



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
10 APRIL 2024**

<b>Application Number</b>	<b>23/00925/FUL</b>
<b>Location</b>	Land Adjacent 39 Green Lane, Burnham-on-Crouch
<b>Proposal</b>	Erection of a four-bedroom detached chalet style dwelling.
<b>Applicant</b>	Mr S Latif
<b>Agent</b>	Mr David DeVries
<b>Target Decision Date</b>	17.04.2024
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

**1. RECOMMENDATION**

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


**2. SITE MAP**

Please see below.

# Land Adjacent 39 Green Lane - Burnham On Crouch

23/00925/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Area Planning Committee
	Date:	20/12/2023
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 The application site is located on the southern side of Green Lane outside the settlement boundary of Burnham-on-Crouch. The proposed dwelling subject to this application was previously approved under reference 16/01481/FUL, however, the works were never implemented. The application site is adjacent to No.39 Green Lane where an application for a detached chalet dwelling was allowed on appeal under reference 15/01046/FUL. To the south of the site there is approval for six residential dwellings allowed on appeal under reference 17/01123/OUT, subsequently varied under reference 21/00356/VAR and development has commenced.

3.1.2 The current application seeks planning permission for an identical dwelling to that which was previously approved, being a four bedroom, detached chalet style dwelling. As previously approved the dwelling would measure 14 metres in width and 10 metres in depth and 7.6 metres in height under a cross hipped roof with a clipped gable. The materials to be used for the walls, roof, windows and doors are indicated as matching those used in the construction of the adjacent property No.39 Green Lane.

#### **3.2 Conclusion**

3.2.1 Although the proposed new dwelling would represent a limited encroachment into the rural character and appearance of the locality, the site is not isolated nor remote from other properties and where the immediate locality is undergoing change which has been found acceptable by Inspectors in their appeal decisions. Accordingly, the appeal decision on the application site is clearly a material consideration as is the appeal decision for the land to the south which is now subject to development. In the light of the planning history the proposal is not considered to result in such a level of harm as to warrant a reason for refusal.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 85-87 Building a strong, competitive economy
- 96-101 Promoting healthy and safe communities
- 108-113 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I2 Infrastructure and Services

#### **4.3 Relevant Planning Guidance / Documents:**

- Burnham-on-Crouch Neighbourhood Development Plan
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 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 Paragraph 47 of the NPPF (2021) require that planning decisions are to be made in accordance with the Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 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.
- 5.1.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general use residential properties but does allow at (m) of S8, development which complies with other policies of the LDP. As such, although there is conflict with Policy S8 in that the site is located outside of the settlement boundary, in the opinion of the Local Planning Authority (LPA), this is balanced against other material considerations which are discussed further in the report.
- 5.1.4 As per Paragraph 77 of the NPPF, the Council, as the LPA for the Maldon District, is expected to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”. To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report,

annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.

- 5.1.5 Work has recently been carried out by the Council in reviewing the suitability of the Five-Year Housing Land Supply (5YHLS) methodology through its 5YHLS Working Group established in August 2022. The work has now assessed the current 5YHLS figure as 6.35 years. At its Statutory Annual meeting on 18 May 2023 the Council subsequently confirmed that the official 5YHLS for the District of Maldon now stands at 6.35 years, updating the previous official position for 2021 / 22 of 3.66 years. This means that the Council's presumption in favour of sustainable development position against paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the LDP), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. As stated, the LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. Paragraph 83 of the NPPF states that:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 5.1.7 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 109 of the NPPF acknowledges that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that “new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable”.
- 5.1.8 Planning permission was granted under reference 16/01481/FUL for the 'Erection of a four bedroom detached chalet style dwelling'. The works were never implemented and therefore the time bound implementation condition has lapsed.
- 5.1.9 The proposed new dwelling would be located outside of the settlement boundary of Burnham-on-Crouch, as defined by the approved local plan and is, therefore, in conflict with the LDP adopted policy. The town of Burnham-on-Crouch is defined as a main settlement as defined within policy S8 of the approved LDP. Whilst the South Eastern Area Planning Committee concluded that the previously approved scheme

was not in the most sustainable location, on balance, weight was given to the appeal decision at the adjoining site, and the other applications approved by the Committee in the immediate vicinity. Since the previous application the immediate locality has evolved with a number of previously approved residential dwellings now being completed, including the 180 housing development to the south east. Burnham-on-Crouch has a high number of facilities within the main High Street. There are two bus stops located just outside either end of Green Lane, Eves Corner to the east which is a 10 minute walk / 2 minute cycle ride and Dhan Shiri to the west which is a 9 minute walk / 3 minute cycle ride. Although the property is located outside of the defined settlement boundary it is considered that due to its close proximity, future occupiers of the proposed dwelling would not necessarily be reliant on private vehicles to meet regular day to day needs. Furthermore, the Inspector for the appeal for the construction of No.39 stated:

*'While the appeal site and this part of Green Lane are outside of the settlement boundary, a range of facilities and services within Burnham-on-Crouch are nearby. At my site visit, I noted that Green Lane is a narrow road without pavements and appears to be used as a through route for traffic avoiding the B1010 and/or B1021. However, it was also lightly trafficked with no steep gradients and did not seem prohibitive to pedestrians or cyclists. The bus stop on Maldon Road is also within walking distance. Therefore, alternatives to the private motor car are possible. There would be a need to travel to access facilities and services, but the distances and negative effects would be limited. Furthermore, given the proximity of existing and approved housing on Green Lane, and the likelihood of 180 houses being built between Green Lane and Maldon Road, the proposed development would not be isolated or remote from facilities.'*

*Concluding on this main issue, while the proposed development would be outside of the settlement boundary and contrary to Policy S2 of the RLP, the site specific circumstances indicate that it would be sustainably located in terms of access to facilities. Furthermore, it would accord with Policy CC6 of the RLP in terms of an appropriate location in the landscape. It would also meet the aims of paragraph 55 of the NPPF as it would avoid being an isolated home in the countryside.'*

- 5.1.10 As such, there is no objection to the principle of the site accommodating a residential unit, subject to the scheme causing no demonstrable harm to the character and appearance of the locality, to the neighbouring amenity, and ensuring that parking and amenity space provision is met.
- 5.1.11 Other considerations for the proposal are discussed below, including the impact on the character of the area and residential amenity and the provision of parking and private amenity space at the site.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policies D1 and H4 of the LDP and the MDDG (2017) are relevant in this respect.
- 5.2.2 The application site would be visible from the streetscene of Green Lane and is located within the middle of a newly formed residential street that has evolved over the years with a number of two storey detached dwellings being erected to the north

east of the application site and the construction of a large housing estate to the south east of the application site with pedestrian and cycle access off of Green Lane. Although the proposed development would be located on a parcel of land beyond the defined settlement boundary of Burnham-on-Crouch, it is noted that three previous applications have been approved within the wider site, a single storey detached bungalow at the site (planning reference 15/01046/FUL), a single storey detached bungalow (planning reference 16/01481/FUL) and six detached dwellings (planning reference 17/01123/OUT) which was later varied under reference 21/00356/VAR. Both applications 15/01046/FUL and 17/01123/OUT were subject to an appeal following a refusal by the Council and both appeals were allowed.

5.2.3 Application 15/01046/FUL was refused by the LPA for the following reasons:

- 1 *The proposed development would appear visually intrusive within the rural countryside in this location, which is recognised for its landscape value in the adopted Local Plan. The proposed development would result in the urbanisation of the site and therefore have a detrimental impact upon the character and appearance of the area contrary to policies S2, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, guidance contained within the National Planning Policy Framework and policies S1, S8 and D1 of the Maldon District Pre-Submission Local Development Plan.*
- 2 *The proposed development would result in an isolated residential development that would not respect the existing pattern of development and is comparatively remote from community support facilities. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan, S1, S8, D1 and H4 of the Maldon District Pre-Submission Local Development Plan. and core planning principles and guidance contained in the National Planning Policy Framework.*

The Inspector concluded that *'The proposed development would not harm the character and appearance of the surrounding area and would be sustainably located in terms of access to facilities. For these reasons, and have regard to all other matters raised, I therefore conclude that the appeal should be allowed.'*

In relation to the harm on the character and appearance of that proposed dwelling the Inspector considered the evolving development within Green Lane and the large housing development to the south east of the site and stated:

*'It is inevitable that the proposed development would result in some change to the countryside through the introduction of a new dwelling. However, the site is not isolated or remote from other properties and is situated within an area that is undergoing considerable change. The existing detached property at High House lies a short distance to the north-east of the appeal site on the opposite side of Green Lane with two detached dwellings under construction to its east. Both the appellant and Council have also highlighted a number of other sites along Green Lane that have permission for small scale residential development. While I appreciate that no site is identical, it demonstrates a less restrictive approach to new dwellings in this area and an increase in residential character along Green Lane.*

*Immediately to the east of the appeal site between Green Lane and Maldon Road is the strategic site S2(j), allocated in the LDP for 180 houses. A planning application based on this allocation has recently been approved subject to a Section 106*

*agreement. Although the new houses would be set back from the appeal site and Green Lane by a reasonable distance, they would face in their direction and would be visible with little apparent screening. The approved scheme would represent a considerable increase in residential development in the vicinity of Green Lane.*

*The proposed development would occupy a small part of the overall site and be positioned next to the existing access to minimise the need for new hardstanding. The long gap in built development along the south side of Green Lane would be eroded to a very small extent, but the vast majority of it would remain. Furthermore, the likelihood of 180 houses to the east would see a considerable increase in built development towards the gap.*

*In the context of existing and approved residential development either side of Green Lane, the new dwelling would not be isolated or overly prominent. It would be screened to some extent by the existing boundary vegetation, particularly the tree belt to the west, which would also reduce the effect of any lighting or other residential paraphernalia. The dwelling would be of a similar scale and appearance to other detached dwellings along Green Lane and would front onto the road rather than constitute backland development.*

*As a consequence of both the site circumstances and the proposed design, the proposed development would respect the existing pattern of intermittent properties along Green Lane without a detrimental urbanising effect. Furthermore, there would be little visual intrusion or encroachment into the countryside given the limited scale of development.*

*Both main parties have brought to my attention a number of planning decisions, including those determined at appeal, for similar proposed development in the District. However, it is evident that none of these decisions are directly comparable. I have determined this appeal on its own merits.*

*Concluding on this main issue, the effect of the proposed development on the character and appearance of the surrounding area would not be harmful.'*

5.2.4 In terms of design, this would be identical to that of No.39 adjacent (planning reference 15/01046/FUL) and also identical to the previously approved application that was never implemented (planning reference 16/01481/FUL). As no issue was raised with the design of No.39 and that scheme was allowed at appeal, as has been discussed above, it would be unreasonable for there to be concerns with the current application.

5.2.5 Application 17/01123/OUT was refused by the LPA for the following reasons:

- 1 *The proposed development on land outside the settlement boundary of Burnham-on-Crouch would represent the sprawl of development into the countryside and cause harm to the character and intrinsic beauty of the countryside. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.*
- 2 *The proposed development, by virtue of the proposed new access road linking the proposed dwellings to Green Lane, would have a detrimental and harmful visual impact on the character and intrinsic beauty of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of*



*the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.*

In relation to the harm on the character and appearance of those proposed dwellings the Inspector considered the evolving development within Green Lane and the large housing development to the south east of the site and stated:

*'The area is undergoing considerable change. I note the land to the east of the appeal site is subject to a large scale development constituting one of those strategic development sites at Burnham. There is nothing before me to suggest that this development is unlikely to proceed noting that it is one of the Council's strategic housing allocation sites. If it does, the countryside to the east of the appeal site will become substantially more urban in character. I also saw that there are other backland developments in the area, such as those developments at Pinnars Close, The Hawthorns and Corinthia Mews.*

*It was within this evolving urbanising context that the Inspector found that the previous appealed scheme would not appear contrived, isolated or overly prominent when viewed from Green Lane or elsewhere. I note that there have been a number of recent planning permissions for detached dwellings along Green Lane near to the proposed site access. In addition to the dwelling recently erected to the west of the proposed vehicular access, there is also permission in place to erect a dwelling immediately to the east of the proposed access. Whether or not any of these developments have come forward at a time when they would have assisted in meeting the District's housing need, it is clear to me that this area, including that of Green Lane, is becoming more urban in character.*

*I accept that there are differences in terms of the proposed accesses and the indicative dwellings and road layout to that of the previous scheme. The previous permission remains extant and I give significant weight to it as a fallback development. Overall, the proposal would represent a development of a similar form to that previously allowed at appeal with regard to the land where the dwellings would be located. The illustrative plan indicates that a spacious and low density layout could be achieved with landscaping between and around dwellings and that the established existing group of trees can be retained. Whilst this proposal shows two dwellings further east in that site than that of the previously illustrative scheme, other areas at the east of the appeal site would remain undeveloped. However, it must be noted that the layout was and is a reserved matter of both the previous permission and the current proposal.*

*I find that the proposed development would not be out of context taking into account the large residential development that would come forward between Maldon Road and Green Lane to the east of the appeal site. The scheme would also retain existing landscaping and allow for further soft landscaping. The development would integrate with the existing landscaping within the surrounding area. The proposal would, therefore, not be substantially out of keeping with the character of the area or cause significant visual harm to its appearance. I also note the proposed development would have a similar set-back from Green Lane to that of the large development scheme at the east. The landscaping would, to some extent, conceal the development in views from the wider area, including Green Lane.*

*Turning to the proposed vehicular access, the recently erected dwelling of 39 Green Lane and the permitted dwelling will have a significant urbanising impact upon the character of this part of Green Lane. There is nothing before me that would indicate that the dwelling to the east would be unlikely to proceed. I saw that there is already an access onto Green Lane. I do not consider the new access would appear out of*

*context between dwellings. Notwithstanding this, part of the proposed vehicular access would be more visually noticeable where it would not be flanked by built development or visually softened by landscaping. However, that stretch of highway is of limited length and would be set back in views from Green Lane. Due to this area becoming more urban in character I do not consider the access road would appear substantially out of context.*

*A footway between 60 and 60A Maldon Road could be achieved within the available space. This would not be an appreciable visual change to the Maldon Road streetscene. I, therefore, consider this to be an acceptable and beneficial part of the proposed development.*

*For these reasons, I conclude that the proposed development would preserve the character and appearance of the area.'*

- 5.2.6 In light of the above assessment and taking into the account that the principle of the development was previously deemed acceptable on the approved scheme from 2017 and that the immediate site area and surrounding area including the outcome of the appeals relating to that site, the proposal by reason of its siting, design, scale and bulk would be acceptable. On balance, the impact of the development on the character and appearance of the locality, when considering the approved development in the immediate locality is not considered to be so demonstrable to the I character and appearance of the locality to warrant a reason for refusal.

### **5.3 Impact on Residential Amenity**

- 5.3.1 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).
- 5.3.2 There are no other neighbouring properties adjoining the application site outside of those that have already been built, are under construction or awaiting construction with the wider site itself.
- 5.3.3 The application site subject to this application sits approximately 16 metres from No.39 Green Lane to the west, the elevation facing this neighbouring property would have one window and door at ground floor level and one rooflight proposed in the roof slope, due to the height of the rooflight proposed it would not result in an unneighbourly form of development that would result in overlooking for this neighbouring property.
- 5.3.4 The application site subject to this application sits approximately 44 metres from the closet dwelling which was allowed on appeal under reference 17/0112/OUT and would be located to the opposite side to the shared private driveway, whilst it is noted that three rooflights are proposed within the roof slope facing out onto the proposed new dwellings, due to the separation distance it is not considered that the development would result in overlooking to these dwellings, resulting in an unneighbourly form of development.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the

Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.4.2 The existing access to the site formed part of planning approval 15/01046/FUL. Essex County Council (ECC) Highways has raised no objection to the proposal subject to conditions relating to the reception and storage of building materials and the provision of cycle parking on the site, together with informative, which can be added if the application was approved.
- 5.4.3 The dwelling proposed would have four bedrooms and as per the Council's vehicle parking standards would require three car parking spaces, the block plan submitted shows that there would be sufficient space for at least three vehicles. Therefore, no objection is raised in relation to traffic and transport issues.

## **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms and 50m<sup>2</sup> for smaller dwellings.
- 5.5.2 The development proposed would provide well in excess of 100m<sup>2</sup> of private amenity space. Therefore, the proposal is in compliance with Policy D1 of the LDP.

## **5.6 Ecology (including the impact of development within the Zone of Influence (Zoi) for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS))**

- 5.6.1 Paragraph 180 of the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.6.2 Strategic LDP 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.
- 5.6.3 Policy N2 of the LDP which states that '*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.*'
- 5.6.4 The application site falls within the Zoi for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England (NE) does not provide bespoke advice. However, NE's general advice is that a Habitats Regulation Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site'

measures (i.e., in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.6.5 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £156.76 per dwelling is necessary. The Council is now in receipt of a signed Unilateral Undertaking (UU) and the appropriate mitigation would therefore be secured, in compliance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

## 6. ANY RELEVANT SITE HISTORY

- **14/01216/FUL** - Erection of a 5 bedroom dwelling and a detached double garage, Refused – 2 March 2015
- **14/01200/OUT** - Outline planning for proposed demolition of No. 58 Maldon Road and the erection of six new dwellings of 232-350 sq meters on land at the rear of 60a Maldon Road and change of land use to C3, Refused – 12 February 2015
- **15/01046/FUL** - Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216, Refused and allowed on appeal – 30 June 2016
- **16/00120/OUT** - Outline planning permission for proposed demolition of No.58 Maldon Road and the erection of 6 No. residential units. with ancillary works including new vehicular and pedestrian access off Maldon Road and Estate Road (Resubmission), Refused and allowed on appeal – 16 February 2017
- **16/01246/OUT** - Proposed demolition of No.58 Maldon Road and the erection of 12 residential units of 80-240Sqm with ancillary works including new vehicular and pedestrian access off Maldon Road on land forming part of the rear garden to No.60a Maldon Road, Refused – 17 January 2017
- **16/01481/FUL** – Erection of a four bedroom detached chalet style dwelling, Approved – 14 March 2017
- **17/01123/OUT** - Proposed erection of 6 residential dwellings and ancillary works with shared surface access of Green Lane and pedestrian/ cycle link to Maldon Road., Refused and allowed on appeal – 13 June 2018
- **19/00702/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/17/1123 allowed on appeal APP/X1545/W/18/3195853 (Proposed erection of 6 residential dwellings and ancillary works with shared surface access of Green Lane and pedestrian/ cycle link to Maldon Road), Approved – 28 February 2020
- **21/00356/VAR** - Variation of condition 2 (approved drawings) of approval reference 19/00702/RES (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/17/1123 allowed on appeal APP/X1545/W/18/3195853 (Proposed erection of 6 residential dwellings and ancillary works with shared surface access of Green Lane and pedestrian/ cycle link to Maldon Road)) Amendment sought: Amendment to design of dwelling on Plot 2., Approved – 18 January 2022

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Recommend the granting of planning permission	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection – subject to recommended conditions and informative	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment	-

### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: LP1, PL.1, X01 Rev A, X02 Rev B, 05 Rev A.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained within the National Planning Policy Framework (2023).
- 4 No development above slab level shall take place until details of all hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) means of boundary enclosure
  - b) hard surfacing materials

- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and
- d) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details. Any plant material removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

**REASON** In the interests of the character and appearance of the rural area and highway safety, in accordance with Policies T2, D1, E1 and S8 of the Maldon District Local Development Plan (2017) and the guidance contained within the National Planning Policy Framework (2023).

- 5 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

**REASON** To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2.

- 6 Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

**REASON** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2.

### **INFORMATIVES**

- 1 There shall be no discharge of surface water from the development onto the Highway.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)