13.7 Although, in accordance with the abovementioned information, the area has not been identified exceeding pollution levels, given that promotion of healthy communities and sustainable transport is a clear objective of the NPPF and the LDP, it is considered reasonable that the above mitigation measures are conditioned to be implemented.

External lighting

5.13.8 The details of external lighting for the previously approved development on the allocated site have been agreed under reference number 18/05062/DET. This lighting scheme included the details of all lighting to be installed along the new roads of the allocated sites. Although the proposed development would primarily utilise the existing road network within the allocated site, some of the existing accesses are proposed to be extended and the details of any additional lighting would have to be submitted to and agreed by the Local Planning Authority. This is to eliminate any adverse impact on existing wildlife, given that the site is neighboured with the countryside to the west and to protect the nearby neighbours' amenities. For that reason, the submission of these details would be secured by condition.

Permitted development rights

5.13.9 It is considered that any alterations / extensions to the proposed dwellings, due to their plot sizes, the sizes of the dwellings and their relationship with neighbouring occupiers, may result in unacceptable design (such as in case of installation of large sized dormers) or impact on the residential amenity of the neighbouring occupiers (for instance via the installation of dormer windows facing neighbour properties). For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for classes A, B, C, D and E.

Other developer contributions

5.13.10 Along with other key principles, policy S1(11) requires decision makers to “*Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources*”.

5.13.11 The applicant has submitted a Draft Heads of Terms accompanying the application, which include the suggested developer obligations.

5.13.12 Affordable housing

5.13.12.1 Amongst others the proposed development would be required to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objective on affordable housing. The necessary affordable

housing contribution in this area is 40%, which equates to 14.4 affordable dwellings. The applicant proposes the provision of 14 on site affordable units and a financial contribution of the remaining 0.4 of a property, which is a pro-rate commuted sum of £60,800. The details of the tenure and size of affordable units is further assessed in the relevant section of the report above.

5.13.13 Education

5.13.13.1 The proposed development would result in an increase in the amount of family housing on the allocated site and this would unavoidably generate a need for education facilities. This impact would have to be mitigated.

5.13.13.2 The Essex County Council Education Department was consulted as part of the current application and they advise that the development is expected to generate the need for up to 3.2 early years and childcare places, 10.8 Primary school places, and 7.2 secondary school places.

5.13.13.3 According to the Essex County Council's childcare sufficiency data, there is a need for additional places for early years and childcare within the ward. It is advised that a financial contribution should be made towards creating these additional places within the Burnham-on-Crouch Ward or within a 3 mile radius. The estimate contribution for the total cost for the 3.2 places is £56,447 index linked to April 2019.

5.13.13.4 It has been identified that both Primary Schools in Burnham-on-Crouch are currently full in reception and the nearest alternative is in Southminster. It has been therefore advised that an additional 10.8 primary places would be required to be provided at an estimated total cost of £165,035 indexed linked to April 2019.

5.13.13.5 Although the advice received by the Education Department is that the secondary school, which is the Ormiston Rivers Academy, currently has a surplus accommodation for around 60 pupils each year, forecast for the area now suggest that this will be insufficient to meet demand with a further 36 spaces required by the end of the Ten-Year Plan period. For that reason, an additional 7.2 spaces would be required to be provided at an estimate cost of £167,141 index linked to April 2019.

5.13.13.6 All the above-mentioned contributions would be sought to mitigate the impact of the development on local primary school provision.

5.13.14 Essex Coast RAMS contribution

5.13.14.1 The mitigation of the impact of the development on the Essex Coast is assessed above in the relevant section of the report. A flat rate tariff of £122.30 per dwelling would be required and it will be sought through the a S106 agreement.

5.13.14.2 The developer is also willing to enter to an obligation for employment opportunities to be offered to local persons first via an agreed mechanism. However, as discussed above, this is not considered necessary, by officers, to make the development acceptable.

5.13.15 LEAP contribution

- 5.13.15.1 The provision of a central LEAP area is discussed above in the relevant section. The provision of future management and maintenance of the community open space and landscaping, and the creation of a Management Company with responsibility for maintaining these areas including also the play area, footways, related lighting, street furniture, signage and all landscaping would be sought and secured through a S106 agreement.
- 5.13.15.2 The abovementioned developer contributions and obligations shall be secured through a S106 agreement which shall first be discussed and finalised with the Council.

5.13.16 Pre-Commencement Conditions

- 5.13.16.1 One pre-commencement condition is recommended and approval for the use of this condition is to be agreed by the applicant's agent.
- 5.13.16.2 A condition requiring the submission of details of the Construction Method Statement is considered necessary to be submitted prior to the commencement of the development and any ground works, given that vehicles would be required to be parked on site during works below ground level. It is also reasonable that materials would have to be stored on site prior to the construction of the development. As a result, it is considered reasonable that the abovementioned condition is required to be addressed prior to the commencement of the development.

Does the development constitute Environmental Impact Assessment (EIA) development?

- 5.13.16.3 It is noted that the proposed development does not constitute (Environmental Impact Assessment) EIA development under any of the Schedules of the EIA Regulations 2017 and therefore, no screening is required to be carried out.
- 5.13.16.4 The application is supported by an Environmental Statement, dated April 2014 and an updated version of it dated May 2015. These Environmental Statements were submitted as part of the original and amended applications for the development at the allocated site, which, due to its scale, constituted an EIA development.
- 5.13.16.5 The impacts of the current proposal, including the impacts on ecology, cultural heritage, as well as the cumulative impacts of the development when taken in conjunction with the existing development at the allocation site, have been assessed and found to be acceptable.

Healthcare contribution

- 5.13.16.6 The application is for less than 50 residential units and therefore, it does not trigger the contribution towards healthcare. However, it is noted that a healthcare contribution of £67,480 was previously secured for the development approved at the allocated site. The contribution was towards the provision of additional capacity at the health care centre(s) within the Town of Burnham-on-Crouch.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00356** – Application for full planning permission for 180 homes (including 20 bungalows), new vehicular access onto Maldon Road, the spine road through the development, greenspace, and associated infrastructure. Outline with all matters reserved (apart from access) for 50 – 60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 uses with 1.7 hectares of temporary private amenity space, and 0.5 hectares of allotments. Approved the Council pursuant to a S.106 agreement as dated 11 August 2017.
- **NMA/MAL/17/01033**– Application for non-material amendment to FUL/MAL/14/00356 in that the access road to the areas as shown for allotments is shown as deleted from the area specific for allotment provision. Approved by the Council as dated 10 October 2017.
- **NMA/MAL/17/01223** - Application for non-material amendment to FUL/MAL/14/00356 in that the access road are to be provided onto Maldon Road independent of each other and not together. Pending consideration.
- **FUL/MAL/17/01242**– Variation of condition 39 as attached to FUL/MAL/14/00356 in that the access road are to be provided onto Maldon Road independent of each other and not together. Approved by the Council as dated 13 July 2018.
- **FUL/MAL/17/01262**– Variation of 4 homes located in the North West corner of the site from those previous approved by FUL/MAL/14/00356. Planning permission refused on 25th March 2019.
- **18/00093/FUL** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Planning permission approved on 13 July 2018.
- **18/01424/FUL** - Variation of condition 18, 21 and 23 on approved planning permission FUL/MAL/18/00093 (Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Planning permission approved on 1 April 2019.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	<p>Object to the application for the following reasons:</p> <ul style="list-style-type: none"> • This application does not comply with LDP policy S1, S2 and S3. • MDC has demonstrated it has a 6.34yrs land supply. • Unsustainable expansion of the 180 dwellings Strategic allocation Burnham West with an extra 36 houses. This exceeds the policies of both Maldon LDP and BNDP. • Overdevelopment of site. • Supposed to mirror garden community theme. • Lack of education places (primary and secondary. Secondary is 90 oversubscribed at present and the Burnham Doctors surgery is difficult to get appointments). • Housing approved numbers including completed units 605 not including the Retirement Village 236 total 841 not including strategic site Marsh Rd 90-135 and this application of a further 36. 	<p>Comments are noted and are addressed within sections 5.1, 5.3, 5.4 and 5.13 of the report.</p> <p>Although the NHS property services have been consulted for the proposed development, no response has yet been received. It is noted though that the development is for less 50 units and this does not trigger a contribution.</p>

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	The documents submitted with the application have been duly considered. The proposals incorporate highway access details which have been agreed as part of the previous applications for this site. Following the earlier Transport Assessments and the latest Transport Statement, the Highway Authority is satisfied that the impact of these latest proposals would not be detrimental to highway safety and efficiency in the immediate area or the surrounding highway network.	Comments noted and discussed in section 5.8 of the report.
Natural England	No objection, subject to appropriate mitigation. It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission.	Noted. An assessment as required has been carried out and mitigation would be secured through a legal agreement.
Lead Local Flood Authority	Having reviewed the submitted Flood Risk Assessment, no objection is raised, subject to the imposition of condition regarding the details and maintenance of the surface water drainage scheme.	Comments noted and conditions are imposed.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	This portion of the development area has been archaeologically trial-trenched and the areas requiring further mitigation have been excavated. For this reason no archaeological recommendations are being made with regard to this application.	Comments noted and discussed within section 5.13.
Essex County Council (ECC) Education	A development of this size can be expected to generate the need for up to 3.2 early years & childcare places, 10.8 Primary school places, and 7.2 secondary school places.	Comments noted and discussed in section 5.13. The necessary contributions will be secured through a S106 agreement.
Anglian Water	The foul drainage from this development is in the catchment of Burnham-On-Crouch Tham Water Recycling Centre that will have available capacity for these flows.	Comment noted.
Cadent Gas	Searches have identified that there is an apparatus in the vicinity of the site which may be affected by the proposed development. For that reason, the Plan Protection should be notified as soon as possible of the decision of the Council.	Comment noted and an informative would be added as a reminder for the applicant.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue Services	<p>It is noted that not all access points of the development meet the requirements of ADB: B5. However, it is noted that it is the responsibility of anyone carrying out building works to comply with the relevant Building Regulations.</p> <p>The application should be also reminded that additional water supplies for fire fighting may be necessary for this development.</p> <p>The building owners and developers are also urged to consider the installation of Automatic Water Suppression Systems.</p>	<p>Comment noted.</p> <p>It should be noted that the matters raised are not material planning considerations; however, an informative would be added as a reminder for the applicant.</p>

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	<p>The applicant has submitted a noise assessment from Echo Acoustics dated 7 November 2019. Maldon Road_BDW - Noise Assessment BDW Homes.</p> <p>The report recommends a range of measures to reduce the impact of noise from adjacent commercial undertakings on the proposed residential properties.</p> <p>If permission is to be granted the recommendations in this report should be included as conditions in any</p>	<p>Comments noted that addressed in section 5.10. Conditions are imposed as suggested.</p>

Name of Internal Consultee	Comment	Officer Response
	approval.	
Conservation Officer	<p>There are two designated heritage assets within the vicinity of the application site; Pinners' Farmhouse and Cherry Garden.</p> <p>Having assessed the proposal and studied the submitted Built Heritage Statement, it is concluded that the proposed development will have negligible impact upon – and will not cause harm to – the settings or significance of these heritage assets or any other designated heritage assets. This is largely due to the distance and intervening buildings which separate the heritage assets from the proposal. I therefore raise no objection to the application.</p>	Comments noted and addressed in section 5.5.
Tree Consultant	<p>The arboricultural report is comprehensive and covers the relevant identification of the constraints of the trees and the protection measures to be implemented. Subject to the implementation of these measures, no objection is raised to the proposal.</p>	Comments noted and addressed in section 5.11.
Strategic Housing Services	<p>The Strategic Housing Services fully support this application that is providing range and size of affordable housing for both general needs and older persons and therefore assists in meeting the affordable housing needs identified for the District.</p>	Comments noted and addressed in sections 5.3 and 5.13 of the report.

Name of Internal Consultee	Comment	Officer Response
Strategic Theme Lead – Place (Urban Design)	No objection is raised to the application in terms of Strategic Policy S2 that states a minimum capacity of 180 dwellings in site. No objection is raised regarding policy S6 (sections 2,3,4,12 and 13). The rest of the sections are outside the area of expertise of the officer.	Comments noted and mainly addressed within sections 5.1 and 5.4 of the report.

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
The highway network and parking provision cannot cope with additional vehicles.	These matters are addressed in section 5.8 of the report.
The schools are in full capacity.	The matter is addressed in section 5.13.
The Doctor Surgeries are oversubscribed.	It is noted that the development is for a number of dwellings under 50 and therefore, it does not trigger a consultation response or a contribution towards NHS.
The development would set an unacceptable precedent undermining the LDP and NDP.	The principle of development is assessed in section 5.1 of the report.
The Council can demonstrate a 5 year housing land supply. The LDP allocates 450 units for Burnham, including 180 units strategic allocation on the Burnham West. Burnham-on-Crouch has a supply of 718 homes. At present Burnham has 60 % over the 15 year quantum. There are restrictions in the capacity of facilities and services in Burnham and the majority of the new houses are purchased from people outside the District. Any new application should assess the cumulative impact on the infrastructure of the developments in Burnham-on-Crouch. Allowing this development would set an unacceptable precedent undermining the LDP and NDP.	Comments are noted and are largely responded to in section 5.1 of the report. It is highlighted that the numbers stated in the LDP and NDP are minimum numbers for new residential development. Furthermore, it is noted that all relevant consulted have provided responses on the basis of the impact of the development on the existing infrastructure and subject to conditions and planning contributions raised no objection to the proposed development. its application is assessed on its own merits; however, consideration to the impact of the developments on the existing infrastructure are taken into consideration.

Objection Comment	Officer Response
Unsustainable development resulting in overdevelopment. Burnham has taken more than enough unsustainable development beyond that envisaged by the evidence base of the LDP and NDP.	The site was designated for a minimum of 180 dwelling within the LDP, as it was found to meet the sustainability objectives.
There is no applicable presumption in favour of sustainable development, as set out in the NPPF, given that the Council can meet its housing needs.	It is noted that 5 year housing land supply should not be treated as a sealing point stopping new development. The site was designated for a minimum of 180 dwelling within the LDP, as it was found to meet the sustainability objectives.
The development would increase carbon emission due to its unsustainable location and lack of employment opportunities.	Noted and addressed in section 5.13.
The development would detract from the rural coast character of Burnham-on-Crouch.	Noted and addressed in sections 5.4 and 5.5 and 5.6 of the report.
Permission was granted for other developments, which have not been identified for development, resulting in a significant increase to those of the strategic sites.	It is noted that each application is assessed on its own merits. The provision of development within allocated sites, does not preclude the approval of other development outside them, as long as they constitute sustainable development.
To date there has been no improvement to the infrastructure.	It is noted that the local planning authority can only secure contributions through S106 agreements, based on local requirements and those requested by the relevant consultees. The local planning authority however, does not have any control over the way and time of the use of the contributions by the relevant departments, such as ECC Education Department or the Highway Authority.
The development will not have a benefit to the local community and it would only provide profit to the developer.	The development would increase the provision of much needed housing and it would provide a number of other social benefits, such as the provision of affordable housing, environmental benefits, such as the provision of a landscaped led development with enhanced green infrastructure and economic developments, deriving from the construction of new dwellings and further economic to the local economy from the future occupiers.
The development would reduce the amount of open space within the allocated site.	Noted and addressed in section 5.6.

Objection Comment	Officer Response
Impact on the capacity of the infrastructure of Burnham-on-Crouch which is already significantly constrained.	These matters are addressed on the ‘principle of development’ section of the report. Also refer to the relevant consultation responses (i.e. Highways and Sustainable Drainage Systems (SUDs)).
Lack of employment opportunities would increase the use of the existing road infrastructure and use of train.	The impact of the development on the highway network is discussed in section 5.8 of the report. The use of the railway network is considered positive as an alternative to private vehicle mode of transport.

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- To provide on-site affordable housing contribution of 40% (14 on site affordable units and a financial contribution of the remaining 0.4 of a property, which is a pro-rate commuted sum of £60,800) in accordance with Policy H1.
- To pay the Education Contribution of £56,447 index linked to April 2019 for early years and childcare places, £165,035 indexed linked to April 2019 for primary school places and £167,141 index linked to April 2019 for secondary school places to the County Council on or before the occupation date.
- To pay a contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy). Therefore, as the proposal is for thirty six dwellings, the fee is calculated at £4,402.80.
- Provide an on site LEAP, open space, footways, related lighting, street furniture, signage and all landscaping

PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with following approved drawings:
 - SDG1H8 EL
 - SDG1H8 FP
 - LSG1F7-FP-EL
 - SSG1F7-FP-EL
 - P204-FP-EL
 - P286-FP-EL

- DWB35-FP-EL
- DWB35-FP-EL (RENDER)
- P341-FP-DELTA
- P341-EL-DELTA
- HA69-FL
- H369-EL
- H436-FP
- H436-EL
- H588-FP
- H588-ELR
- SF58/59-FP-EL-DET
- SH50-FP-EL
- SH55-FP-EL
- DWB21-EP-EL
- DWB22-FP-EL
- H7660-2A-SP-012
- 2064 A3 05 B
- H7660-2A-SP-001 A
- 2064 A3 01 B
- 2064 A3 02 B
- 2064 A3 03 B
- 2064 A3 04 B
- 2064 A3 06 B
- H7660-2A-BD-010 A
- H7660-2A-BH-004 A
- H7660-2B-EW-008 Rev B
- H7660-2B-HM-009 A
- H7660-2A-MP-007 A
- H7660-2A-PP-005 A
- H7660-2A-RC-006 A
- H7660-2A-TP-003 A
- H7660-3A-SS-001
- H7660-3A-SS-0011
- H7660-300-01 B

- H7660-312-01 A
- H7660-312-02 B
- H7660-500-01 A
- 7420-D-AIA C

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

- 3 No development works shall occur 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 shall 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 as such in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

- Open market houses:
 - 13 two-bedroom dwellings
 - 5 three-bedroom dwellings
 - 3 four-bedroom dwelling
 - 1 five-bedroom dwelling
- Affordable housing:
 - 6 one-bedroom units
 - 7 two-bedroom units
 - 1 three-bedroom unit.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H1 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

- 5 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on plans no's 2064 A3 01B; 2064 A3 02B; 2064 A3 03B; 2064 A3 04B and 2064 A3 06B and specifications attached to and forming part of this permission shall be fully implemented.

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 replacement for it, is removed, uprooted or destroyed or 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.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 6 The development shall be implemented in accordance with the hard landscaping works as shown on plans no. H7660-2B-EW-008B and specifications attached to and forming part of this permission. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved and be retained and maintained as such in perpetuity.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 7 Prior to the occupation of the development hereby approved, the boundary treatment shall be implemented in accordance with the details shown on plans no. H7660-2B-EW-008B and specifications attached to and forming part of this permission. The boundary treatment shall be retained and maintained as such in perpetuity.
REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the approved Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 8 The development shall be implemented in accordance with Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan, dated 07.11.2019, revision C, prior to the first occupation of the development hereby approved. No other trees shall be removed or fell unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the visual amenity of the site in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 9 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.

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

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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 washing facilities

REASON: 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 BE1 and T2 of the Maldon District Local Development Plan, and policies D1 and T2 of the submitted Local Development Plan.

11 No development works above ground level shall occur 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 3.46l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change for the entire 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 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final detailed 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.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

12 Prior to 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.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure

mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

- 13 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.
REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.
- 14 No development works above ground level shall occur until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation 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.
- 15 Prior to the occupation of the development the vehicle parking shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and details hereby approved. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking area and associated turning area shall be retained in this form in perpetuity. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
- 16 Cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 17 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. The packs 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 approved Local Development Plan and the guidance contained in the National Planning Policy Framework.

- 18 The development shall be implemented in accordance with the ecological mitigation measures and ecological enhancements as set out in the submitted Ecology Impact Assessment, dated November 2019. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.
REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 19 The development shall be implemented in accordance with mitigation measures and recommendations included within the submitted Noise Assessment, dated 7 November 2019, prior to the first occupation of the development hereby approved.
REASON: To protect the environment and amenity of the future occupiers of the site in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.
- 20 The first floor windows on the side elevations of the dwellings adjacent to other dwellings and not the highway shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON: To protect the privacy and environment of people in neighbouring residential properties in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.
- 21 Notwithstanding the provisions of Class A, B, C, D, E and H of Part 1 and Class A and C of Part 2 of Schedule 2 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 shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 22 No development works above ground level shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.

- 23 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.

REASON: To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy II of the Maldon District Local Development Plan.

- 24 Prior to the first occupation of the dwellings hereby approved, the development shall be implemented in accordance with the waste management details included in the refuse collection plan no H7660-2A-RC-006 and be retained as such in perpetuity.

REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

- 25 Prior to the first occupation of the development hereby approved, the mitigation measures included within the submitted Air Quality Statement, dated October 2019 shall be implemented and be retained as such in perpetuity.

REASON: To minimise air pollution upon nearby property including residential properties, the adjoining rural countryside in accordance with policies D1 and D2 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework.

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.

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 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.

- 2 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The Public Right of Way (PROW) network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 4 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Parking arrangements have not been considered as Maldon District Council are the parking authority and retain their own standards.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

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 or by post to:

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

- 3 Searches have identified that there is an apparatus in the vicinity of the site which may be affected by the proposed development. For that reason, the Plan Protection should be notified as soon as possible of the decision of the Council.

It is noted that not all access points of the development meet the requirements of ADB: B5. However, it is noted that it is the responsibility of anyone carrying out building works to comply with the relevant Building Regulations. The application should be also reminded that additional water supplies for fire fighting may be necessary for this development. The building owners and developers are also urged to consider the installation of Automatic Water Suppression Systems.