



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**DISTRICT PLANNING COMMITTEE  
13 AUGUST 2020**

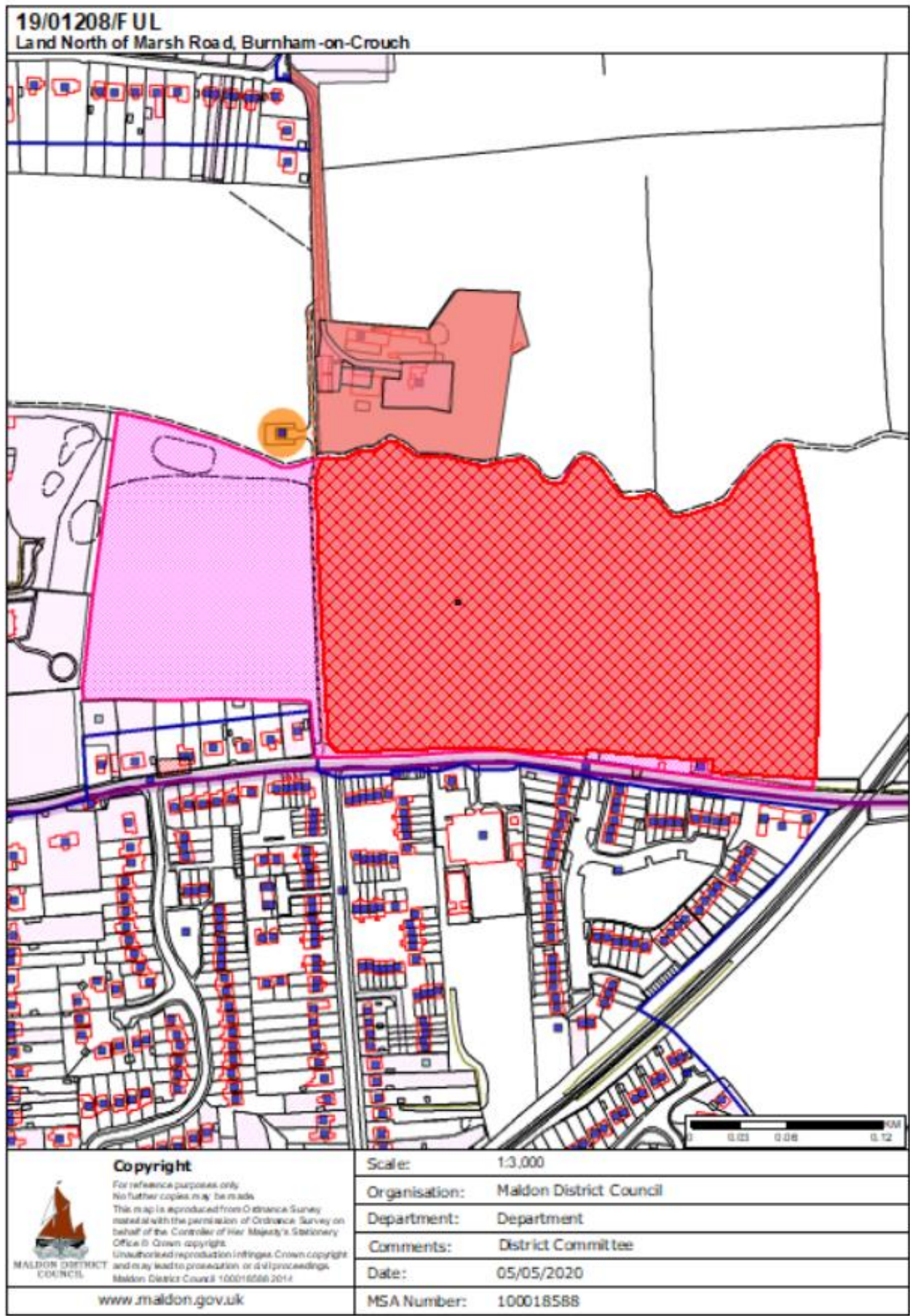
<b>Application Number</b>	<b>19/01208/FUL</b>
<b>Location</b>	Land North Of Marsh Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Residential development comprising the construction of 90 residential dwellings (Use Class C3), public open space, landscaping and associated infrastructure.
<b>Applicant</b>	Taylor Wimpey (East London)
<b>Agent</b>	Ms Catherine Williams - Savills
<b>Target Decision Date</b>	17.07.2020
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

**1. RECOMMENDATION**

**APPROVE** subject to S106 agreement and the conditions in section 8.

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The site is one of the allocated sites in Burnham-on-Crouch, known as S2(k), which is located to the north of Marsh Road, east of St Mary's Church and west of the railway lines linking Southminster with Burnham-on-Crouch. The site is allocated for a minimum of 90 dwellings within the Local Development Plan.
- 3.1.2 The site is arable land bounded by hedgerows along most of the boundaries, which are denser along the northern boundary along Pannel's Brook. A public footpath runs along the western boundary of the site. The northern part of the application site, along Pannel's Brook, is located within Flood Zones 2 and 3. Topographically the area is relatively flat with a slight fall from the southwestern corner to the north eastern corner.
- 3.1.3 The area is mainly residential to southwest, whilst to the north and east the site neighbours the open countryside. To the west, further along from the site there are a number of residential properties fronting Marsh Road. To the immediate west of the site is St Mary's Church, a Grade II\* listed building. St Mary's Primary School is located to the south of the site, within residential properties. To the north of the site, there appears to be a farm, including a number of agricultural structures and an associated residential unit. A dwelling, known as The Vines, is located along the southern boundary of the site in an unusually long and narrow parcel of land along Marsh Road.
- 3.1.4 In terms of accessibility, the site is located around 0.5 miles from the railway station. The nearest bus stops are 0.2 miles away from the site along Southminster Road, connecting the Town with Maldon, Chelmsford and the Dengie. Near the train station there is a secondary small local centre, while the main town centre is located approximately 0.9 miles away from the site. Ormiston Rivers Academy is located 0.3 miles away from the site. Burnham and St Mary's Primary Schools are directly to the south of the site.

##### *Description of proposal*

- 3.1.5 Planning permission is sought for the erection of 90 dwellings, with associated public open space, landscaping and related infrastructure at the allocated site, known as S2(k).
- 3.1.6 The development would be constructed solely on the western parcel of the strategically allocated site, to the east of the public footpath (PROW 242\_14). The development would be accessed from Marsh Road. A main spine road would lead from Marsh Road towards the east of the site, forming a straight road traversing the site parallel with the highway.
- 3.1.7 The development would be split into seven parcels of land. Three of them would be located to the north of the main spine road, three to the south and one larger parcel to the east of the site at the end of the spine road, creating a bookend to the development.

Secondary roads towards the north south, perpendicular to the spine road would be formed providing access to the dwellings. The area will be largely landscaped around the built parcels of land, predominantly along the northern boundary and the southeaster boundary. A Local Equipped Area of Play (LEAP) is proposed to the west of the entrance to the site. Two Sustainable Drainage System (SuDS) basins would be formed to the north and a small orchard has been designated to the southeast. A sub-station will be erected to the west of the main entrance of the site and a foul water pumping station to northwest.

3.1.8 The proposed development would provide the following dwelling mix:

- Market housing:
  - 32 no. two-bedroom dwellings
  - 13 no. three-bedroom dwellings
  - 9 no. four-bedroom dwellings
- Affordable units:
  - 11 no. one-bedroom units
  - 18 no two-bedroom units
  - 7 no. three-bedroom units

3.1.9 The proposed development would include 18 house types (12 market housing dwelling types and 6 affordable housing dwelling types) which are summarised as follows:

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Plots
Beauford	Two	4.7m	8.4m	5.1m	7.8m	12, 14, 20, 27, 33, 68, 77, 86, 89 (handed: 13, 15, 19, 26, 51, 67)
Beauford V1	Two	4.7m	8.4m	5.2m	7.9m	16, 52 (handed: 11, 32, 76, 85, 88)
Byford SP	Two	5.6m	9.4m	5.2m	8.3m	(handed: 24, 35)
Byford SP V1	Two	5.6m	9.4m	5.2m	8.3m	25, 36, 38, 50, 55 (handed 37, 49, 54)
Ardale	Three	8.6m	5.4m	5.2m	7.8m	18 (handed 6, 7, 22)
Kingdale	Three	8.7m	5.4m	5.1m	7.7m	31
Woodman	Three	9.7m (maximum)	8.5m (maximum)	5.3m	8.5m	53, 65 (handed: 78)
Woodman V1	Three	9.7m (maximum)	8.5m (maximum)	5.3m	8.5m	(handed: 28, 56, 69)
NA32	Three	5.1m	8.8m	5.1m	8m	8
NA32 V1	Three	5.1m	8.8m	5.1m	8m	9
Lanford	Four	9m	7.5m	5.1m	8.3m	17, 66 (handed: 23, 90)
Waysdale	Four	10.1m (maximum)	12.2m (maximum)	5.1m	7.8m	21 (handed: 10, 39, 87)
Waysdale V1	Four	10.1m (maximum)	12.2m (maximum)	5.1m	7.8m	34

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Plots
1B Apt Aff	One	16.2m (maximum)	17.6 (maximum)	5.5m	7.9m	40 to 45
2B House Aff	Two	5.2m	8.5m	5.1m	7.6m	30, 58, 71, 73, 80, 82 (handed: 63, 72, 74, 79, 81, 83)
2B House Aff V1	Two	5.2m	8.5m	5.1m	7.6m	64, 75, 84 (handed: 29, 57, 70)
3B House Aff	Three	5.2m	9.5m	5.2m	7.9m	47, 60, 62 (handed: 46, 59, 61)
3B House Aff V1	Three	5.2m	9.5m	5.2m	7.9m	48
1B Bungalows Aff	One	8.7m (maximum)	9.2m (maximum)	2.5m	4.2m	1, 3 (handed 2, 4, 5)

3.1.10 Garages are proposed to be installed in some of the properties (plot no's 17, 21, 34, 66, 90, 10, 23, 39, 87), which will have a gabled roof and would measure 7.3m deep, 3.3m wide, 2.6m high to the eaves, with a maximum height of 3.7m. Double carports are proposed to be erected between plots 71-72 and 73-74 measuring 6.4m wide, 5m deep, 2.6m high to the eaves, with a maximum height of 3.9m.

3.1.11 The application is supported by a Garden Area Plan (8.1318.205 Rev H) which shows that all 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 of garden space, with the exception of the property on plot 28, which will be served by a garden measuring 97.7sqm. A communal garden area of 191.1sqm would be secured for the proposed 6 one-bedroom flats which would exceed the minimum 25sq per flat requirements.

3.1.12 In terms of heights the proposed development, would feature one and two-storey houses. A two-storey block of flats is proposed to the southeast and five bungalows to the northwest.

3.1.13 In terms of external finishing materials, the submitted plans show the use of a mixture of red, multi, buff and brown bricks, sail boarding, black boarding and cream render. The rooves would be finished in brown, red and grey tiles and pantiles. All windows would be white UPVC and doors will be finished dark grey, white, pale and dark red. Porches, facias, soffits will be white UPVC and rainwater goods would be black UPVC.

3.1.14 Boundary treatments around the proposed dwellings will consist of 1.8m high brick walls or living green screens, where the boundary would be adjacent to a highway and 1.8m high close-boarded fencing to separate residential gardens or in areas where there is landscaping between the fence and highway.

3.1.15 A total number of 170 allocated parking spaces are proposed to be provided and 23 visitor parking spaces. All one, two and three-bedroom dwellings will be served by two off-street parking spaces, whilst the four-bedroom dwellings will be served by

three parking spaces, one within a garage. Seven and one visitor parking spaces will be provided for the block of one-bedroom flats on the southeast corner of the site.

- 3.1.16 Cycle parking would be provided either within the proposed garages or within the rear gardens of the dwellings. Separate cycle and bin storage will be provided for the block of one-bedroom flats.

### **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 90 dwellings. Furthermore, it is considered that sufficient provision for infrastructure, services and facilities will be provided as part of the development through conditions and a Section 106 (S106) agreement to meet the requirements of these policies.
- 3.2.2 The development is also considered to provide suitable provision of affordable housing and would also meet the identified need of the District for smaller residential accommodation. The development would not be harmful to the character and appearance of the area or site and nor would it be harmful to the amenities of the neighbouring occupiers, it would make adequate provision for off street parking and would not adversely impact upon habitats and protected species.
- 3.2.3 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, health care provision, highways improvements 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
- D3 Conservation and Heritage Assets
- 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 (7<sup>th</sup> 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.7 – Land at Burnham North (East)
- 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) (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)
- A Green Infrastructure Strategy for Maldon District (October 2018)

- Infrastructure Delivery Plan Update (May 2014)

## 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 Local Development Plan (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 and has therefore has had a sustainability appraisal carried out on it. On this basis the site is considered to be sustainably located.
- 5.1.4 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. 90 of these dwellings are allocated at the north east of Burnham-on-Crouch (S2(k)). Accordingly, the principle of residential development in land is acceptable and paragraph 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.
- 5.1.5 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*'.
- 5.1.6 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 I1 and having regard to the most recent evidence provided in the Infrastructure Delivery Plan.*

5.1.7 Furthermore Policy HO.7 of the Burnham-on-Crouch Neighbourhood Development Plan states that “*Development proposals should bring forward high quality designs that take account of the following factors:*

- *The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel’s Brook to the north;*
- *The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower;*
- *The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards that frontage;*
- *The delivery of a layout that reduces in both scale and density from south to north;*
- *The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and*

- *The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding.*

5.1.8 The proposal is for the erection of 90 units (dwellings and flats) at the allocated site to the north east of Burnham-on-Crouch. The proposed development would provide an amount of residential development that accords with the minimum delivery requirements of Policy S2 of the LDP and Policy S1 of the Burnham-on-Crouch NDP. On that basis, it is considered that the provision of residential development, which is of an amount that meets the minimum delivery requirements of the development plan, is acceptable in principle. Nevertheless, the acceptability of the development is subject to other policy criteria, as stated above and material planning considerations, which are further assessed below in each relevant section of the report.

5.1.9 Whilst the objection comments received from the Town Council and the public have been noted, given that the development site is an allocated site within the LDP and that Policy S2 sets out a minimum target of homes to be allocated within Burnham-on-Crouch rather than a maximum, it would not be reasonable to object to the principle of development on these grounds. Furthermore, whilst the matters in relation to Policies S6 of the LDP and HO.7 of the Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP) will be discussed in the relevant sections of this report, it is considered that sufficient provision for infrastructure, services and facilities will be provided as part of the development through conditions and a S106 agreement to meet the requirements of these policies.

## **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:
- Market housing:
    - 32 no. two-bedroom dwellings
    - 13 no. three-bedroom dwellings
    - 9 no. four-bedroom dwellings
  - Affordable units:
    - 11 no. one-bedroom units
    - 18 no two-bedroom units
    - 7 no. three-bedroom units
- 5.2.6 On the basis of the above, the proposed development would provide 59.3% smaller open market units and 40.7% of larger open market units. The percentage of the smaller affordable units would be 80.6%. Overall, when the development is taken as a whole, the percentage of smaller (one and two-bedroom units) units would be 67.8%. 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 0.63 of a dwelling. Therefore, it would have been unreasonable for 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 forms part of the strategic allocations in Burnham-on-Crouch and therefore, in accordance with policy H1 the affordable housing requirement is 40%. For the current development this equates to 36 units.
- 5.3.2 The proposed development would provide a total of 36 affordable units, including one-bedroom bungalows and flats and two three-bedroom dwellings. In terms of the tenure and size of the on-site units, the Council's Housing department has been consulted and originally advised that a tenure mix of 80% Social / Affordable rented and 20% Intermediate (Shared Ownership) would be required and a housing mix of 80% smaller units and 20% of larger (three or more) units. Provision of homes for older people is also supported. However, following further discussions the Council's Housing Department has advised that a tenure mix of 70% Social / Affordable rented and 30% Intermediate (Shared Ownership) would be acceptable.

5.3.3 The development proposes the following mix:

Dwelling Size	Affordable Housing Units	% of Affordable Housing
1 Bed Flat	6	17%
1 Bed Bungalow	5	14%
2 Bed House	18	50%
3 Bed House	7	19%
Total	36	100%

5.3.4 On the basis of the abovementioned mix the development would provide 81% of Affordable Housing as smaller units and 19% as larger units. In terms of the tenure mix, the submitted planning statement suggests that 70% of the affordable housing will fall within affordable rent and 30% shared ownership. Therefore, no objection is raised with regard to the proposed tenure or housing mix.

5.3.5 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.”*

5.3.6 The proposed affordable housing will be provided in full on-site, therefore, complying with Policy H1 of the LDP. The required 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 MDDG (2017).
- 5.4.6 The development proposes the erection of 90 residential dwellings on allocated site S2(k). The development would be contained within the eastern parcel of the allocated site. The development would be surrounded by large amounts of soft landscaping to all boundaries, with the widest being located along the north boundary along Pannel’s Brook, where the attenuation basins are proposed to be located. An orchard would be created to the southeast of the site and a Local Equipped Area of Play (LEAP) by the entrance of the site to the west. Further landscaping and trees would be planted within the main built up area of the site. Policy S6 requires development at the Strategic Allocations to make provision for increased and enhanced green infrastructure.
- 5.4.7 Having assessed the level of open space that has been provided, it is considered that adequate open green space has been incorporated to the development and the proposal has been designed taking into consideration the existing landscape features of the site, as required by section C02 of the MDDG. Furthermore, a LEAP is proposed to be formed along the public footpath adjacent to the entrance of the application site. It is considered positive that the LEAP has been located near the access of the site and adjacent to the public footpath, as this position would invite users from both inside and outside the site, creating an inclusive development. Therefore, it is considered

that the level of greenery and open space provided softens the urbanising impacts of the development. However, the finer landscaping details will be addressed in the relevant section below.

- 5.4.8 The site lies within a Coastal Farmland Landscape which is recognised as being substantially flat and artificially drained to create agricultural land; however, it is located immediately adjacent to one of the main towns of the District, where the predominant character is urban, defined by a series of streets, squares and courts. The proposed development would largely continue the build pattern of the town where the built-up areas fronting the streets follow an orthogonal grid rather than one made up of suburban cul-de-sacs. The proposed layout would reflect that of the main town of Burnham-on-Crouch rather than might normally be found on modern urban extensions. This is considered positive, as it is representative of the existing urban grain.
- 5.4.9 In terms of the orientation and positioning of dwellings, the development would have all properties facing towards the internal roads, private driveways or Marsh Road. It is therefore considered that the proposal would maintain an active frontage along the highway and the public open space. This is considered to result in a consistent approach in terms of the urban grain where properties front public areas.
- 5.4.10 In terms of the interrelationship of the units it is considered that a fairly strong building line has been followed by the units facing the main road, creating a distinct street edge and a sense of place. Furthermore, the buildings are located so that no awkward juxtapositions from forward projecting masses are created. Overall it is considered that the orientation of the residential units achieves an acceptable layout throughout the site.
- 5.4.11 The dwellings are also located within reasonably sized plots, with visual and spatial gaps between buildings, together with suitable back to back distances in each development block, which is discussed further below in relation to residential amenity.
- 5.4.12 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”*
- 5.4.13 The proposed development would provide a mixture of single and two-storey, detached and semi-detached dwellings, as well as a two-storey block of flats. In terms of their roof design, the properties would be a mixture of hipped (bungalows and flats) and gabled roofs which reflects the character of the wider area.
- 5.4.14 In terms of the design of the individual dwellings, it is noted that different styles and patterns of houses and materials have been incorporated into the development which offers a degree of visual interest. Furthermore, although the dwellings are of varying heights the submitted streetscene elevations demonstrate that the height differences are marginal and organic at roof level, whilst enabling eaves heights to maintain a street level relationship. This human scale to the development mitigates against -

dwelling types appearing contrived whilst fostering variation and architectural interest within the scheme.

- 5.4.15 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 the properties located on corner plots would incorporate positive fenestration on both elevations. This would avoid large expanses of blank unattractive walls whilst enabling dual directional integration of corner buildings into the wider street scape of these sometimes difficult to articulate junctions.
- 5.4.16 The proposed bungalows have been grouped together within their own north facing frontage to the northwest corner of the site, thereby creating a distinct characteristic within the site. Therefore, while they are of a lower height than the two storey properties to their east, they would not be read as part of the same street view, particularly given the street separation. For that reason, their relationship with the two-storey properties would not be visually discordant.
- 5.4.17 It is noted that some dwelling styles such as NA21 and NA32SP (Beauford) have been designed to reflect semi-detached dwellings. In this respect, the mirror image design provides a balanced fenestration which denotes a traditional appearance to the development. This is a welcome approach which further picks up design cues from the locality.
- 5.4.18 In terms of materials, the planning statement states that the materials have been influenced from the Listed Building's within the vicinity of the site and that the use of brick, timber cladding and pitched roofs reflects the historic aesthetic of the neighbouring buildings. This view is not disputed, and it is considered that the proposed use of traditional materials is characteristic and sympathetic of the surrounding area.
- 5.4.19 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 would be located to the northwest and within the southern and eastern parts of 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.
- 5.4.20 A block of flats of a two-storey height would be located at the southeast corner of the application site. This part of the site sits topographically lower than the western part and is also largely hidden behind vegetation and is not readily visible from the highway, which is raised over the railway lines. For that reason, it is considered that the position of the largest building, in terms of mass and scale, albeit not height, has been well considered in its urban design context and no objection is raised to its position at this part of the application site.
- 5.4.21 For most of the properties off-street parking is proposed to be provided on plot, to the side of each dwelling. There is small number of properties which are also provided by on plot garages or carports. There is only a limited number of units where

communal parking or parking in front of the dwellings is proposed. Communal parking is proposed for the block of flats to the southeast of the site and parking at the front of the dwellings would be provided for properties 46-48 and 79-82. It is noted these parking areas would include no more than eight parking spaces and therefore, it is considered that the amount of hardstanding would be limited to the extent that the development would not result in large car dominated frontages or unacceptable rear car parking courts. Furthermore, regular intervals of landscaping and trees have been included to minimise the negative impacts on the streetscene.

- 5.4.22 Plans CSA/3734/134 H and CSA/3734/135 H (Hard Landscaping Proposals) show that the internal estate roads will largely consist of tarmac and the driveways will be blocked paved. Whilst it would be preferable if the estate roads were block paved, it is understood that the road needs to be built to adoptable standards, and the fact that the driveways are blocked paved is a welcome addition to the site. The proposed use of Hoggin for the secondary pathways is considered to soften the impacts of the development.
- 5.4.23 In terms of boundary treatments, it is considered a positive approach to have brick walls and living green screens where residential boundaries abut the highway. It is noted in some instances, such as plots 1, 10, 34, 40-45 and 84 that 1.8m high close-boarded fencing is proposed adjacent to the public realm. However, it is noted in this instance that there are landscape buffers between the fence and the highway, or the dwellings abut green space opposed to the highway and so would have a lesser impact and would be read in relation to their context and siting. For these reasons it is considered that the proposed boundary treatments are acceptable.
- 5.4.24 In light of the above, it is considered that the development would be in keeping with the build pattern and overall character of the surrounding area and it would result in a largely landscaped led development, protecting the visual amenity of the area.

## **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 MDLDP 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 There are two designated heritage assets to the west of the application site, the settings of which would be affected by the proposed development. The parish church of St Mary is a Grade II\* listed building and Burnham Hall is a Grade II listed building.
- 5.5.3 The application is supported by a Heritage Statement, which concludes that the development would result in negligible harm to the setting of the church by way of the alteration to its setting as it is located c.200m west of the site. In terms of Burnham Hall that is located immediately to the west of the site, it was concluded that

during a winter site visit only limited, partially glimpsed views to the Hall from the field to the west of the site were identified. Therefore, it is suggested that the views are likely to be completely screened in the summer. Furthermore, the statement says that whilst the site has a historic relationship with Burnham Hall as associated agricultural land, the relationship has been severed. For this reason it was concluded that the development of the site would not result in harm to the Hall through the alteration of its setting.

- 5.5.4 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 a limited impact on the setting of the nearest buildings because of the intervening distance and vegetation. Furthermore, the preservation of the field immediately to the east of the church as undeveloped land would preserve a valuable part of the historic buildings setting. Therefore, the important views of the church from the public footpath would be preserved. It should also be noted that Historic England's consultation response accords with the comments made by the Conservation Officer.
- 5.5.5 In relation to Burnham Hall, the Conservation Officer considered that no harm would be caused to its setting and any harm to the setting of the parish church through interruption of some long views from Marsh Road and the application site would be minor.
- 5.5.6 The Conservation Officer's findings accord with those stated within the Heritage Statement. 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 D2 of the LDP requires green infrastructure to be incorporated into developments as a way of adapting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised.
- 5.6.2 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*".
- 5.6.3 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. Based on the SHMA, average household size by 2021 was calculated at 2.31. The development would result in a population of 207.9 (90 dwellings x 2.31 persons per household). As a result, the requirement for Public Open Space (POS) would be 0.47ha. The proposed LEAP will measure 466m<sup>2</sup> in area and the public Orchard

within the southeast of the site would measure approximately 1620m<sup>2</sup> in area. There is also an area of public open space within the north of the site which measures well in excess of the surplus 2,614m<sup>2</sup> of the required open space. Therefore, there is no objection in this regard.

- 5.6.4 With regard to the proposed LEAP (Local Equipped Area for Play), 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 detailed LEAP proposal, which shows that five different play equipment types would be provided, that the area would be fenced and bound by hedging with two pedestrian accesses, and two 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 future occupiers that meets requirements as set out in the Green Infrastructure Strategy.
- 5.6.5 In terms of the overall landscaping strategy it is considered that there is suitable soft landscaping proposed throughout the site. The majority of the soft landscaping is located to the north of the site, which is considered a positive element of the scheme, as it provides a transition between the built development within the site and the countryside to the north. Furthermore, the soft landscaping to the south of the site proposed a buffer between the development and Marsh Road. It is also considered, that there is sufficient tree, shrub and hedgerow planting provided throughout the estate roads, which will provide an attractive streetscene.
- 5.6.6 The Council's Tree and Ecological Consultant also consider that appropriate recommendations for planting have been proposed and the Tree Consultant suggests that the proposed shrub and tree mixes and their siting are largely acceptable, to provide amenity, biodiversity and ecological benefits. However, some amendments to tree species such as the Cherries proposed in front of Plots 9 and 90 and Sorbus trees adjacent to parking areas or paths, such as plot 70, were recommended to prevent the need for trees to be removed in the future as a result of surface displacement of slip hazards from dropped fruit. Following these comments, the proposed Cherry trees have been retained but with a root deflector specified for these in the planting specification and the Sorbus trees have been replaced with alternative species. Following further consultation with the Tree Consultant, the proposed changes are considered acceptable.

## **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 MDDG (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, by reason of the erection of a residential development to what currently comprises arable land. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the existing

neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area. This is supported by the submitted noise assessment.

- 5.7.3 The nearest properties to the application site are The Vines to the south of the application site and no. 14 Marsh Road to the west. The nearest proposed dwelling to The Vines is located around 30m away from the neighbouring dwelling itself. This separation distance is considered sufficient to mitigate against any unacceptable overlooking, overshadowing or dominance. A minimum of 47m distance would be maintained between plot 87 and no. 14 Marsh Road, which is a significant distance of separation to prevent the neighbours' amenity.
- 5.7.4 It is noted that a LEAP is proposed on the southwest part of the application site. The LEAP would be located 10m away from the western boundary of the site and would be physically separated by dense hedgerow. Whilst it is expected that the LEAP would generate noise, it is noted that a reasonable distance would be maintained between the play area and the neighbouring residential property and the physical barrier would help reduce the transferrable noise and disturbance. It is also noted that an established public footpath runs along the western boundary of the site, which provides access between Stoneyhills and Marsh Road, in close to no. 14 Marsh Road. It is therefore anticipated that the existing use of public footpath is greater, due to the proximity of the footpath to this neighbouring property, than that expected to be experienced by the proposed LEAP. As such, no objection is raised in terms of the potential impact of the development on the nearby residential properties.
- 5.7.5 All other residential dwellings would be located a further distance away from the application site and thus, no greater impact is expected to be caused by the proposed development.
- 5.7.6 In terms of the interrelationship of the proposed dwellings, it is considered that sufficient back to back distances would be maintained. The required 25m back to back distances are not provided in relation to Plots 1 & 10, 70 & 69, 64 & 53 and 56 & 57. However, the affected plots are 'L-shaped' dwellings and so although the minimum back to back distance is less than 25m, the bulk of the dwellings are set 25m or more from one and other. Furthermore, the elevation in closest proximity of the neighbouring dwelling in terms of the 'L-shaped' properties do not have windows in the rear elevation at first floor. Therefore, it is considered that sufficient back to back distances would be maintained to prevent undue loss of light or privacy and the dwellings would be positioned in such a way, they would not result in overshadowing or have an overbearing impact. Furthermore, it is noted that windows in side elevations of any dwelling styles which may result in overlooking have been omitted from the affected plots. Any other affected windows, for example the window serving the first-floor landing at Plot 33, do not serve habitable rooms and therefore, can be glazed in obscure glass. This will be secured via a condition.
- 5.7.7 It is noted that the southernmost plots located in closest proximity to Marsh Road may be subject to noise impacts resulting from traffic using that road. However, it is considered that subject to an appropriate condition requiring a schedule of glazing and ventilation for bedrooms and living rooms, designed to meet the noise criteria detailed in paragraph 4.17 of the Cass Allen Noise Assessment RP01-19251, it is considered

that the adverse impacts on health and quality of life from noise can be mitigated. This approach is in accordance with the comments made by Environmental Health.

- 5.7.8 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 Marsh Road and a primary internal road would run within the site from west to east. There are also several secondary internal roads proposed within the site which lead to shared surfaces and private drives.
- 5.8.3 The Highway Authority has been consulted and raised no objection to the proposed access. Therefore, no objection is raised in terms of the acceptability and safety of the access and highway network of the application site.
- 5.8.4 It is noted that originally there were eight drop off bays proposed within the site to accommodate school drop offs. However, following discussions between the developer and the Local Highway Authority, this was considered to be of little benefit and has now been omitted from the scheme. Nevertheless, a crossing to provide safe access to the primary school on the southern side of Marsh Road is still proposed and could be secured via a condition as the crossing is located within the red line boundary of the application site

### Trip Generation

- 5.8.5 The proposed development is supported by a Transport Statement (ST2847/TA-1908 Rev 1 August 2019), where the impact of the development on the local highway network are assessed.
- 5.8.6 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. The assessment has been based on 110 dwellings, rather than the 90 proposed, to provide a robust assessment.
- 5.8.7 On that basis, the total amount of trips that are expected to be generated at peak hours (am and pm) have been calculated at 65 two-way vehicle movements during the AM peak hour and 62 two-way vehicle movements during the PM peak hours compared to flows observed in 2019.

- 5.8.8 In terms of the impacts on nearby junctions the Transport Assessment highlights that there may be capacity issues at J5 (Maldon Road / Church Road) as the results show the minor arm of the junction to operate over the theoretical capacity in the 'with' development peak. Therefore, the report suggests that a contribution should be sought to mitigate against these impacts.
- 5.8.9 The Local Highway Authority also raised these concerns in their consultation response and noted that the development would likely lead to a queue of six vehicles forming on the link between the northern and western intersections of the junction, which is only of a sufficient length to accommodate three vehicles. Therefore, any vehicles waiting to turn right onto Church Road will cause an obstruction to southbound traffic. Consequently, a contribution of £11,600 is sought for improvements to this junction which will be included with the S106 agreement.
- 5.8.10 It is also noted that the Local Highway Authority has recommended a condition requiring that the existing bus stops either side of the B1021 Church Road (between the junctions with Marsh Road and the B1010 Maldon Road) to be improved through the provision of new poles, flags and timetable information display. The developer has agreed they are willing to provide these upgrades which can be secured via a Grampian condition.
- 5.8.11 Whilst it is noted that a number of objections have been received in relation to highway safety, given the comments received by the Local Highway Authority, contributions to junction improvements that will be sought through a S106 Agreement, and the recommended conditions it is not considered that the development will result in unacceptable highway safety risks or congestion.

#### Parking Provision

- 5.8.12 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.
- 5.8.13 The proposed development would provide a total number of 207 parking spaces, 23 of which will be visitor spaces. Plan 18.1318.203 Rev J shows that 170 of the spaces will be allocated and there will be 9 garages.

- 5.8.14 Having assessed the proposed parking plan it is considered that each dwelling will be provided with a sufficient number of vehicle parking spaces and the parking bays will measure to the requirements of the Vehicle Parking Standards.
- 5.8.15 In terms of cycle parking, the block of flats to the east of the site includes a secure cycle store to accommodate eight bicycles. It is also stated that cycle storage will be provided within the remainder of the site within gardens or garages. Given that the majority of the gardens are in excess of the required amenity space provision it is considered reasonable that cycle storage could be provided in this way. A condition can also be imposed ensuring that this cycle parking provision is secure, convenient and covered as required by the adopted Vehicle Parking Standards.
- 5.8.16 The submitted transport statement also states that an external fast charging point will be provided adjacent to at least one parking space for each new dwelling, with an electricity supply to meet future demands if required. This is in accordance with the required standards and can be agreed via a condition.
- 5.8.17 The majority of the off-street parking spaces would be provided on plot. However, some of the properties (plot No's 46-48 and the 1 bed flats on plots 40-45) on the southeast parcel of the site would be provided in a linear 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.
- 5.8.18 The proposed development would provide sufficient visitor parking spaces. A minimum of one visitor space per four dwellings is required; therefore, a minimum of 23 spaces, which the proposal would provide.
- 5.8.19 Having regard to the above, it is considered that the development would provide sufficient vehicle parking in accordance with Policies T1 and T2 of the LDP and the Maldon District Vehicle Parking Standards.

#### Public Right of Way

- 5.8.20 It is noted that there is a public footpath that runs along the western boundary of the site. The Public Rights of Way Team at Essex County Council was consulted and expressed concern that the development will increase the usage of the public footpath. Therefore, a condition has been recommended requiring the footpath to be hard surface from Marsh Road to the bridge across Pannel's Brook. This could be secured through the imposition of a Grampian condition which requires works on land not controlled by the Applicant.

### **5.9 Flood Risk and Water Drainage**

#### Flood Risk

- 5.9.1 The northern part of the application site is located within flood zones 2 and 3. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. A similar approach is taken by Policy D5 of the LDP which 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. Where development is not located in Flood

Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. However, paragraph 162 of the NPPF stated that “Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the planmaking stage, or if more recent information about existing or potential flood risk should be taken into account.”

5.9.1.1 The application has been supported by a Flood Risk Assessment (FRA) that highlights that all of the proposed housing development will be located within Flood Zone 1. As proposals classified as ‘water compatible’ such as amenity open space, nature conservation and biodiversity developments are considered appropriate for Flood Zone 3b, it is proposed to place the SuDS features, allotments, pumping station and other areas of open space within the northern part of the site.

5.9.1.2 As the application site is an allocated site within the LDP it is considered that the sequential test has already been carried out in accordance with paragraph 162 of the NPPF. In terms of the exception test, paragraph 160 of the NPPF highlights that it should be demonstrated that:

*a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

5.9.1.3 Very limited information has been provided with the application in relation to the exception test. However, it should be noted that the Environment Agency (EA) have been consulted on the application and are satisfied that all proposed development has been sequentially sited outside of the flood extent for a 1% (1 in 100) annual probability event, including a 65% allowance for climate change. Furthermore, they have also advised that using the indicative site level of 8.69m AOD as a worst-case scenario that finished floor levels will likely to be dry of flooding by 0.59m depth in this event. Likewise, finished first floor levels are likely to offer refuge above the 0.1% (1 in 1000) annual probability flood level of 8.2m AOD. Consequently, the flood hazard is considered very low and the proposal provides a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including a 65% allowance for climate change. The EA also consider that when considering the findings of the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals, it is indicated that there will be no danger to people.

5.9.1.4 Further to the above, it is noted that the exception test is only required in relation to developments classed as highly vulnerable within Flood Zone 2, for development relating to essential infrastructure in flood zones 3a and 3b and those which are more vulnerable in flood zone 3a. Given that water compatible uses are proposed within the areas of the site which are at higher risk of flooding, it is considered that the development will be safe for its lifetime and includes suitable drainage measures (discussed below) to ensure that flood risk will not be increased elsewhere.

Furthermore, given that the site is a strategic allocation and is essential to delivering a sufficient supply of housing within the District, along with the fact all housing will be located within Flood Zone 1, it is considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

- 5.9.1.5 Whilst a Flood Evacuation Plan has not been proposed, given the findings above, and the location of the built form within flood zone 1, it is not considered that it would be reasonable to refuse the application on these grounds. However, a condition should be imposed requiring a flood action plan, which requires the applicant/occupier to have a flood action plan in place to respond to any warnings issued by the EA. The details of which shall have been submitted to and improved in writing by the LPA prior to the first occupation of the development.

#### Surface Water Drainage

- 5.9.1.6 The application includes a surface water drainage strategy which is detailed within the Flood Risk Assessment. The strategy includes the use of two attenuation ponds located within the northern parcel of the site. Discharged surface water runoff from the site will be via an outfall to Pannel's Brook on the northern boundary of the site. Furthermore, Sustainable Drainage System (SuDS) techniques such as the use of porous paving and the attenuation ponds have been incorporated in order to comply with Policies D5 of the LDP and EN.2 of the BOCNP.

- 5.9.1.7 The Lead Local Flood Authority (LLFA) have reviewed the surface water drainage strategy and have advised that they have no objection subject to relevant conditions requiring a detailed surface water drainage scheme and management risk of off-site flooding, along with maintenance details of the SuDS features and pollution control. Having regard to the comments made it is considered that subject to the recommended conditions, the surface water drainage proposals are acceptable and will suitably deal with surface water at the site without increasing risk elsewhere in accordance with Policy D2 of the LDP and Policy EN.2 of the BOCNP.

#### 5.9.2 Foul Drainage

- 5.9.2.1 The submitted Flood Risk Assessment (FRA) includes the proposed foul water at Appendix G, which shows that it is intended to connect the site to the mains sewer. The existing foul water sewers passing through the site are to be diverted around the southern and western boundaries of the site, as shown in Appendix D of the FRA.

- 5.9.2.2 Anglian Water have been consulted on the application and have advised that although there is insufficient capacity to accept wastewater flows from the development they are obligated to accept the foul flows from the development and to take the necessary steps required to ensure there is sufficient treatment capacity should permission be granted. The sewage systems does however have capacity to accept flows into the sewage system. Therefore, there is no objection in regard to foul water.

### **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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.

- 5.10.2 The application is supported by a Garden Area Plan (18.1318.205 Rev H), which shows that the one and two-bedroom properties would be served by more than 50sqm and all other properties of three or more bedrooms would be served by more than 100sqm of amenity space with the exception of Plot 28 which will be served by 97.7m<sup>2</sup>. Furthermore, the flats within the eastern part of the site would have a shared amenity space of 191.1 sqm, which equates to 38sqm per flat and each flat would be served by a balcony measuring 2.3 sqm in area.
- 5.10.3 On the basis of the above, although Plot 28 is under provided for in terms of amenity space provision by 2.3m<sup>2</sup>, given the limited shortfall in provision and the fact that the dwelling is located opposite the public open space within the north of the site, it is not considered that it would be reasonable to raise an objection on these grounds. Therefore, it is considered 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.
- 5.10.4 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.

## **5.11 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 (EIA) (September 2019 CSA/3734/02) has been submitted in support of the application. The EIA aims to:
- establish baseline ecological conditions at the Site.
  - determine the importance of ecological features which could be affected by the proposed scheme.
  - identify any likely significant impacts or effects of the proposed development on Important Ecological Features, in the absence of mitigation, including cumulative impacts.
  - set out any measures necessary to effectively avoid or mitigate likely significant effects, and identify residual impacts.
  - identify any compensation measures required to offset residual impacts.

- set out potential ecological enhancement measures that could be delivered by the proposed scheme.
- confirm how proposed mitigation, compensation and enhancement measures could be secured.
- provide sufficient information to determine whether the project accords with relevant nature conservation policies and legislation, and where appropriate, to allow conditions or obligations to be proposed by the relevant authority.

5.11.3 The report advises that through the implementation of some mitigation and precautionary measures, no significant adverse effects are predicted. Furthermore, the scheme has the potential to deliver net gains for biodiversity through new habitat creation.

5.11.4 Following consultation with the Council's Ecological Consultant it is considered that subject to the measures identified in the Ecological Impact Assessment being secured and implemented through a condition then the development would be acceptable in ecological terms. However, to ensure that any potential impacts to Protected and Priority Species during the construction phase are mitigated a Construction Environmental Management Plan should be secured via a condition. This should include mitigation measures for Badgers, foraging and commuting bats, reptiles, amphibians, nesting birds and Hedgehogs. A wildlife friendly lighting scheme should also be secured, as recommended within the report.

5.11.5 As the site is currently of low biodiversity value, it is considered that the development will be sufficient to deliver measurable net gains for biodiversity and the ecological enhancement measures contained within the Ecological Impact Assessment are considered to provide reasonable ecological enhancement within the site.

5.11.6 Having regard to the above, 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.

5.11.7 The development is also supported by a Tree Survey, Arboricultural Impact Assessment including an Tree Protection Plan. The submitted Arboricultural report advises that the development would result in the need for five small trees to be removed in order for the access and footpath to be constructed. Given that these trees are of low quality and their loss will be mitigated by additional planting within the site, no objection is raised in relation to their removal. Furthermore, subject to the tree protection measures being carried out in accordance with the detail provided it is considered that the remaining trees will be suitably protected throughout the development.

## **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 Maldon District Council (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 ninety 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 in 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 £11,007. 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 MDLDP and the NPPF.

### **5.13 Other Material Considerations**

#### Contamination

5.13.1 Policy D2 of the LDP states that ‘*where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source.*’

5.13.2 Likewise paragraph 178 of the NPPF requires decisions to ensure that ‘*a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.*’

5.13.3 The application has been supported by a Geoenvironmental Site Investigation report (1920132-R01 (01) September 2019) which does not highlight any significant risk of contamination. Therefore, in accordance with the comments made by Environmental Health, it is considered that the site is suitable for the intended use with no need for further investigation or remediation.

### Archaeology

- 5.13.4 The application is supported by an Archaeological and Geo-Archaeological Evaluation dated December 2019. The report presents the methodology and results of an archaeological and geo-archaeological evaluation at the site. The Historic Environment Officer was consulted and has advised that recent fieldwork in Burnham-on-Crouch, including to the south of Marsh Road has produced evidence for extensive occupation for the later prehistoric and Roman periods. The geophysical survey submitted as part of the application has identified an undated ditch and the line of a spring shown on the 1<sup>st</sup> edn. OS map. However, the technique used was not one that would have identified the smaller or more ephemeral features identified on the neighbouring excavations. Furthermore, the gravels on the site comprise the Asheldham Gravels, which the Managing the Essex Pleistocene Project has identified as having a high potential for the Palaeolithic and Pleistocene periods.
- 5.13.5 Given the above and that Archaeological features and deposits are both fragile and irreplaceable, the Historic Environment Officer recommended that any development on site should be preceded by a programme of archaeological investigation which should be secured via appropriate conditions. In line with this advice, if the application is to be approved then full archaeological conditions should be imposed.

### Waste management

- 5.13.6 Section C09 of the 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 place and access of collection vehicles has been considered.
- 5.13.7 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

- 5.13.8 The application has not been supported by an Air Quality Statement. However, MDC in partnership with Essex County Council has drafted an Air Quality Action Plan 2020 – 2025 for the area of Market Hill, which was identified as 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 and it is considered unlikely that the resultant levels of air pollution originating from the site would not be considered harmful.
- 5.13.9 Notwithstanding the above, 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 to impose a condition requiring details of mitigation measures against air pollution.

### Broadband

5.13.10 Policy S1 of the LDP states that decisions will support the expansion of high speed broadband. Likewise, Policy S3 states that the Strategic Allocations must provide the requirements of site service and communication infrastructure, in particular high speed broadband, with minimal disruption and need for reconstruction and allow for future growth in service infrastructure. Therefore, to ensure that this Policy criteria is met and to ensure that the proposed development is sustainable the provision of superfast broadband should be secured via a condition.

### External lighting

5.13.11 Whilst the application has not been supported by details relating to external lighting it is considered that this could be addressed by way of a suitably worded condition to eliminate any adverse impact on existing wildlife, given that the site is neighboured with the countryside to the north and to protect the nearby neighbours' amenities.

### Permitted development rights

5.13.12 It is considered that any alterations / extensions to the roofs of the proposed dwellinghouses may result in an 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). Furthermore, for plots where the garden space is not in excess of the required standards, residential extensions may result in an unacceptable provision of private amenity space to the detriment of the living conditions of the occupiers. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for class A,B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### Other developer contributions

5.13.13 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”*.

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

### **Affordable housing**

5.13.15 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 36 affordable dwellings. The applicant proposes the provision of 36 on site affordable units. The details of the tenure and size of affordable units is further assessed in the relevant section of the report above.

## **Education**

5.13.16 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.

5.13.17 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 7.1 early years and childcare places, 23.7 primary school places and 15.8 secondary school places.

5.13.18 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 £123,870 index linked to April 2019.

5.13.19 It has been identified that both Primary Schools in Burnham-on-Crouch are currently full in most years groups and both were full in reception. It has been therefore advised that an additional 23.7 primary places would be required to be provided at an estimated total cost of £362,160 indexed linked to April 2019.

5.13.20 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 15.8 spaces would be required to be provided at an estimate cost of £366,781 index linked to April 2019.

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

## **Essex Coast RAMS contribution**

5.13.22 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 a S106 agreement.

## **Health Impact Assessment - Healthcare contribution**

5.13.23 The NPPF supports that planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. A Health Impact Assessment (HIA) is a useful tool to use where there are expected to be significant impacts.

5.13.24 According to Health Impact Assessment of Government Policy (2010) the HIA is to produce a set of evidence-based practical recommendations that will inform decision-makers on how best they can promote and protect the health and wellbeing of local communities they serve. The HIA should maximise the positive impacts and minimise the negative impacts of the policy and address health inequalities.

Recommendations for action and monitoring should be included within the document submitted.

- 5.13.25 The application is supported by a Health Impact Assessment which assessed the development against the Healthy Urban Development Unit (HUDU) criteria, which within others include the access to quality housing, the access to healthcare services and open space, the noise and air quality, the access to healthy foot and active travel. The assessment concludes that the development would have mostly beneficial impacts on the health of the Districts residents in most cases and instances where there are neutral impacts. However, the HIA states that no elements of the proposal are expected to have negative impacts on the health of the residents of the District.
- 5.13.26 The development would provide 2.1 hectares of green infrastructure which includes the provision of play space for children and young people. Furthermore, the HIA states that impacts relating to noise, dust, odours and vibration resulting from the construction works can be managed via a Construction Management Plan and air pollution will be reduced through the provision of more sustainable modes of transport. Furthermore, noise caused by traffic and commercial uses will be achieved through appropriate glazing which is addressed within the relevant section of this report.
- 5.13.27 Crime reduction is proposed to be achieved through natural surveillance. It is noted that the development would provide jobs during the construction phase and additional household expenditure during the operational phase. The proposed development will adopt sustainable construction measures to minimise waste and promote recycling during construction, while electric charging points for cars will be provided. The provision of energy efficient sustainable design measures and provision of drainage solutions are proposed to meet the climate change criterion. All the above are considered to overall positively influence the health and well-being of the future occupiers of the proposed residential development.
- 5.13.28 It should be also highlighted that one of the requirements for healthy communities is the access to healthcare services and other social infrastructure. Within the submitted HIA it is stated that the proposed development does not provide social infrastructure, health facilities or community services as part of the site. The applicant recognises that a capital contribution may be required to mitigate the primary healthcare impacts arising from the proposed development.
- 5.13.29 The NHS has been consulted and have advised that the development could generate approximately 216 residents and increase demand upon existing constrained services. The healthcare services within a 2km catchment or closest to the proposed development consist of the Burnham Surgery which is already exceeding its capacity. Therefore, it has been calculated that a contribution of £34,065 is required in order to provide the 14.811m<sup>2</sup> of floor space required for the predicted population growth of 216 people / patients.
- 5.13.30 The EIA notes that a contribution is likely to be required and this has been included in the Draft Heads of Terms. Therefore, given that this provision can be secured through a S106 agreement there is no objection in relation to the impacts on healthcare provision or the impacts of the development in relation to the health of the future occupiers.

## **LEAP contribution**

5.13.31 The provision of a LEAP area and the communal orchard 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.

5.13.32 The abovementioned developer contributions and obligations shall be secured through a S106 agreement which shall first be discussed and finalised with the Council.

## **5.14 Contribution to the Achievement of Sustainable Development**

5.14.1 As addressed in section 5.1 the site is considered to be sustainably located due to it being an allocated site within the LDP. Furthermore, the development would provide economic benefits during the construction stage and future residents would also be likely to make use of the existing services and businesses in the area, which will potentially increase local jobs and also contribute to the labour supply. Therefore, the development would create jobs, bring consumer expenditure, local force and Council tax revenue.

5.14.2 With regard to the social role, it is acknowledged that the development would contribute towards the supply of homes in the District by bringing forward a Strategic Site which has already been allocated to assist the District in housing growth. In addition to this, the development would provide the required amount of affordable housing in accordance with Policy H1 and will provide an appropriate amount of smaller units. Furthermore, the development will also contribute to required infrastructure improvements and additional services and facilities such as school places and healthcare facilities through the provision of S106 monies.

5.14.3 In relation to the environmental objective, extensive assessment of the impact of the development on the character of the area and heritage assets is assessed above in the relevant sections of the report in great detail. It is also noted that the development will incorporate suitable drainage proposals and would also provide sufficient public open space and green infrastructure. Furthermore, the development provides appropriate mitigation against the impact on nearby European Designated sites and will provide upgrades to sustainable modes of transport. The development will also provide net biodiversity gains in accordance with paragraphs 170 and 175 of the NPPF.

5.14.4 Having regard to the above, although the development will result in the loss of some landscape, given that the site is designated for housing and the proposal would achieve a suitable balance in regard to the three main objectives of sustainable development, the development on balance is considered sustainable.

## **5.15 Pre-Commencement Conditions**

5.15.1 Conditions 9, 10, 11, 12 and 27 proposed in section 8 below require details to be submitted prior to the commencement of development. This is because the conditions

relate to matters such as Archaeology, construction and environmental management and surface water drainage which will need to be dealt with prior to the commencement of the works to prevent any irreversible harm on ecology or archaeology and to ensure that the works are managed effectively during the construction phase.

- 5.15.2 The Applicant is providing their agreement to the inclusion of these pre-commencement conditions in a letter dated 26 June 2020.

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

- 5.16.1 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.
- 5.16.2 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.

**6. ANY RELEVANT SITE HISTORY**

- 6.1 There is no relevant planning history for this site.

**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"> <li>Although the site is an allocated site, additional unallocated sites have come forward taking up infrastructure capacity.</li> </ul>	<p>The development proposes the minimum number of dwellings allocated under the LDP. Whilst it is accepted that there are capacity issues within the District it is necessary to work with appropriate third parties, e.g. Essex County Council, to ensure that capacity is available or issues can be mitigated through planning obligations. The necessary infrastructure requirements can be secured via the S016 agreement. Therefore, it is not considered that the development would impact</p>

Name of Parish / Town Council	Comment	Officer Response
		on the Towns Infrastructure above and beyond what has already been factored into the LDP.
	<ul style="list-style-type: none"> <li>Breach of Policy S2 and S6 due to lack of school places.</li> <li>MDC have a 5YHLS without this site.</li> </ul>	<p>School place provision can be secured via a S.106 agreement. ECC has raised no objection to the proposal on school capacity matters.</p> <p>This is an allocated site and the housing delivery figure is a minimum not a maximum. Furthermore, the 5YHLS is a rolling figure that needs to be maintained throughout the plan period. Therefore, should planning permission be granted the site will contribute to the five year housing land supply in the coming years, when other developments which are currently contributing are built out and therefore, no longer can be factored into the 5YHLS figure. It is important to note that the allocated sites are to deliver the housing need for the entirety of the LDP.</p>
	<ul style="list-style-type: none"> <li>Detrimental impacts in the countryside the Church and Manor House contrary to Policies D1 and D2</li> </ul>	Addressed at sections 5.3 and 5.4

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<ul style="list-style-type: none"> <li>Highway safety risks due to proximity to the school. An application was dismissed at appeal in Norfolk for this reason.</li> <li>Design and bulk results in a contrived and dominant development.</li> <li>Overdevelopment of the site</li> <li>Air quality report is required</li> </ul>	<p>Addressed at section 5.8. The Local Highway Authority have not raised concern in relation to highway safety. Each application should be determined on its own merits and it is not considered that an appeal in Norfolk would form the basis for a reason for refusal.</p> <p>Addressed at section 5.4</p> <p>The site has been allocated for a minimum of 90 dwellings. Therefore, the density has not been exceeded. Please refer to section 5.4</p> <p>Addressed at section 5.13</p>

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Sustainable Drainage Systems	No objection subject to conditions requiring a detailed surface water drainage scheme and risk of off-site flooding.	Addressed at section 5.9
NHS Property Services	<p>The proposed development is likely to have an impact on 1 surgery operating within a 2km radius of the application site, which does not have capacity for additional growth.</p> <p>The development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area. Therefore the impacts need to</p>	Addressed at section 5.13

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>be fully assessed and mitigated.</p> <p>A contribution calculation has been provided. The development could generate approximately 216 residents and increase demand upon existing constrained services. If unmitigated the implications of the development would be unsustainable.</p> <p>The development would give rise to the need for improvements to capacity, by way of improvement, reconfiguration or relocation of existing healthcare facilities for the benefit of the patients of the Burnham surgery. Therefore, a contribution of £34,065 is required to create additional floor space This should be secured through a S106 and should be paid prior to the commencement of the development.</p>	
Archaeology	No objection subject to conditions.	Addressed at section 5.13
Education	No objection subject to the relevant contributions to be secured through a S106 Agreement.	Addressed at section 5.13
Essex Bat Group	No response received to date	Noted
Natural England	A Habitats Regulation Assessment should be carried out as the site falls within the Zone of Influence for European Designated Sites, to secure any necessary mitigation.	Addressed at section 5.12
Environment Agency	<p>No objection</p> <ul style="list-style-type: none"> <li>The site lies within the flood extent for a 1% (1 in 100) annual probability event, including a 65% allowance for climate</li> </ul>	<ul style="list-style-type: none"> <li>Flood risk is addressed at section 5.9</li> </ul>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>change. All development has been sequentially location outside of the flood extent for a 1% (1 in 100) annual probability event including a 65% allowance for climate change.</p> <ul style="list-style-type: none"> <li>• The proposed finished ground levels are above the 1% (1 in 100) annual probability flood level including a 65% allowance for climate change of 8.1m AOD and therefore likely to be dry of flooding by 0.59m depth in this event.</li> <li>• Flood resilience/resistance measures are not proposed.</li> <li>• Although finished floor levels are unknown, there is likely to be refuge above the 0.1% (1 in 1000) annual probability flood level of 8.2m AOD.</li> <li>• Flood hazard is very low in the 1% (1 in 100) annual probability flood event including a 65% allowance for climate change.</li> <li>• Proposal has safe means of access in the event of flooding from all new buildings to an area wholly outside the</li> </ul>	<ul style="list-style-type: none"> <li>• These could be agreed via a condition but given that the built form is located in Flood Zone 1, such a condition is not considered necessary.</li> </ul>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>floodplain up to a 1% (1 in 100) annual probability including a 65% allowance for climate change flood event. A Flood Evacuation Plan has not yet been proposed.</p> <ul style="list-style-type: none"> <li>• Flood proofing measures are recommended</li> <li>• Supporting information and calculations should be submitted to provide certainty that the buildings will be constructed to withstand water pressures.</li> <li>• In relation to likely durations, depths, velocities and flood hazard rating against the design flood event for the development proposal, it is indicated that there will be no danger to people.</li> </ul>	<ul style="list-style-type: none"> <li>• These could be incorporated at the building regulations stage.</li> <li>• This would be required at the building regulations stage.</li> <li>• Addressed at section 5.9</li> </ul>
Public Rights of Way	Footpath improvements are required to footpath No. 14. This can be secured via a condition	Addressed at section 5.8

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Anglian Water Services	<p>No objection – there is insufficient capacity to accept wastewater flows from the development but Anglian Water are obligated to accept the foul flows from the development and to take the necessary steps required to ensure there is sufficient treatment capacity should permission be granted.</p> <p>The sewage systems does however have capacity to accept flows into the sewage system</p>	Addressed at section 5.9
Local Highway Authority	No objection subject to conditions and contributions.	Addressed at section 5.8
Essex Wildlife Trust	The Ecological Enhancement and Management Plan should be secured via a condition to ensure the delivery of biodiversity net gain for this project	Addressed at section 5.11
Historic England	No objection - Historic England are satisfied that the proposals as formally submitted; comprising 90 dwellings located solely in the eastern field beyond the historic field boundary and in accordance with the allocation in the Local Plan, would ensure sufficient open space would remain between the church yard and the western boundary of the site. Whilst some harm would be caused to the setting of the designated heritage assets by the proposals for 90 dwellings, the level of that harm could be justified when set against the site's Local Plan allocation.	Addressed at section 5.5

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Fire and Rescue	<p>The access meets the requirements in ADB B5</p> <p>Additional water supplies for fire fighting may be necessary</p> <p>Sprinkler systems are recommended</p>	Noted and informatives can be included
Cadent Gas	No objection in principle	Noted
Essex Police – Designing out Crime	Further detail would be required in relation to lighting, boundary treatments and physical security measures	Noted

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Waste Management	Following revisions which consists of moving the bin store adjacent to plots 46 and 49 and adding a collection point to the front of plots 60 and 59 there is no objection	Addressed at section 5.13
Urban Design	No objection to the detailed design, including layout, appearance, scale, landscape and access or in terms of Strategic Policy	Noted
Ecology	<p>The measures identified in the Ecological Impact Assessment should be secured and implemented. A Construction Environmental Plan should be implemented for the application, to ensure measures are outlined and implemented to avoid any potential impacts to Protected and Priority Species during the construction phase. This should include mitigation measures for Badgers, foraging and commuting bats, reptiles, amphibians, nesting birds and hedgehogs.</p> <p>The LPA is advised to secure a</p>	Addressed at section 5.11

Name of Internal Consultee	Comment	Officer Response
	<p>financial contribution for delivery of visitor management measures in line with the per dwelling tariff of the Essex Coast RAMS to avoid adverse effects on the integrity of the European Designated Sites.</p> <p>Protected species – a wildlife friendly lighting scheme will need to be provided through a condition as recommended within the submitted Ecological Impact Assessment. Suggested measures have been provided to avoid impacts on bats in relation to lighting.</p> <p>Landscaping and Biodiversity – appropriate recommendations for planting have been proposed throughout the scheme. Suitable management and aftercare measures will also be delivered.</p> <p>The landscape proposals will be sufficient to deliver measurable net gains for biodiversity as the application site is situated on agricultural land with low biodiversity value. The outlined reasonable ecological enhancement measures proposed within the Ecological Impact Assessment is approved of.</p> <p>The ecological enhancements and management of this feature should be outline within a Biodiversity Enhancement Strategy which could be secured via a condition. This must include further details of the management and aftercare of the proposed orchard area and this is not addressed within the Landscape Management</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>Plan.</p> <p>The use of the Defra Biodiversity Metric is not required prior to determination, but could be secured retrospectively within the proposed Biodiversity Enhancement Strategy if considered appropriate.</p>	
Housing	<p>Strategic Housing Services fully supports this Application that is providing a range and size of affordable housing for both general needs and older persons and therefore assists in meeting the Affordable housing needs identified for this District.</p> <p>36 units (40%) should be provided. The Applicant proposes the following units of affordable accommodation:</p> <p>6 x 1 bed 2 person flats  5 x 1 bed 2 person bungalows  18 x 2 bed 4 person houses  7 x 3 bed 5 person houses</p> <p>The recommendation on tenure mix is 70% Social/Affordable Rented and 30% Intermediate (Shared Ownership).</p> <p>Strategic Housing Services are in agreement that the Applicant provides an Affordable Housing Strategy detailing size of units, tenure, and location as part of the Section 106 Agreement to the satisfaction/agreement of the Council.</p>	Addressed at section 5.3

Name of Internal Consultee	Comment	Officer Response
Tree Consultant	The amended soft landscape plan has swapped some trees with a non-fruiting Prunus species, which is acceptable. It is advised that when planting, consideration is given to putting root deflectors in some locations close to kerb lines and hard surfaces to prevent future displacements.	Addressed at section 5.6
Conservation Officer	The proposed development would result in minor harm to the setting of Burnham parish church. The degree of harm would fall well below the high threshold of “substantial harm”. In accordance with paragraph 134 of the NPPF, this harm must be weighed against any public benefits anticipated to arise from the proposal, having first been given special regard following the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. I suggest that the minor harm caused would be outweighed by the benefits of the scheme.	Addressed at section 5.5
Environmental Health	<p>No objection in principle – Enhanced glazing may be required to certain facades of the southernmost plots to protect against road traffic noise from Marsh Road. This can be secured via a condition.</p> <p>The combined phase I and phase II initial risk assessment and site investigation reports do not highlight any significant risk of contamination and therefore, the site is considered suitable for its intended use with no need for further investigation or remediation.</p>	<p>Addressed at section 5.7</p> <p>Addressed at section 5.13</p>

## 7.4 Representations received from Interested Parties

7.4.1 26 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
Layout and impact on the Church is contrary to BOCNP Policies.	Addressed at section 5.4
Insufficient infrastructure as a result of other permissions and developments.	Addressed at section 5.1
Highway congestion and safety issues.	Addressed at section 5.8
There are Fox, Rabbit and Badger sets in the application site	Addressed at section 5.11
There has to be a legal limit on how many houses are allowed to be built	There is not a limit on housing delivery. Addressed at section 5.2
Lack of Doctor, Dentist and school places	The site is an allocated site and the relevant contributions can be provided through a S106 agreement.
More residents and less Police causes crime issues.	Police resourcing is not a material planning consideration
There is only one road in and out of Burnham	Access is addressed at section 5.8
Light pollution impacts	Addressed at section 5.13
MDC can demonstrate a FYHLS	Addressed at sections 5.1 and 5.2. This is an allocated site and the housing delivery figure is a minimum not a maximum. Furthermore, the 5YHLS is a rolling figure that needs to be maintained.
Policy S2 states that a minimum of 450 dwellings will be provided in Burnham over 15 years. The level of growth needs to be limited due to infrastructure constraints	Policy S2 states a minimum not a maximum. The required infrastructure contributions can be met through a S106 agreement.
The employment allocations are not being delivered which will mean people have to travel further causing traffic congestion	Access is addressed at section 5.8.
Highway safety issues in relation to the nearby school.	Access is addressed at section 5.8
Lack of sewer capacity	Addressed at section 5.9
The road layout suggests the field to the west is still intended to be built on	The application must be assessed on what is being proposed now and not speculative future plans.
Flood risk concerns in relation to surface water	Addressed at section 5.9

<b>Objection Comment</b>	<b>Officer Response</b>
Development doesn't accord to the rural and coastal design principles set within the LDP and BOCNP. Nor is the development in keeping with the local heritage contrary to Policy HC.2 of the BOCNP.	Addressed at section 5.4
Layout is contrary to Policy HO.7 of the BOCNP which envisaged north-south street layouts with multiple accesses onto Marsh Road. The density does not reduce from south to north and nor is it in keeping with the design on the Marsh Road frontage.	Policy HO.7 of the BOCNP requires density to reduce from south to north, which given the siting of the public open space to the rear of the site, the proposal is considered to achieve this. It does not appear to require multiple accesses. Please refer to section 5.4 in relation to design and layout.
Infants won't be able to cross the road safely from the proposed drop off points	The drop off point is no longer proposed but a new crossing from the development to the school is proposed.
The LEAP is too small	Addressed at section 5.6
Insufficient pavement widths	2m wide pavements are provided, which accords with Essex Standards.
Lack of employment opportunities.	Burnham-on-Crouch is considered a main town with suitable employment opportunities.
New developments are not selling	This is not a material planning consideration
The Dengie needs to stay rural	This is an allocated site for development. The allocation and delivery of this site helps protect the wider countryside from inappropriate development as it aids the Council in ensuring it delivers a five-year housing land supply on suitable sites.
Dwelling design is out of keeping with the plan for sympathetic styles of houses.	Addressed at section 5.4
New services and facilities should be opened before the development can go ahead.	There are no services and facilities proposed as part of this development, so it is not possible to control when they come forward. However, the developer will provide necessary contributions which will have to be used to bring new services and facilities forward. Without the granting of planning permission these funds could not be obtained to deliver the required infrastructure.

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% (36 on site affordable units) in accordance with policy h1.
- To pay the education contribution of £123,870 index linked to April 2019 for early years and childcare places, £362,160 indexed linked to April 2019 for primary school places and £366,781 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 £11,007.
- Provide an on site leap, open space, footways, related lighting, street furniture, signage and all landscaping.
- To provide a healthcare contribution to be agreed in consultation with the NHS.
- To provide highway contribution of £11,600 for improvements to the Maldon Road / Church Road junction.

**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 and retained in complete accordance with following approved drawings:

• 18.1318.103 Rev Q	• 18.1318.P1.441 Rev A
• 18.1318.102 Rev B	• 18.1318.P1.442
• 18.1318.200 Rev K	• 18.1318.450
• CSA/3734/138 Rev H	• 18.1318.451
• 18.1318.100 Rev T	• 18.1318.470 Rev B
• 18.1318.201 Rev J	• 18.1318.471 Rev B
• 18.1318.202 Rev J	• 18.1318.490 Rev A
• 18.1318.203 Rev J	• 18.1318.491
• 18.1318.206 Rev J	• 18.1318.492 Rev A
• 18.1318.300 Rev D	• 18.1318.495
• 18.1318.410	• 18.1318.496
• 18.1318.411	• 18.1318.510
• 18.1318.420 Rev A	• 18.1318.511
• 18.1318.P1.430	• 18.1318.P1.520
• 18.1318.P1.440	• 18.1318.P1.521

- 18.1318.530 Rev A
- 18.1318.540
- 18.1318.800 Rev A
- 18.1318.801
- CSA/3734/136 Rev H
- CSA/3734/132
- CSA/3734/134 Rev H
- CSA/3734/135 Rev H
- CSA/3734/137 Rev H
- 18.1318.802
- 18.1318.205 Rev J

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

- 3 The development hereby permitted shall be undertaken using only the materials set out within plan 18.1318.200 Rev K hereby approved.

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.

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

Open market houses:

- 32 no. two-bedroom dwellings
- 13 no. three-bedroom dwellings
- 9 no. four-bedroom dwellings

Affordable units:

- 11 no. one-bedroom units
- 18 no two-bedroom units
- 7 no. three-bedroom units

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.

- 4 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 3734\_136 H, 3734\_137 H and 3734\_138 H 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.

- 5 The development shall be implemented in accordance with the hard landscaping works as shown on plans no. 3734\_134 H, 3734\_135 H and 3734\_138 H 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.
- 6 Prior to the occupation of the development hereby approved, the boundary treatments shall be implemented in accordance with the details shown on plans nos. 3734\_134 H and 3734\_135 H 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.
- 7 The development shall be implemented in accordance with Tree Survey, Arboricultural Survey, Impact Assessment and Tree Protection Plan C.2789, 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.
- 8 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.
- 9 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.

10 No development shall take place, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The CEMP is not required to include initial badger sett enabling works which will be controlled by Natural England through the relevant licensing process. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and protect priority species in accordance with policy N2 of the Maldon District Local Development Plan.

11 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 6.6l/s within catchment A and 5.8l/s within catchment B for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Demonstrate that all storage features have incorporated a 10% urban creep allowance.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

- 12 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

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

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 The development shall be implemented in accordance with the ecological mitigation measures and ecological enhancements as set out in the submitted Ecology Impact Assessment (CSA/3734/02), dated September 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.

- 20 "A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

**REASON:** To improve and enhance biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.

- 21 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.
- 22 Notwithstanding the provisions of Class A, B, C, D and E 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.
- 23 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. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All 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.
- 24 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 I1 of the Maldon District Local Development Plan.
- 25 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 18.1318.202 Rev J 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.

- 26 Prior to any works above ground level a scheme of mitigation against air pollution shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented prior to the first occupation of the development.

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.

- 27 No development including any site clearance or groundworks of any kind shall take place within the specific area of the site shown on the RPS drawing entitled 'Burnham on Crouch - Planning Ref: FUL/MAL/19/01208 – Current archaeological sign off plan' (Drawing Ref: 25729 06.12.19) until the applicant or their agents; the owner of the site or successors in title has secured the implementation of the programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The staged archaeological work shall begin with the additional archaeological trial-trenching as shown on RPS Drawing Ref: 25729 06.12.19. This phase of evaluation will enable the full extent of archaeological interest to be identified for subsequent full archaeological excavation. The identified archaeological excavation area/s will be completed, in accordance with an excavation methodology as set out in the written scheme of investigation, ahead of development groundworks within the specified areas. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON:

To protect the site which is of archaeological interest, in accordance with policy D3 of the Maldon District Local Development Plan.

- 28 Prior to first occupation of the development, the developer shall implement the access arrangements for the proposed development, as shown in principle on Drawing no ST-2847-07 in Appendix F of the Transport Assessment. This should include but not be limited to:

- Providing pedestrian dropped kerbs and tactile paving immediately to the west of the proposed vehicle access and to the front of St Mary's School, with the precise location to be agreed with the Local Planning Authority; and
- Providing a minimum 2 metre width pedestrian footway across the site frontage and into the development.
- Any Traffic Regulation Orders required in the provision of the site access.

- REASON: In the interests of highway safety, efficiency and accessibility, and to ensure suitable pedestrian access is provided in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 29 The pedestrian crossing to be provided on Marsh Road, as shown on plan 18.1318.203 Rev J (Parking Layout) and detail subject of condition 28 shall be provided prior to the first occupation of the development.
- REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 30 Prior to first occupation of the development, public footpath no 14 shall be improved to include hard surfacing from Marsh Road to the bridge across Pannel's Brook with full details to be agreed with the Highway Authority. There shall also be no additional planting within 2 metres of the footpath.
- REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 31 Prior to first occupation of the development, the existing bus stops on either side of the B1021 Church Road (between the junctions with Marsh Road and the B1010 Maldon Road) shall be improved to Essex County Council specifications. Both northbound and southbound stops shall be provided with new poles, flags and timetable information display.
- REASON: To promote public transport and accessibility in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 32 A schedule of glazing and ventilation for bedrooms and living rooms shall be designed to meet the noise criteria detailed in paragraph 4.17 of the Cass Allen Noise Assessment RP01-19251 submitted as part of the application. The glazing scheme shall be implemented prior to occupation.
- REASON: To avoid, mitigate and minimise adverse impacts on health and quality of life from noise 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.
33. The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.
- REASON: To ensure that the development is safe in terms of flood risk, in accordance with Policy D5 of the LDP
34. The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood plan shall previously have been submitted to and agreed in writing by the local planning authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.
- REASON: To ensure that the development is safe for its occupants in terms of flood risk, in accordance with Policy D5 of the LDP.

## **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 a requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

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

- 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](mailto: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.