



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
23 JANUARY 2024**

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

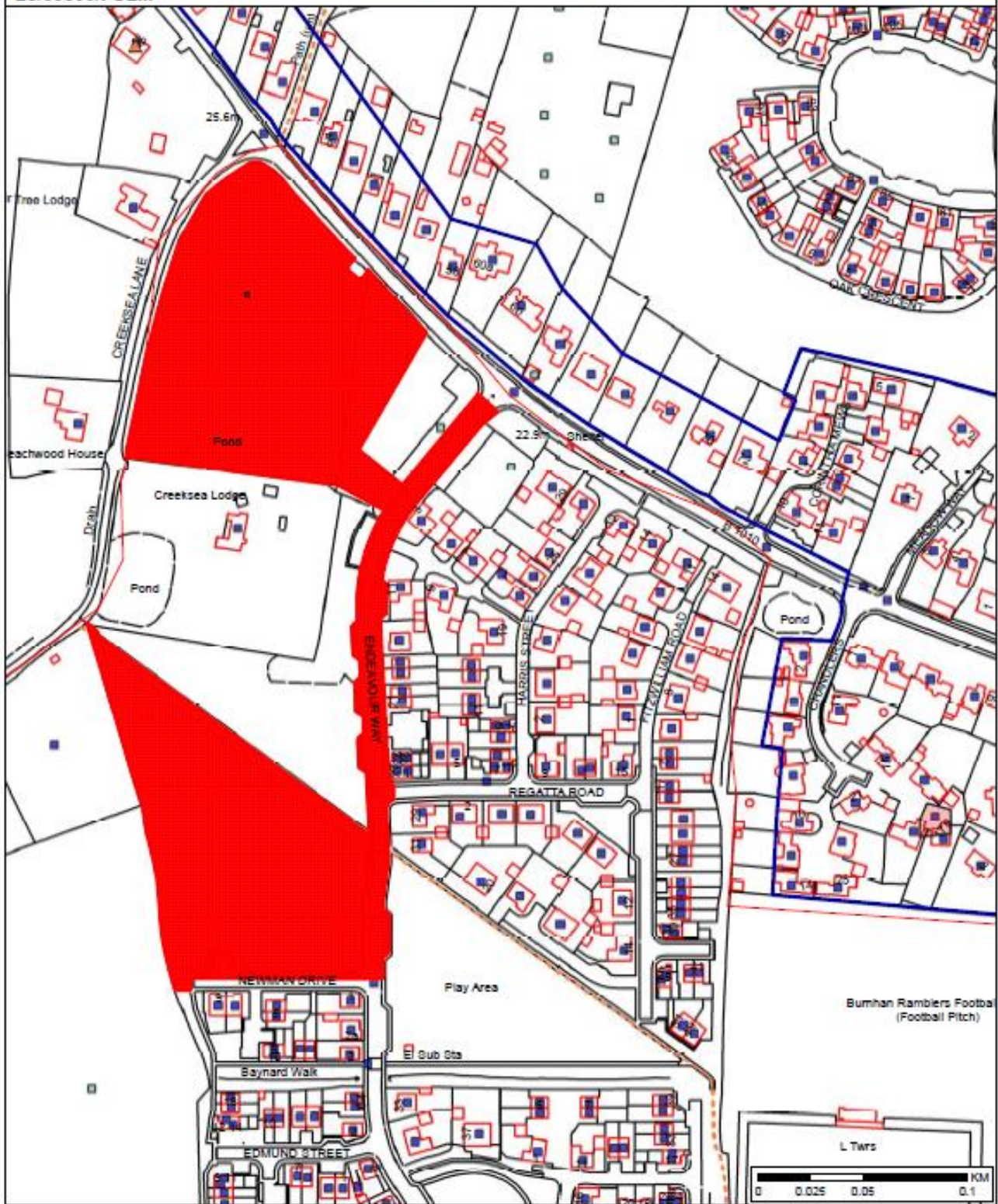
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Land Bounded By Maldon Road And Creeksea Lane - Burnham On Crouch
 23/00500/FULM



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 Maldon District Council 100018588 2014



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|---------------|-------------------------|
| Scale: | 1:2,500 |
| Organisation: | Maldon District Council |
| Department: | Department |
| Comments: | District Committee |
| Date: | 05/01/2024 |
| MSA Number: | 100018588 |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the south of Maldon Road and to the east of Creeksea Lane. The application site is located outside the settlement boundary of Burnham-on-Crouch, but forms parts of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for 180 dwellings.
- 3.1.2 The Site is located to the north-west of Burnham-on-Crouch and is approximately 1.5 miles (2.4km) walking distance from the town's high street shopping area and its associated amenities.
- 3.1.3 The Site principally comprises two parcels of land connected via an existing spine road, Endeavour Way. In total the Site extends to 2.49 hectares (ha). Parcel 1, the northern parcel of the Site comprises 1.4ha and is located on the corner of Creeksea Lane and Maldon Road, to the north of Creeksea Lodge and north-west of the site for the approved gatehouse dwelling (yet to be constructed Plot 173 of planning permission FUL/MAL/14/00356) on the corner of Maldon Road and Endeavour Way. This part of the site connects to the existing spine road, Endeavour Way, and follows the road south to the second area of the Site. Parcel 2 is the southern parcel of the site, comprising 1.09ha, and is located to the south of Public Right of Way (PRoW) no.4 and to the north of existing dwellings that front the Endeavour Way spur road.
- 3.1.4 The site is vacant and does not contain any built form.
- 3.1.5 Existing residential development and associated landscaped open space extends to the east and south of the Site, comprising development off Endeavour Way.
- 3.1.6 Between the two parcels is the dwelling house known as Creeksea Lodge, a two storey dwelling.
- 3.1.7 To the north of the site is Maldon Road which is lined by residential properties consisting mostly of detached dwellings on large plots. The two storey dwellings of Fir Tree Lodge and Beachwood House are also located opposite the Site, on the western side of Creeksea Lane.
- 3.1.8 The application site benefits from extant planning permission. FUL/MAL/14/00356 (granted in August 2017) which established the principle for the residential development of the land (approximately 22 hectares) to provide 180 new dwellings, including 72 affordable dwellings and all associated development including the provision of new accesses onto Maldon Road, provision public open space, spine road and all relevant infrastructure. The proposal also included Outline permission for a 50-60 bed care home, nursery, 3.4 hectares of B1, B2 and B8 uses and 0.65 hectares of allotments.
- 3.1.9 This full planning application follows the recent completion of 210 dwellings and associated works on the Strategic Allocation implementing the detailed elements of planning permission FUL/MAL14/00356, and subsequently amended by FUL/MAL/18/00093, and FUL/MAL/18/01424, together with that approved under 19/01257/FUL (subsequently appended under 21/00163/NMA).

3.1.10 The Site lies within Flood Zone 1 as identified in the Environment Agency's (EA's) Flood Map and therefore has a low probability of flooding from rivers and the sea.

Description of proposal

3.1.11 Planning permission is sought for the erection of 37 dwellings together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.

Parcel 1 (the northern parcel)

3.1.12 The application proposes 11No. five-bed market dwellings, with a new vehicular access from Maldon Road serving 8No. dwellings and a new vehicular access from Creeksea Lane serving 3No. dwellings. The dwellings are all two-storey, detached dwellings served by double garages, or in the case of Plot 9 a triple garage, with car parking spaces to the front.

3.1.13 The southern part of Parcel 1 features an attenuation basin, public open space and a pedestrian footway that links to Endeavour Way.

Parcel 2 (the southern parcel)

3.1.14 Parcel 2 comprises 26No. dwellings comprising 13 market housing dwellings and 13 affordable dwellings. The mix of dwellings is as follows:

Market housing

5No. 3 bed bungalows
2No. 2 bed, 2 storey dwellings
4No. 3 bed, 2 storey dwellings
2 No. 4 bed, 2 storey dwellings

Affordable housing

2No. 1 bed bungalows
4No. 1 bed, 2 storey dwelling
4No. 2 bed, 2 storey dwellings
3No. 3 bed, 2 storey dwellings

3.1.15 The 5No. three-bed bungalows are served by garages with 2No. parking spaces to the front, the remaining dwellings are all served by either on plot parking spaces or parking within a parking court.

3.1.16 The northern corner of the parcel comprises open space and pedestrian links to the public footway immediately to the north of the parcel.

3.1.17 Vehicular access would be from Endeavour Way and the spur road to the south of the site, Newman Way.

3.1.18 Across both parcels, 117 car parking spaces comprising 58 spaces in Parcel 1 (of which 23 are garage spaces) and 59 spaces in Parcel 2 (of which 11 are garage spaces). Nine visitor spaces are proposed across the two parcels. Electric Vehicle (EV) charging points are proposed to be provided to all dwellings. Secure cycle storage for all dwellings is proposed within either garages or sheds, together with secure visitor cycle stands for 6no. bicycles. The dwellings all meet the Nationally Described Space Standards.

3.1.19 The application is accompanied by a draft Heads of Terms for a Section 106 Agreement as follows:

Affordable Housing:

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

Healthcare:

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

Education:

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

Libraries

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

Essex County Council (ECC) Monitoring Fees:

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

Employment and Skills Plan:

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

Essex Coast Recreational Avoidance Mitigation Strategy (RAMS):

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

Appointment of Management Company:

Secure the appointment of a management company for the development.

Indexing:

All contribution payments to be index linked.

Section 106 (S106) Legal and District Council Monitoring fees:

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

3.2 Conclusion

3.2.1 The application site forms part of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for a minimum of 180 dwellings. The proposal provides for an uplift in dwelling numbers over the 180 dwellings however it is considered the necessary infrastructure can be provided through financial contributions under a S106 agreement. In addition, the dwellings replace the care home previously proposed in the outline permission. Therefore, the principle of development is considered acceptable, and the site is regarded as sustainable.

3.2.2 In addition to the above, having taken all the material planning considerations into account the proposed dwellings are considered to be of an acceptable design which would not cause detrimental impacts on the character and appearance of the area and the development would not cause undue harm to neighbouring amenity or highway safety. The proposal would be seen as a cohesive part of the existing development due to the use of the same house types and materials. Furthermore, subject to conditions it has also been found that the development would provide suitable surface water and foul drainage schemes which would not negatively impact on surface water flooding. Nor is it considered that the development would be harmful to protected species.

3.2.3 Having regard to this, the development is considered to accord with the policies within the approved Local Development Plan (LDP), the Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP), guidance contained within the Maldon District Design Guide and the National Planning Policy Framework (NPPF). Accordingly, the proposal is therefore recommended for approval subject to conditions and a S106 agreement.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places

- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

4.2 **Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

4.3 **Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP):**

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.3 – Housing for Retired and Elderly Persons
- Policy HO.4 – Affordable Market Housing
- Policy HO.8 – Housing Design Principles

4.4 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)
- Maldon District Affordable Housing and Viability SPD (2019)

4.5 **Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

4.5.1 The application is accompanied by a draft list of Heads of Terms for a Section 106 Agreement as follows:

- 35.14% affordable housing
- NHS (National Health Service) £18,400
- Education:
 - Early Years and Childcare – £68,880 (£23,192 per place)
 - Primary - £229,601 (£23,192 per place)
 - Secondary - £185,434 (£28,096 per place)
- Libraries £2,878.60 (£77.80 per unit)
- ECC monitoring fee £550 per ECC obligation
- RAMS tariff at £156.76 per dwelling
- District Council monitoring fees

5. **MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of the application are the principle of the development, the impact of the development on the character and appearance of the area, the impact on the amenity of existing residents, highway safety / access / parking matters, the quality of life for the occupiers of the proposed residential units and flood risk / drainage. The impacts of the development on nature conservation, land contamination, air quality and archaeology are also assessed.

5.2 **Principle of Development**

5.2.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

5.2.2 Policy S1 of the LDP states that '*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF*' and apply a number of key principles in policy and decision making set out in the Policy.

5.2.3 Policy S6 of the LDP provides for strategic growth in Burnham-on-Crouch and sets out the requirements that developments must meet. The policy acknowledges that there are significant infrastructure constraints in Burnham-on-Crouch which limit the capacity for development. Therefore, any development in excess of the allocations set out in policy S2 must demonstrate they don't prejudice or delay the delivery of the LDP Garden Suburbs, Strategic Allocations or planned infrastructure improvements. Section 5.3 below assesses the impact of the development on infrastructure.

5.2.4 Policy HO.1 of the BOCNDP is clear and consistent with the Development Plan where it states that "*Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan*".

- 5.2.5 As set out above, the site forms part of the wider strategic allocation under Policy S2(i) West Burnham-on-Crouch provides for 180 dwellings. The principle of development is established through the Strategic Allocation and through a hybrid planning application (FUL/MAL/14/00356) which secured full planning permission for 180 dwellings, including 72 affordable dwellings, and outline permission for details of access, a care home, a nursery school, 3,4ha of B1, B2 and B8 uses, and 0.65ha of allotments.
- 5.2.6 In 2018 a variation to the full planning permission was granted through a Section 73 application (FUL/MAL/18/00093) which approved a more efficient and logical layout for 174 of the dwellings (72 of which were affordable). This application has been implemented.
- 5.2.7 A further planning permission was granted on appeal in December 2020 (FUL/MAL/19/01257) for the development of an additional 36 dwellings (14 of which were affordable) which increased the number of dwellings within the site allocation to 216. This application has also been implemented.
- 5.2.8 With regard to Parcel 1, the principle of residential use is established through the site allocation and the extant permission. The extant permission provides for six dwellings within Parcel 1 and this number is included in the total of 216 dwellings stated in the above paragraph. The current proposals are for 11 dwellings in this parcel. The NPPF, at paragraph 120(d), requires planning decisions to make efficient use of land and to *“support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”*. The principle of low density development, with houses set on large plots, is maintained with the increased number of dwellings resulting in a density on this part of the site of 7.9 dwellings per hectare, an increase from 4.3 dwellings per hectare under the extant permission. The density remains very low and the character of the site in this location, as the gateway into Burnham-on-Crouch, and the site itself, is maintained and consistent with the approach taken by the extant permission. It is considered the proposals make an efficient use of the land, consistent with the NPPF.
- 5.2.9 The use of Parcel 2, previously planned to deliver a 50-60 bed care home, to now deliver residential dwellings would assist in addressing the need for the delivery of housing within the District within a site allocated for such use. It is noted that there is no requirement in the site’s allocation for the provision of a care home, therefore the lack of care home provision would not result in any inconsistency with Policy S2 or S6. It is also noted that the Council’s Strategic Housing Services raises no objection to the care home not being provided within the Site, with the provision of affordable homes instead being supported, in particular the provision of much needed three-bed affordable rented houses.
- 5.2.10 The proposal results in a further uplift of dwellings on the site to a total of 247. Policy S6 of the LDP states that *“Any proposal for development in excess of the allocations set out in policy S2 will be resisted by the Council unless it can be demonstrated that it can be accommodated within prejudicing or delaying the delivery of the LDP Garden Suburbs, Strategic Allocations, or planned infrastructure improvements”*. The impact of the increased number of dwellings on the land and infrastructure, will be addressed in terms of the impact of development in the following sections of this report with regard to the criteria set out in Policy S6.

Housing Need

- 5.2.11 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is currently able to demonstrate a deliverable 5YHLS with only 6.35 years of housing land supply.
- 5.2.12 Policy S2 (Strategic Growth) confirms that the numbers associated with each strategic allocation (180 dwellings in the case of S2(i)) represent the expected minimum delivery for each of the five-year periods of the Plan. Therefore, Policy S2 in itself does not limit in any way the provision of more dwellings on Strategic Allocation site S2(i) as long as any development over the above the minimum allocation will not; prejudice or delay the delivery of the Garden Suburbs, Strategic Allocations, or planned infrastructure improvements and demonstrate that there will be sufficient infrastructure capacity to support the development.
- 5.2.13 As noted by the Inspector in paragraph 50 of the appeal decision of March 2022 (OUTM/MAL/21/00075, Appeal Ref. APP/X1545/W/21/3283478) *“The need for housing is therefore critical, acute and deteriorating”* and goes on to say that *“The need for housing is therefore critical, acute and deteriorating. Providing more housing is one of, if not the most, important aspirations of local and national planning policy”*. Whilst it is noted that the appeal was determined when the Council did not have a 5YHLS, it must be recognised that the 5YHLS is not a ceiling for development and that further housing can and should be provided where appropriate. It is considered that an allocated site is an appropriate and sustainable location for additional housing delivery.
- 5.2.14 It is considered that the proposal aligns with policies of the NPPF to utilise available land efficiently to help to meet identified needs for housing where land supply is constrained. The proposals therefore accord with LDP Policies S1, S2, S6 and H3 and NDP Policies HO.2, HO.3 and HO.5.
- 5.2.15 Affordable Housing
- 5.2.16 Policy H1 of the approved LDP requires 40% of the units would need to be affordable within strategic allocations at Maldon, Heybridge and Burnham-on-Crouch. Accordingly, as the Site falls within a Burnham-on-Crouch strategic allocation, the development is required to provide 40% affordable housing to comply with Policy H1.
- 5.2.17 Criterion 10 of Policy S6 requires that adequate provision is made for affordable housing.
- 5.2.18 The Maldon District Affordable Housing and Viability SPD (2019) provides more guidance about the Council's approach to affordable housing provision. The SPD provides additional information about the way approved Local Development Plan policies H1, H2 and H5 will work. The SPD also sets out the preferred tenure mix for proposals, as being 70% Affordable Rent and 30% Intermediate Housing split across development proposals.
- 5.2.19 The completed development of the 174 dwellings, as approved under planning application MAL/FUL/18/00093, over-provided on affordable homes by 2.4 dwellings, delivering a total of 72 affordable homes. This was the 40% provision required for the 180 dwellings for which the hybrid permission was granted in total. As such, the overall Site benefits from a credit of 2.4 affordable dwellings on the northern parcel of the Site, which was to be exclusive of affordable housing as a key gateway location

into Burnham-on-Crouch. The current proposals would provide 13 affordable dwellings, which equates to 35.14% of the proposed development. However, with the 2.4 affordable homes credit, the proposals would deliver 41.62% overall. This is acknowledged by the response from Strategic Housing Services which states that *“Although the Affordable Housing provision is slightly under on this Application, taking the main site which this Application is being developed within, there is still a slight over provision of Affordable Housing”*. On this basis, the amount of affordable housing proposed is considered to be acceptable and aligns with Policy H1 of the LDP.

5.2.20 During the life of this application the applicant amended the affordable housing provision in response to a request by Strategic Housing Services to provide 3-bed, 5 person affordable rented houses.

5.2.21 The affordable housing would be provided within Parcel 2 as follows:

Affordable Rented

2 x 1 bed 2 person bungalows with wet rooms/shower – 58sqm

2 x 1 bed 2 person apartments – 50/55sqm

2 x 2 bed 4 person houses – 80.4sqm

3 x 3 bed 5 person houses – 95sqm

Intermediate Affordable

2 x 2 bed houses – 80.4sqm

2 x 1 bed apartments – 50/55sqm.

5.2.22 The mix of tenures is 70% affordable rent and 30% shared ownership which is supported and consistent with the SPD requirements. The Strategic Housing Service fully supports the application as it includes the provision of 3 bed houses for rent (the greatest housing need in the District), together with the properties meeting the nationally described space standards and affordable rent bungalows to assist older / disabled persons which include wet rooms/showers. Accordingly, the provision of affordable housing is consistent with Policy H1 and criterion 10 of Policy S6 of the LDP.

5.2.23 Housing Mix

5.2.24 The NPPF is clear that housing should be provided to meet an identified need. Policy H2 of the approved LDP states that *“all developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand”*.

5.2.25 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build. The LNHA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings, specifically, 25-35% 2-beds and 40-50% 3-beds.

5.2.26 The proposal for 37no. residential units consists of a mixture of dwellings sizes between one and five bedrooms as follows:

| No. of bedrooms | Market housing | Affordable housing | % of provision |
|------------------------|----------------|--------------------|----------------|
| 1 bed | 0 | 6 | 16.2 |
| 2 bed | 2 | 4 | 16.2 |
| 3 bed | 9 | 3 | 32.2 |
| 4 bed | 2 | 0 | 5.4 |
| 5 bed | 11 | 0 | 29.7 |
| Total no. units | 24 | 13 | |

5.2.27 Almost one third of the dwellings comprise three-bed units, which is the biggest need within the District. Three of these would be affordable rented units, as requested by the Strategic Housing Service, to meet local needs. The proposal would provide a total of seven bungalows (five market and two affordable rented) which would assist in meeting the needs of older people or people with disabilities, in accordance with criterion 11 of Policy S6 of the LPD. It is also considered that the proposal accords with Policy HO.3 of the BOCNP states that “*Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate*”.

5.2.28 Whilst it is recognised that the proposal provides a high number of larger dwellings (35% are 4/5 bed dwellings) the benefit of the three bed dwellings for affordable rent and the number of bungalows provided is balanced against this and, on balance, the mix of housing is acceptable.

5.3 Scale of Development / Infrastructure Capacity

5.3.1 The significant infrastructure constraints in the Burnham-on-Crouch area limits the capacity for development in excess of that set out in Policy S2, as set out in Policy S6 of the LDP. The following sections consider the impact of the development on the capacity of infrastructure in the area.

Education

5.3.2 The residential development proposing the erection 37 dwellings is expected to be family housing and therefore, a contribution towards education and library services should be sought to mitigate the potential impacts of the development. The ECC Infrastructure Department has been consulted and advised as follows:

Early Years and Childcare

5.3.3 The proposed development is located within Burnham-on-Crouch North ward (postcode CM0 8PH) and will create the need for an additional 2.97 childcare places. The demand generated by this development would require a contribution towards the creation of additional places. A developer contribution of £68,880.00 index linked to Q1- 2023, is sought to mitigate its impact on local Early Years and Childcare provision. This equates to 23,192 per place.

Primary Education

5.3.4 The closest primary school to this development would be St Mary’s Church of England Primary School, which has a Published Admission Number of 30 pupils per year. The demand generated by this development would require a contribution towards the creation of additional places and / or a new education facility. A

developer contribution of £229,601.00 index linked to Q1 2023, is sought to mitigate its impact on local Primary School provision. This equates to £23,192.00 per place.

Secondary Education

5.3.5 The Priority Admissions Area secondary school for the development would be Ormiston Rivers Academy. The school has recently been expanded but, even at its new admission number of 210, the school was almost full in Year 7 (the first year of secondary education) at the January census. A waiting list is in operation for the September 2023 admission. The other school in the local planning group, William de Ferrers, will offer additional places next September to meet the higher forecast level of demand in its area. Work is being commissioned to ascertain how the needs of the wider area can be met long term and, if permitted, this development will add to that need. The outcome of this work may reveal evidence which supports a strategy for the area, which is not known at this time, as a consequence the nature of the mitigation required of this proposed development, as suggested in the next paragraph, may need to be adjusted during the S106 negotiations to reflect this evidence.

5.3.6 The demand generated by this development would require a contribution towards the creation of additional places and / or a new education facility. A developer contribution of £185,434.00 index linked to Q1 2023, is sought to mitigate its impact on local Secondary School provision. This equates to £28,096.00 per place.

Post 16 Education and School Transport

5.3.7 No contributions sought.

Libraries

5.3.8 ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The suggested population increase brought about by the proposed development is expected to create additional usage of Burnham-on-Crouch Library. A developer contribution of £2,878.60 is therefore considered necessary to improve, enhance and extend the facilities and services provided.

Conclusion

5.3.9 Policy S6 criterion 6 requires that pupil demand from the development can be accommodated within existing and new facilities. The response from The ECC Infrastructure Department confirms that subject to the above financial contributions, this criterion is met.

Health

5.3.10 The NHS, on behalf of the Mid and South Essex Integrated Care System (the 'ICS') has advised that the proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 89 new residents and subsequently increase demand upon existing constrained services.

5.3.11 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development

acceptable in relation to healthcare provision. The NHS therefore requests that the sum of £18,400 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area.

- 5.3.12 The developer has agreed to make the necessary financial contributions to address this current shortfall in capacity of this attendant health service provision in accordance with the detailed assessment and recommendations provided by the NHS. Subject to these financial contributions, the proposal would accord with criterion 7 of Policy S6 of the LDP.

Other Infrastructure

- 5.3.13 Matters relating to open space, RAMS, drainage, and highway capacity will be addressed in the relevant sections below.

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, at paragraph 131, states that:

“The creation of high quality, beautiful and sustainable 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”.

- 5.4.3 Paragraph 139 states that:

“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”.

- 5.4.4 This principle has been reflected in the approved LDP. 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; and
- g) Energy and resource efficiency.

- 5.4.5 LDP Policy H4, with respect to density, states that all development will be design-led and will seek to optimise the use of land having regard to a list of considerations including the location and setting of the site (1), the existing character and density of the surrounding area (2) and the impacts upon the amenities of neighbouring properties (7).
- 5.4.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.4.7 Policy HO.5 of the BOCNDP states that development on the Maldon Road and Creeksea Lane frontages should respect the scale and character of existing development and should bring forward high quality designs. Similarly HO.8 states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings
- 5.4.8 Parcel 1 is characterised by 2 storey detached dwellings of a traditional design. The proposed dwellings are of considerable size due to their bulk, scale and height. However, the density of development is low (7.4 dwellings per hectare), with dwellings set back from the site boundaries and within generous sized plots, providing a sense of spaciousness, and responding well to this rural edge of Burnham-on-Crouch. The design approach seeks to enhance the character and appearance when entering Burnham-on-Crouch from the west. The scale of dwellings is consistent with that of many properties in the surrounding area. Overall, the size and design of the dwellings is acceptable.
- 5.4.9 The existing hedgerow surrounding Parcel 1 on Creeksea Lane and Maldon Road would largely be retained, with the exception of where the new access points would be cut through. The existing vegetation will be enhanced by the proposed soft landscaping scheme which includes new trees along the boundary edges and within the open space.
- 5.4.10 The dwellings on Parcel 1 consist of three designs, two of which have previously been used on the wider site, ensuring the development relates well to the existing built form and appears as a cohesive form of development.
- 5.4.11 Parcel 2 is characterised by a higher density of housing that is consistent with that of the development on the wider site at approximately 20 dwellings per hectare. With an overall site density of approximately 15 dwellings per hectare.
- 5.4.12 The layout and density approach is consistent with Policy HO.5 of the BOCNDP which calls for *“the delivery of low density development along the Maldon Road frontage”*, and *“the delivery of higher density development within the middle part of the site”*.
- 5.4.13 The house type and design of the proposed dwellings on Parcel 2 are consistent with that used on the wider site, with the house types proposed having been used on the wider site. The layout comprises mainly detached dwellings, with some semi-detached and two rows of terraces comprising three dwellings each. The use of the same dwelling types will ensure the development integrates and responds well to the existing development and is of a high standard of design. Furthermore, the site layout would ensure active frontages are maintained along the highway and public open space.
- 5.4.14 The landscaping within Parcel 2 will reflect that used on the wider site and the palette of materials proposed will be consistent with that on the existing development. The use of red and buff brick is proposed to be continued across the site together with the

use of terracotta and grey roof tiles to ensure there is a cohesiveness with the existing and proposed development.

- 5.4.15 The siting of the open space on both Parcels within the site, ensures the land adjacent to Creeksea Lodge maintains a sense of openness.

5.5 **Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of the approved 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 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.5.2 There are a number of residential dwellings close to the application site. Opposite the site, on Maldon Road, a number of detached dwellings face onto the road at an oblique angle. These dwellings are set back from the road and it is considered the proposal will not impact on the amenity of these residential dwellings. Whilst the proposed dwellings will be visible and have an impact on the view from the front of these dwellings the impact is acceptable and would not harm the amenities of the existing properties.
- 5.5.3 The existing properties on Creeksea Lane are set back from the road and are within large plots. It is considered that there would not be any overlooking or loss of privacy to the neighbouring properties.
- 5.5.4 Creeksea Lodge, on Creeksea Lane, is a detached house set in large, landscaped grounds and is effectively located between Parcels 1 and 2. The scheme has been designed to include the areas of open space adjacent to the boundaries with Creeksea Lodge, ensuring no built development is in close proximity to the property, with the closest dwelling being approximately 30m from the northern boundary of Creeksea Lodge. The proposals would not result in any overlooking or overshadowing that would harm the amenities of this residential property.
- 5.5.5 The southern row of houses in Parcel 2, fronting onto Newman Drive, would face onto the road and the houses to the south, which also face onto Newman Drive. It is considered that the separation of the dwellings, with the road in between, together with the orientation of the dwellings, would ensure no adverse amenity impacts would result from the proposals.
- 5.5.6 In terms of impact on neighbouring residents during the construction period, a condition is recommended requiring the submission of a Construction Environmental Management Plan to ensure construction impacts are mitigated and/or minimised.
- 5.5.7 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

5.6 **Open Space and Landscaping**

- 5.6.1 Policy D1 requires developments provide sufficient public amenity spaces, green infrastructure and public open spaces. Policy S6, at criterion 3, requires that provision is made for increased and enhanced green infrastructure including provision for youth and children's facilities.

- 5.6.2 The existing site consists of two parcels of unmanaged former agricultural land, bounded by hedgerows and occasional trees on the northern and western boundaries, with a seasonally wet pond within Parcel 1.
- 5.6.3 In terms of landscaping, the development is supported by a detailed planting proposal, which includes a detailed schedule of the trees, hedging, shrubs, herbaceous, native hedge mix, conifers, bulbs, ferns and grasses. Furthermore, details of the preparation of the site, the planting and the aftercare have been submitted with the proposal.
- 5.6.4 The proposed development has been designed to provide high quality open space within both parcels and linkages to existing open space within the wider site, including the Locally Equipped Area of Play (LEAP) to the east of Parcel 2.
- 5.6.5 The public open space area in Parcel 1 would be regraded and enhanced with a new mixed native hedgerow that is intended, over time, to create a wildlife corridor across the site. The existing pond and surrounding vegetated area within the public open space in Parcel 1 is proposed to be enhanced and managed to create habitat for amphibians and reptiles, as well as being a positive feature in the landscape and facilitating natural drainage.
- 5.6.6 Within the public open space in Parcel 2 a new woodland tree belt is proposed in order to screen views from the west and to create a new woodland habitat that will encourage invertebrates, mammals and birds into the site in the future. In addition, a community orchard is proposed with a number of fruit trees set within wildflower grassland walkways.
- 5.6.7 Landscaping around the proposed dwellings comprises grass, shrubs and ornamental hedging, consistent with that on the wider site.
- 5.6.8 Footpaths within the public open spaces will be of a hoggin-type material to create a more rural appearance.
- 5.6.9 Overall, it is considered that a good level and type of planting would be incorporated to soften the appearance of the development. As noted above, it is considered that once established, the soft landscaping would significantly improve the visual appearance of the development and enhance the landscape character at this edge of settlement location.
- 5.6.10 In terms of hard landscaping, Brett Omega paving is proposed to be laid at all off-street parking areas, with the paving and tarmac used on the internal roads. This is in keeping with the hard landscaping on the wider site.
- 5.6.11 The majority of the boundary treatment for the dwellings would be 1.8m high fencing, with boundary walls adjacent to the highway or public open space finished in 1.8m high brick walls. Overall, the proposed hard landscaping would be acceptable and in keeping with the previously approved development at the allocated site.
- 5.6.12 In light of the above assessment, it is considered that the proposal would adequately provide public open space in accordance with policy requirements. Furthermore, both hard and soft landscaping would be appropriate for this edge of settlement location and in keeping with the existing landscaping of the approved development that has been completed

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 of the LDP 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 (2017) 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.
- 5.7.2 Policy S6 of the LDP requires that "1) *Development can be accommodated within the capacity of the Burnham-on-Crouch road network following appropriate mitigation measures and junction improvements*" and that "2) *Safe pedestrian, cycling and bridleway links are provided in from the development to the town centre...*".

Access and Highway Safety

- 5.7.3 The proposals include three vehicular access points from the public highway.
- 5.7.4 Parcel 1 is served by a new access from Maldon Road, which would serve eight dwellings, and a new access from Creeksea Lane which would serve three dwellings. The extant planning permission similarly included an access from Maldon Road and two accesses from Creeksea Lane, serving one dwelling each.
- 5.7.5 To accommodate the new access from Creeksea Lane a section of hedge, approximately 10m in length. In addition, a section of hedge approximately 14m long to the south of the proposed access would need to be trimmed to accommodate the required visibility splays.
- 5.7.6 The access from Maldon Road is in accordance with that previously approved under the extant permission, together with the required visibility splays. A section of hedge approximately 22m in length would be removed to provide the access. The proposal also includes a 2m wide footway along the site frontage which connects into the existing footway, west of Endeavour Way.
- 5.7.7 Parcel 2 would be accessed via the existing Spine Road, Endeavour Way, with a new spur road provided in the northern part of the site, providing access to eight dwellings. One dwelling would be accessed directly from Endeavour Way, with the remaining dwellings being accessed from Newman Drive.
- 5.7.8 The application is supported by a Transport Statement (the 'TS') (prepared by Icen Consulting, May 2023). The application is also supported by a traffic survey conducted on the B1010 Maldon Road which was carried out in May 2022 and a speed survey which was undertaken in October 2023. The review of highway safety records found no reoccurring issues in terms of accidents at the site's location. The TS concludes that the proposed development is unlikely to have a harmful impact on highway safety. in the site's proximity

Trip Generation

- 5.7.9 The TS established that there is a decrease in trip generation across AM and PM period in comparison with the original Transport Assessment produced for the outline application in 2014. This resulted in 53 fewer trips in the AM peak and 187 fewer trips in the PM peak.

- 5.7.10 The trip generation for the proposed development, would give an additional 20 trips during both the AM and PM peaks. When added to the MEC (Development technical Consultants) findings for the previously approved 36 dwellings (application ref. 19/01257/FUL), this results in 33 less trips in the AM peak and 167 less in the PM peak.
- 5.7.11 Accordingly, the TS concludes that this development would not increase the trips beyond that which was considered acceptable for the extant permission.
- 5.7.12 The TS concluded that Endeavour Way and Maldon Road have adequate capacity to serve the development.

Parking provision

- 5.7.13 Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. In terms of parking provision for vehicles and bicycles, the standards as set out in the SPD for dwellinghouses are as follows:
- On plot parking: Minimum 1 parking space per dwelling; 1 space / 1 bed; 2 space / 2-3 bed; 3 space / 4+ bed;
 - Visitor parking - 1 per 4 dwellings;
 - Off street parking: at least 1 home charging point per dwelling
 - Cycle parking: none if garages provided; otherwise, 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)
- 5.7.14 The proposed development complies with the above standards, with additional on plot parking spaces provided in addition to garage spaces on many plots. All parking spaces and garages meet the size standards in the SPD for parking spaces and garages. Where no garages are provided, cycle parking is provided within secure parking stores on plot, this would be secured by way of a condition.
- 5.7.15 EV charging points are proposed in compliance with the SPD with one charging point per residential dwelling. The charging points are provided either within garages or immediately adjacent to the parking spaces.

Conclusion

- 5.7.16 ECC Highways has reviewed the submitted information and commented as follows:

"The Highway Authority has assessed the submitted information supplied by the applicant and has concluded that in highway terms it is not contrary to National and Local highway and transportation planning policy and current safety criteria.

The Transport Statement (TS) has analysed the impact of the traffic generation, to the satisfaction of the Highway Authority, and is not considered to have a significant or severe impact at this location, or on the wider highway network.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency."

5.7.17 The Highway Authority has recommended conditions regarding the following are imposed on any permission: submission of a Construction Management Plan; surface improvements to Footpath no.3; details of access arrangements onto Maldon Road; details of access arrangements onto Endeavour Way; provision of parking and turning areas prior to occupation; and provision, implementation and distribution of a Residential Travel Information Pack.

5.7.18 Based on the above, it is not anticipated that the development would cause harm in relation to highway safety and the proposed means of access to the site would be acceptable, subject to the imposition of the conditions recommended by the Highway Authority. The proposal is therefore considered to accord with Policies S6, D1 and T2 of the LDP.

5.8 Quality of Life for the Occupiers of the Proposed Residential Units

5.8.1 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

5.8.2 All dwellings have private gardens that meet the adopted standards set out above. The amenity space is well designed and located to maximise usability for the occupants.

5.8.3 Across both parcels, public open space totalling 1.04ha is proposed, including a new community orchard within Parcel 2. The public open space would be informally landscaped and include tree planting and pedestrian links to the adjacent footways and public footpath no.4.

5.8.4 All properties would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. All dwellings would meet the Nationally Described Space Standards.

5.8.5 On this basis, it is considered that a good quality of life for the occupiers of the proposed residential units would be provided.

5.9 Flood Risk, Surface Water and Foul Drainage

5.9.1 The application site is located within Flood Zone 1 on the EA's Flood Map and therefore has a low probability of flooding. However, due to the site area being more than 1ha, a Flood Risk Assessment (FRA), prepared by Icen Consulting and dated May 2023, has been submitted as part of the application.

5.9.2 Policy S6, criterion 8, of the LDP requires appropriate surface water management mitigation measures are incorporated into the development.

5.9.3 Policy D5 of the LDP 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 EA. 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. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.

- 5.9.4 The submitted FRA confirms that in accordance to the EA Flood mapping, the Site is located within Flood Zone 1, which means there is less than 0.1% annual probability of river or sea flooding. Therefore, the probability of flooding by this means is negligible.
- 5.9.5 The local topography is such that the surrounding land falls from north to south with no low lying areas present within the development. Overland flows eventually connect into the existing ditch network, wetlands and finally the River Crouch, as such the development parcels can be classified as being low risk of flooding from surface water.
- 5.9.6 Ground investigations showed no presence of ground water on either Parcel 1 or Parcel 2, therefore the parcels are considered to be of low risk to flooding from ground water.
- 5.9.7 The Lead Local Flood Authority (LLFA) initially raised a holding objection as evidence of the ground investigation report referenced in submitted application, which concludes that infiltration is not a viable option, could not be found. Further information was provided to the LLFA who have subsequently advised there is no objection to the application subject to conditions in relation to surface water drainage together with ongoing maintenance and management of the system.
- 5.9.8 Foul Water from the proposed development would be disposed of by discharging into the existing foul network of sewers. For Parcel 1 it is proposed to connect the site to the existing Anglian Water Foul Water Sewer which runs along the southern and eastern boundaries. For Parcel 2, the development would connect to an existing foul water adoptable sewer located in the access road to the south. Anglian Water has advised that the foul drainage from this development is in the catchment of Burnham-on-Crouch Thames Water Recycling Centre that will have available capacity for these flows. Accordingly, it is considered the sewerage infrastructure meets the requirements of criterion 9 of Policy S6.
- 5.9.9 Overall, the proposal is considered acceptable in relation to flooding and drainage, subject to conditions.

5.10 **Impact on Ecology, Trees and Biodiversity**

- 5.10.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.10.2 Policy S2, criterion 14, requires development proposals to be accompanied by a comprehensive and detailed ecological survey.
- 5.10.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.10.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.10.5 Policy N2 states that all development should seek to deliver net biodiversity gain where possible. The policy also states that 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.

- 5.10.6 The development has the potential to impact on both on-site and off-site nature conservation interests.

Ecology

- 5.10.7 In relation to on-site impacts, a Preliminary Ecology Report (prepared by SES, April 2023), Biodiversity Enhancement Strategy (prepared by SES, April 2023), Biodiversity Net Gain Design Stage Report (prepared by SES, April 2023), Landscape and Ecological Management Plan (prepared by SES, April 2023), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate were submitted with the application. Following an initial holding objection from the Council's Ecology Consultant, regarding insufficient information on European Protected Species (Great Crested Newts), the applicant submitted a Non-Licensed Methods Statement for Great Crested Newt (prepared by CSA Environmental, January 2024). Based on this further information, the holding objection was removed.
- 5.10.8 The Ecology Consultant has advised that the mitigation measures identified in the Preliminary Ecological Appraisal and Non-Licensed Methods Statement for Great Crested Newt are acceptable and should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts, Badger, and nesting birds.
- 5.10.9 The Preliminary Ecological Appraisal and Biodiversity Net Gain Design Stage Report propose a number of biodiversity enhancements on the site including provision of bat boxes, Swift bricks, log piles, Hedgehog friendly fencing, wildlife friendly soft landscaping scheme, including habitat creation which have been recommended by the to secure net gains for biodiversity, as outlined under Paragraph 180d of the NPPF. The reasonable biodiversity enhancement measures can be secured by way of a condition requiring the submission of a Biodiversity Enhancement Strategy.
- 5.10.10 The submitted information highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, it is appropriate to impose a condition requiring that a sensitive lighting scheme is submitted to ensure the impacts of any proposed external lighting on bats is minimised.
- 5.10.11 On the basis of this specialist advice, it is considered that, subject to the imposition of a condition requiring the mitigation recommended, the development would not have an adverse impact on the site's ecological interests.

Trees

- 5.10.12 In relation to trees the application is supported by an Arboricultural Survey and Constraints Advice (ASCA), Detailed Planting Specification (DPS) and Detailed Soft Landscape drawings.
- 5.10.13 The Council's Tree Consultant has considered the submitted information and raises no objection to the application subject to conditions relating to an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) being submitted in accordance with BS5837:2012 will need to be submitted to demonstrate the materials and construction techniques and tree protection measures to be used so an analysis can be made on their suitability.

5.10.14 The Tree Consultant notes the removal of the hedgerow in Parcel 1 to facilitate the new accesses but raises no objection provided that suitable mitigation planting is undertaken. No objection is raised to the proposed tree works within the site which comprise removing dead stems and dead wood. The planting specification is supported however it states that ongoing maintenance would be for a 12 month period which is not acceptable, a condition is suggested to extend this to five years. The five year time period is considered appropriate and is included as a condition. In addition, whilst the proposed trees are accepted, tree pits may be required to ensure water availability and avoid conflict with hard surfacing.

5.10.15 Subject to appropriate conditions, the works to existing trees, removal of sections of hedgerow and the soft landscaping scheme are acceptable.

5.11 **Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

5.11.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational Zol of these sites cover the whole of the Maldon District.

5.11.2 Natural England anticipates that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site 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.

5.11.3 Prior to the RAMS being adopted, Natural England advised that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England has provided an HRA record template for use where recreational disturbance is the only HRA issue.

5.11.4 The application site falls within the Zol 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 likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.

5.11.5 The proposal is for less than 100 houses and Natural England's general advice is that a 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.

5.11.6 To accord with Natural England's requirements, an Essex Coast RAMS 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 (Zol) 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 37 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.

Summary of appropriate assessment

5.11.7 The application proposes the erection of 37 dwellings and a shadow HRA has been submitted with the application to assess the potential impacts of the development on the nature conservation sites. Given that the site is located within a Zol for the Essex Coast RAMS and taking into account the amount of development proposed on site, it is expected that the development would have likely significant effects on identified European sites. An appropriate assessment should therefore be carried out to assess the implication of the proposed development on the qualifying features.

5.11.8 The Essex Coastal RAMS document has been adopted. The submitted Preliminary Ecological Appraisal recommends, and draft Heads of Terms confirms, that mitigation measures in the form of a financial contribution towards mitigating the impacts caused to the Essex coast by recreational activities will be made and no further bespoke mitigation is likely necessary. Given the distance between the proposed development and the European sites these findings are concurred with and the Council's Ecology Consultee raises no further concern in this respect. Therefore, subject to securing the necessary mitigation through the S106 no concerns are raised.

5.12 Other matters

Archaeology

5.12.1 Policy S6, criterion 15, requires a comprehensive and detailed archaeological assessment to be undertaken prior to development. Criterion 13 of Policy S6 also requires development to preserve and enhance the quality of the archaeology of the location. Policy D6 requires that where development might affect archaeology, an assessment from an appropriate specialist must be carried out to identify the likely impact on known or potential heritage assets.

5.12.2 The application has been supported by an Archaeological Desk-Based Assessment (prepared by RPS Group, Dated December 2022) which states that:

“The results of previous archaeological works undertaken across the study site, immediately to the east of the study site, and within the southern part of Land Parcel 2, are summarised as follows:

1. *The geophysical survey across a wider area including the study site, revealed former field boundaries and parallel uncertain trends likely to be agricultural or natural;*
2. *Archaeological trial trench evaluation was subsequently undertaken across the area of the previously consented scheme. Half of the trenching undertaken was blank; the remainder revealed Post Medieval/Modern remains in the northern area immediately to the east of the study site, together with Late Bronze Age remains to the southeast. Within the southwestern boundary of Land Parcel 2, evaluation trench 47 was blank, as was Trench 46 immediately to the south, and Trench 45 immediately to the east; immediately to the east of Land Parcel 1, trench 1 revealed an isolated pit and posthole dated to the Late Bronze Age (no further mitigation was undertaken), and adjacent trenches 2-4 were blank;*
3. *Alongside the evaluation trenching, geoarchaeological test pits revealed relevant deposits and a small quantity of struck flint, with no further work recommended;*
4. *Targeted archaeological mitigation areas to the southeast of the study site revealed further Late Bronze Age, Iron Age and Roman remains.”*

5.12.3 The Historic Environment Officer has considered the assessment and advised that a full archaeological condition is attached to any planning permission. The fieldwork required by the condition will comprise trial-trenching of all areas not previously evaluated, to be followed by open-area excavation if significant archaeological deposits are identified.

Waste

5.12.4 Section C09 of the MDDG states that *“the management of waste needs to be considered early on in the design to avoid inconvenient waste storage for residents, inefficient collections of waste produced or unsightly bin storage areas”*.

5.12.5 The Council's Specialist Contracts and Commissioning (Waste) Team has advised that it is recommended that the access road to all properties are built to Highways Standards to allow the 26 tonne vehicle to access the front of all properties for the convenience of both the resident and collections crews. In addition, the collection points need to be large enough to accommodate up to two bins and a food caddy per property. This can be conditioned as part of any planning permission.

5.13 Planning Balance and Sustainability

5.13.1 The starting point for decision making is the adopted development plan these impacts must be weighed against the environmental, economic and social impacts of the development.

5.13.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

5.13.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.

5.13.4 The main benefits of the proposal are as follows:

- Social benefits from providing market homes in a variety of sizes and types. This is given significant weight as, although the Council's has a 5YHLS, there is a need for new dwellings in the District, in particular 3-bedroom dwellings which the development provides. The number of bungalows provided, which could accommodate older and / or disabled people adds to the weight given.
- Social benefits from providing affordable homes on-site, in particular the provision of three-bed affordable rented houses, is given very significant weight. The weight given to this benefit recognises the need for affordable housing in the District and the particular need for 3-bedroom affordable rented and bungalow provision.
- Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials is given significant weight. This is largely a short-term benefit however the weight accorded to it reflects the impact of the proposal.
- Social and economic benefits of additional customers for services and facilities in Burnham-on-Crouch is given moderate weight. Burnham-on-Crouch is a main settlement in the District and its continued growth is important for it to continue providing the range of services and retail opportunities it offers.
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features including. The proposal would result in new hedgerows, trees and wildflower planting and retention and enhancement of an on-site pond and would result in a biodiversity net gain. These benefits are given moderate weight.

5.13.5 Overall, it is considered that significant weight can be attributed to these benefits.

5.13.6 Potential harm on the character and appearance of the development has been addressed through the design and layout of the proposals. Highway safety impact has been considered acceptable by the Highway Authority, subject to conditions. The same can be said in relation to flood risk and ecological and archaeological impacts, where the relevant consultees have recommended appropriate conditions be imposed. Accordingly, it is considered that the proposal would not result in any harm that cannot be mitigated through conditions and the planning obligations sought.

5.13.7 Overall, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the development plan and NPPF when taken as a whole.

5.13.8 Therefore, it is considered that the development proposed would be sustainable, and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/19/01257** - Erection of 36 dwellings, with associated off-street parking, public open space and landscaping. Allowed on appeal (ref. APP/X1545/W/20/3251106)
- **FUL/MAL/18/00093** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon

Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.

- **FUL/MAL/17/01262** - 4 new homes and garages, access to Maldon Road, amenity space and associated infrastructure. Refused.
- **FUL/MAL/17/01445** - Variation of condition 18 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.) Approved.
- **FUL/MAL/17/01242** - Variation of conditions 39 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.) Approved.
- **FUL/MAL/14/00356**– Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments. Approved Subject to S106.
- **FUL/MAL/00093** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|-----------------------|-------------------------|
| Burnham-on-Crouch Parish Council | No response received. | |

7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|---|
| Highways Authority | <p>The Highway Authority has assessed the submitted information supplied by the applicant and has concluded that in highway terms it is not contrary to National and Local highway and transportation planning policy and current safety criteria.</p> <p>The Transport Statement (TS) has analysed the impact of the traffic generation, to the satisfaction of the Highway Authority, and is not considered to have a significant or severe impact at this location, or on the wider highway network.</p> <p>Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.</p> <p>Conditions regarding the following are recommended: Construction Management Plan; surface improvements to Footpath no.3; details of access arrangements onto Maldon Road; details of access arrangements onto Endeavour Way; provision of parking and turning areas; and provision of Residential Travel Information Pack.</p> | Noted, addressed in section 5.7 of this report. |
| LLFA | No objection subject to conditions relating to surface water drainage systems and ongoing maintenance and management of the systems. | Noted, addressed in section 5.9 of this report. |
| Essex Police Designing Out Crime Team | <p>Neither object or support this application. Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.</p> <p>We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured By Design Homes award. A SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.</p> | Noted, this is added as an informative. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---|
| Anglian Water | <p>Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.</p> <p>Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.</p> <p>The foul drainage from this development is in the catchment of Burnham On Crouch Thames Water Recycling Centre that will have available capacity for these flows.</p> <p>If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p>Informatives are recommended.</p> | Noted, addressed in section 5.9.7 of this report. |
| NHS on behalf of the Mid and South Essex Integrated Care System | <p>The proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 89 new residents and subsequently increase demand upon existing constrained services.</p> <p>The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision. The ICS therefore requests that the sum of £18,400 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area.</p> | Noted, addressed in section 5.3 of this report. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|---|
| Archaeology | It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework. | Noted, addressed in section 5.12.1 – 5.12.2 of this report. |
| Education | <p><u>Early Years and Childcare</u> The proposed development is located within Burnham on Crouch North ward (postcode CM0 8PH) and will create the need for an additional 2.97 childcare places. The demand generated by this development would require a contribution towards the creation of additional places. A developer contribution of £68,880.00 index linked to Q1- 2023, is sought to mitigate its impact on local Early Years & Childcare provision. This equates to 23,192 per place.</p> <p><u>Primary Education</u> The closest primary school to this development would be St Mary's CE Primary School, which has a Published Admission Number of 30 pupils per year. The demand generated by this development would require a contribution towards the creation of additional places [and / or a new education facility. A developer contribution of £229,601.00 index linked to Q1 2023, is sought to mitigate its impact on local Primary School provision. This equates to £23,192.00 per place.</p> <p><u>Secondary Education</u> The Priority Admissions Area secondary school for the development would be Ormiston Rivers Academy. The school has recently been expanded but, even at its new admission number of 210, the school was almost full in Year 7 (the first year of secondary education) at the January census. A waiting list is in operation for September 2023 admission. The other school in the local planning group, William de Ferrers, will offer additional places next September to meet the higher forecast level of demand in its area. Work is being commissioned to ascertain how the needs of the wider area can be met long term and, if permitted, this development will add to that need. The outcome of this work may reveal evidence which supports a strategy for the area, which is not known at this time,</p> | Noted, addressed in section 5.3 of this report. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|------------------|
| | <p>as a consequence the nature of the mitigation required of this proposed development, as suggested in the next paragraph, may need to be adjusted during the s106 negotiations to reflect this evidence.</p> <p>The demand generated by this development would require a contribution towards the creation of additional places and / or a new education facility. A developer contribution of £185,434.00 index linked to Q1 2023, is sought to mitigate its impact on local Secondary School provision. This equates to £28,096.00 per place.</p> <p><u>Post 16 Education</u> A contribution toward Post16 education is not required at this time.</p> <p><u>School Transport</u> Having reviewed the proximity of the site to the nearest Primary and Secondary school, Essex County Council will not be seeking a School Transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local Primary and Secondary Schools are available.</p> <p><u>Libraries</u> ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The suggested population increase brought about by the proposed development is expected to create additional usage of Burnham-on-Crouch Library. A developer contribution of £2,878.60 is therefore considered necessary to improve, enhance and extend the facilities and services provided.</p> | |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|--|
| Ecology | The Ecology Consultant initially raised a holding objection regarding Great Crested Newts. This has been addressed following the receipt of further information from the | Noted, addressed in section 5.10.6 – 5.10.10 and 5.11.1 – 5.11.8 of this |

| Name of Internal Consultee | Comment | Officer Response |
|-------------------------------|---|--|
| | <p>applicant and the Consultant has no objection subject to RAMS mitigation secured through a S106 agreement and conditions regarding biodiversity mitigation and enhancement measures.</p> <p>The mitigation measures identified in the Preliminary Ecological Appraisal (SES, April 2023) and Non-Licensed Methods Statement for Great Crested Newt (CSA Environmental, January 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts, Badger, and nesting birds.</p> <p>The reasonable biodiversity enhancement measures, as recommended by the Preliminary Ecological Appraisal (SES, April 2023) and Biodiversity Net Gain Design Stage Report (SES, April 2023) should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.</p> <p>The Preliminary Ecological Appraisal (SES, April 2023) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts.</p> | <p>report.</p> |
| <p>Trees (Place Services)</p> | <p>The trees and groups along the southern boundary of the northern parcel are situated within an open area and so should not be impacted by the proposals provided suitable working tree protection methods are adopted which should be shown within the AMS and TPP mentioned above.</p> <p>Within the southern parcel, the current design still has the potential to impact these existing trees through soil compaction, root severance and direct stem impact damage from vehicular movements. This could negatively impact the existing trees health and so an AMS and TPP in accordance with BS5837:2012 will need to be submitted to demonstrate the materials and construction techniques to be used so an analysis can be made on their suitability. Overall, there is support for this application from an arboricultural perspective provided that</p> | <p>Noted, addressed in section 5.10.12 – 5.10.15 of this report.</p> |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|---|
| | <p>further details can be provided tree protection measures and construction techniques and materials within a Arboricultural Method Statement and Tree Protection Plan.</p> <p>The document states that maintenance for new tree planting is only for a 12-month period. This is not considered long enough to ensure that trees become fully established. It is advised that this is extended to five years to meet guidelines within BS8545:2014 to ensure trees have the best chance of establishment.</p> <p>A condition regarding details for the retention and protection of existing trees is recommended.</p> | |
| Strategic Housing | <p>Although the Affordable Housing provision is slightly under on this Application, taking the main site which this Application is being developed within, there is still a slight over provision of Affordable Housing.</p> <p>Strategic Housing Services fully supports this Application which is providing Affordable Rented 3 bed Houses (currently our greatest Housing need), properties to NDSS sizes and Affordable Rented bungalows to assist older/disabled people. These much needed Affordable properties will greatly assist in meeting the Housing needs of the district</p> | Noted, addressed in section 5.2.18 – 5.2.23 of this report. |
| Waste | If this application is to be approved it is recommended that the access road to all properties are built to Highways Standards to allow the 26 tonne vehicle to access the front of all properties for the convenience of both the resident and collections crews. | <p>Noted, addressed in section 5.12.4 of this report.</p> <p>The adoptable roads will be built to highways standards.</p> |

7.4 Representations received from Interested Parties

7.4.1 27 letters were received objecting to the application and the reasons for objection are summarised in the table below:

| Objection Comment | Officer Response |
|---|---|
| <p>Principle of development The scheme is at odds with Local and Neighbourhood Development Plans, providing unsustainable and unnecessary housing outside of the allocations set out in those plans.</p> | Noted, addressed in section 5.2 of this report. |

| Objection Comment | Officer Response |
|---|--|
| <p>The land/developer currently has permission for a care home. This was a much-needed key part of the original application for an aging population.</p> <p>We are already over the allocated number of houses (by 149), as described by the agreed LDP.</p> <p>The LDP expects the greatest growth to be in housing elderly residents and the removal of a nursing home at this time will only compound the problem.</p> <p>There will also be a significant loss of more green field areas within Burnham which is fast becoming an over developed area.</p> | |
| <p>Highway Safety / Access</p> <p>It would be safer for access to the proposed buildings to join at Endeavour Way thus negating the need for the extra junction into an already busy and congested part of the road.</p> <p>The traffic projections have not taken into account the great increase in summer traffic.</p> <p>Creeksea Lane is an unlit, narrow, rural single lane track without pavements hence unsuitable for supporting further traffic generated from increased housing.</p> <p>Will lead to increased traffic and congestion on the already-overburdened roads</p> | <p>Noted, addressed in section 5.7 of this report.</p> |
| <p>Infrastructure / Services</p> <p>The estate has failed to provide suitable investment to the area to offer an alternative to driving.</p> <p>The payment of a paltry sum to increase the size of a Surgery is not going to help increase the number of Doctors or increase the provision of much needed health services in an on-going basis.</p> <p>The schools are oversubscribed and will be unable to cater for the likely increase in school age children.</p> <p>There is an already overstretched</p> | <p>Noted, addressed in section 5.3 of this report.</p> |

| Objection Comment | Officer Response |
|---|--|
| sewerage system and treatment plant at overcapacity. | |
| <p>Construction impacts / noise The heavy traffic resulted in damage to a water pipe and Creeksea Lane was closed for two days as a consequence.</p> | Noted, a condition is proposed requiring the submission of a Construction Environmental Management Plan to address construction management. . |
| <p>Design, appearance, character We chose this particular plot on the development was so we could enjoy the view.</p> <p>The design of the new housing is poor, with no attempt to design something excellent and fitting to the character of the plot and the area.</p> | <p>Views are not protected through the planning application process and the land is allocated therefore an expectation of views cannot be maintained.</p> <p>Design matters are addressed in section 5.4 of this report.</p> |
| <p>Ecology, trees, biodiversity Removing established trees and hedgerows at the site will be detrimental to wildlife and create ecological / biodiversity implications.</p> <p>With all the recent overdevelopment in the Burnham-on-Crouch area available land for wildlife is disappearing at an alarming rate.</p> <p>The scheme does not achieve 10% BNG</p> | Noted, addressed in sections 5.10 and 5.11 of this report. |

7.4.2 No letters of representation were received in support of this application.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing:

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

Healthcare:

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

Education:

- Early Years and Childcare - A developer contribution of £68,880.00 index linked to Q1 2023 towards the creation of 2.97 additional childcare places to mitigate the impact of the development on local Early Years & Childcare provision (equating to £23,192 per place).

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

Libraries

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

ECC Monitoring Fees:

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

Employment and Skills Plan:

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

Essex Coast RAMS:

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

Appointment of Management Company:

Secure the appointment of a management company for the development.

Indexing:

All contribution payments to be index linked.

S106 Legal and District Council Monitoring fees:

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

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - H7660-2A-LP-002 Location Plan
 - LTG1G8-TG-001 Rev - Large Triple Garage
 - LDG1H8-DG-001 Rev - Double Garage
 - Garage Portfolio Rev A Front Cover
 - CYCLE-2A-CS-001 Rev - Cycle Storage
 - SSG1H8-SG-001 Rev - Single Garage
 - SDG1H8-DG-001 Rev - Double Garage
 - H312-EX-FP-001 Rev - Exeter Floor Plans
 - H312-EE-GS-001 Rev - Exeter Elevations
 - H312-BF-FP-001 Rev A Blyford Floor Plans

- H312-BE-GS-001 Rev A Blyford Elevations
 - DWB3_5-BF-FP-001 Rev A Buckfastleigh Floor Plans
 - DWB3_5-BE-RE-001 Rev A Buckfastleigh Elevations (Render)
 - DWB3_5-BE-GS-001 Rev A Buckfastleigh Elevations
 - Z113-2A-HD-001 Rev - Leyland End Elevations
 - Z113-2A-FP-001 Rev - Leyland End Floor Plans
 - YH52-2A-HD-002 Rev - YH52 Mid Elevations
 - YH52-2A-HD-001 Rev - YH52 End Elevations
 - YH52-2A-FP-002 Rev - YH52 Mid Floor Plans
 - YH52-2A-FP-001 Rev - YH52 End Floor Plans
 - YH50-2A-HD-002 Rev - YH50 Mid Elevations
 - YH50-2A-HD-001 Rev - YH50 End Elevations
 - YH50-2A-FP-002 Rev - YH50 Mid Floor Plans
 - YH50-2A-FP-001 Rev - YH50 End Floor Plans
 - P286-AE-GS-001 Rev A Ashdown Elevations
 - P286-AE-FP-001 Rev A Ashdown Floor Plan
 - N2D8&9-NE-FP-001 Rev A N2D8 & 9 Floor Plans
 - N2D8&9-NE-EC-001 Rev A N2D8 & 9 Elevations
 - Housetype Portfolio Rev B - Front Page
 - H588-HE-TB-001 Rev A Henley Elevations (Tudor Boarding)
 - H588-HE-RE-001 Rev A Henley Elevations (Render)
 - H586-EF-FP-001 Rev A Evesham Floor Plans
 - H586-EE-TB-001 Rev A Evesham Elevations (Tudor Boarding)
 - H586-EE-RQ-001 Rev A Evesham Elevations (Render)
 - H586-EE-GS-001 Rev A Evesham Elevations
 - H577-ME-RE-001 Rev A Manning Elevations (Render)
 - H577-ME-GS-001 Rev A Manning Elevations
 - H577-HF-FP-001 Rev A Henley Floor Plans
 - H577-FP-GS-001 Rev A Manning Floor Plans
 - 22007-01 Rev H Landscape Masterplan
 - 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3
 - 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3
 - 22007-05 Rev F Detailed Planting Specification
 - 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3
 - 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3
 - 02 Rev C Hard Landscape Specification
 - PCHL-2A-SP-006 Rev A Refuse Collection Plan
 - PCHL-2A-SP-005 Rev A Parking Plan
 - PCHL-2A-SP-004 Rev A Buildings Height Plan
 - PCHL-2A-SP-003 Rev A Affordable Tenure Plan
 - PCHL-2A-SP-001 Rev A Master Plan (Update)
 - PCHL-2A-SP-001 Rev A Master Plan (Update) - Coloured
 - PCHL-2A-SS-001 Rev A Streetscenes A, B & C
 - PCHL-2A-SS-001 Rev A Streetscene Location Plan
 - PCHL-2A-SP-009 Rev A Housing Mix Plan
 - PCHL-2A-SP-008 Rev A External Works Plan
 - PCHL-2A-SP-007 Rev A Materials Plan
 - H8769-3B-SP-2036 Rev C Creeksea Lane - Access Visibility
- REASON:** To ensure the development is carried out in accordance with the details as approved.

External materials

3. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, roof tiles and proposed cladding of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and retained for the lifetime of the development.

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

Landscape

4. Within the first available planting season following the first occupation of the development the landscaping works shown on plans no's 22007-01 Rev H Landscape Masterplan, 22007-05 Rev F Detailed Planting Specification, 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3 and 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3 and specifications attached to and forming part of this permission shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is destroyed, dies or becomes in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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

5. The development shall be implemented in accordance with the hard landscaping work shown on plan no. 22007-01 Rev H Landscape Masterplan, 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3, 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3 and 02 Rev C Hard Landscape Specification and the specifications attached to and forming part of this permission. The hard landscaping works, including boundary treatments, shall be carried out prior to the first occupation of the development hereby approved and be retained and maintained for the lifetime of the development.

REASON: In the interest of the character and appearance of the area as well as to ensure privacy for future residents in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

Tree Protection

6. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the MDLDP and guidance contained within the NPPF.

Drainage

7. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 4.1l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 1.
 - Limiting discharge rates to 16.4l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 2.
 - The run off rates were previously agreed as part of the wider site.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

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

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

9. Prior to first occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
REASON: To ensure 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 D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
10. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

Land Contamination

11. Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, the site or part of the site shall be reassessed and a scheme to bring the site to suitable condition shall be submitted to and approved in writing by the local planning authority within three months of the identification of the contamination or hazard. A “suitable condition” means one that is acceptable in terms of human health, the water environment and ecosystems and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990.
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

Highways

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

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

REASON: In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4 T1 and T2 of the approved Maldon District Local Development Plan.

13. Prior to the first occupation of the development the access arrangements for Parcel 1, as shown in principle on drawing no. 22-059-DR-CE-2003 Rev C (included in Appendix A of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Maldon Road, shall include the following:

- 2.4m x 90m visibility splays
- A new bellmouth access with minimum 6m radii and 2m footways with dropped kerb crossing points
- Provision of a 2m footway across the site frontage, with dropped kerb crossing point across Maldon Road to the west of the access.

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

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to provide safe pedestrian access, in the interest of highway safety in accordance with Policies D1 and T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development the access arrangements, as shown in principle on approved drawing no. H8769-3B-SP-2036 Rev C, for the private drive onto Creeksea Lane, shall be implemented and retained as such for the life of the development.

REASON: To ensure that appropriate and safe access is provided in the interest of highway safety in accordance with Policies D1 and T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

15. Prior to the first occupation of the development the access arrangements for Parcel 2, as shown in principle on drawing no. 22-059-DR-CE-2005 Rev B (included in Appendix B of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Endeavour Way, shall include the following:

- 2.4m x 25m visibility splays
- A new bellmouth access with minimum 6m radii and 2m footways
- Provision of dropped kerbs for vehicular access where appropriate.

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

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policies D1 and T2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

16. Prior to the occupation of the development, the vehicular parking spaces shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and detailed hereby approved. Fast charging points for electric vehicles shall be provided adjacent to at least one parking space for each new dwelling. The vehicular parking and associated manoeuvring areas shall be retained in perpetuity. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles.

- REASON: To ensure that appropriate parking and turning is provided in accordance with Policies D1 and T2 of the Maldon District Local Development Plan (2017), the Vehicle Parking Standards SPD and the policies and guidance contained within the National Planning Policy Framework.
17. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1 and T2 of the Maldon District Local Development Plan and the policies and guidance contained within the National Planning Policy Framework.
18. Prior to first occupation of each dwelling on Plots 21-35 inclusive, the cycle storage for that dwelling shall be provided in accordance with drawing no. CYCLE-2A-CS-001 and PCHL-2A-SP-005 Rev A. The cycle parking provision shall be retained in perpetuity.
- REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1 and T2 of the Maldon District Local Development Plan, the Vehicle Parking Standards SPD and the policies and guidance contained within the National Planning Policy Framework.

Archaeology

19. No development including any site clearance or groundworks of any kind shall take place within the site until the developer has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
20. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Waste

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

Management Technical Document. The collection points shall be installed prior to first occupation and retained as such for the life of the development.
REASON: To ensure sufficient and appropriate waste collection points are installed and in the interests of visual amenity in accordance with Policy D1 of the approved Maldon District Local Development Plan.

Permitted Development

22. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition, extension or opening shall be constructed in the roof or gable walls of the buildings hereby permitted in Plots 1-11 inclusive without planning permission having been obtained from the local planning authority.
REASON: To protect the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.
23. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of the front and/or side gardens of any dwelling.
REASON: To protect the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

Ecology

24. The development shall be carried out in accordance with the mitigation measures and/or works contained in the Preliminary Ecological Appraisal (SES, April 2023) and Non-Licensed Methods Statement for Great Crested Newt (CSA Environmental, January 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.
25. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

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

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

REASON To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework.

INFORMATIVES

Sustainable Urban Drainage Systems

1. We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green / blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
2. Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
3. Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>
4. Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Highways

5. There shall be no discharge of surface water onto the Highway from the site.
6. 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
7. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
8. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Designing out Crime

9. The applicant is invited to consult the Designing out Crime Team on this development to assist in demonstrating their compliance with this policy by achieving a Secured by Design Homes award.