



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

to
**DISTRICT PLANNING COMMITTEE
4 SEPTEMBER 2024**

| | |
|---|---|
| Application Number | 24/00244/FULM |
| Location | Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex |
| Proposal | Construction of 63 dwellings (Use Class C3), and associated works, including informal and formal open space; vehicular, pedestrian and cyclist infrastructure; car and cycle parking; sustainable urban drainage; and infrastructure. |
| Applicant | Barratt David Wilson Homes (Eastern Counties) |
| Agent | Lanpro Services Ltd |
| Target Decision Date | 27.09.24 (EoT) |
| Case Officer | Lisa Page |
| Parish | BURNHAM-ON-CROUCH NORTH |
| Reason for Referral to the Committee / Council | Strategic site within the strategic submitted Local Development Plan |

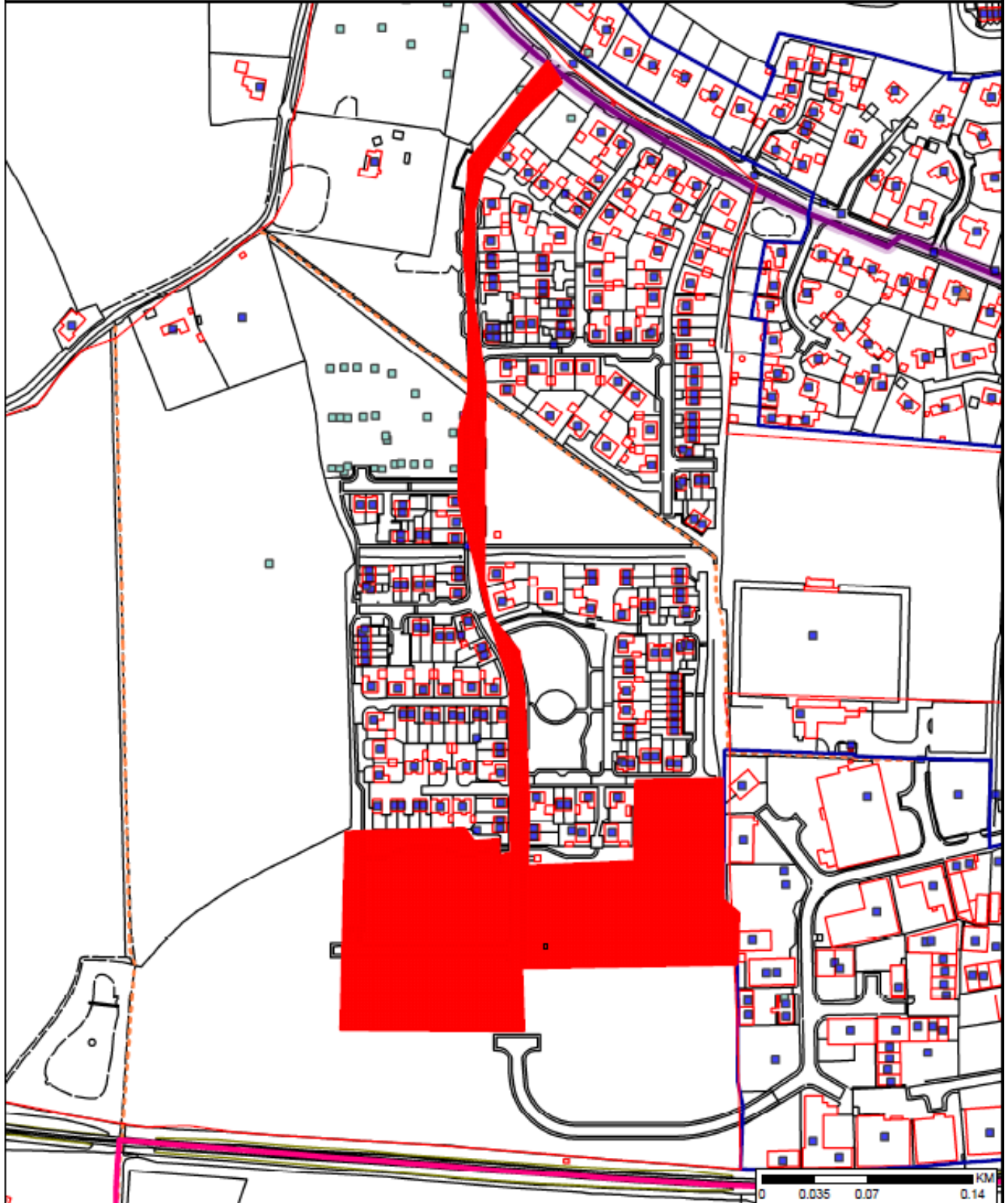
1. RECOMMENDATION


APPROVE planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

Land South Of Brent Way And Off Of Endeavour Way - Burnham On Crouch
 24/00244/FULM



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| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | District Committee |
| | Date: | 15/08/2024 |
| | MSA Number: | 100018588 |

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site extends to 3.32 hectares and is located to the north-west of Burnham-on-Crouch, approximately 1.5 miles walking distance from the town's High Street. The site is to the south of the existing Barratt David Wilson (BDW) Homes development known as Corinthian Place, to the south of Brent Road, and to the west and east of Endeavour Way.
- 3.1.2 The northern boundary of the site is formed by the existing residential BDW development and associated landscaped open space. To the east, the site is bound by Springfield Industrial Estate; the railway line is to the southern boundary; with agricultural land to the west.
- 3.1.3 The site is within a wider parcel of land within the strategic site allocated for housing and employment space under Policies S2 and E1 of the Council's Local Plan 2014-2029.
- 3.1.4 The site lies outside of the Conservation Area and is 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

- 3.1.5 The application seeks full planning approval for the construction of 63 dwellings, comprising a mix of 38 market and 25 affordable housing units, with the following mix: -

Market housing

6 x 2-bed dwellings
3 x 3-bed bungalows
17 x 3-bed dwellings
11 x 4-bed dwellings
1 x 5-bed dwelling

Affordable housing

3no. intermediate 2-bed / 4 person dwellings
3no. intermediate 3-bed / 5 person dwellings
4no. rented 3-bed / 6 person dwellings
7no. rented 2-bed / 4 person dwellings
4no. rented 1-bed / 2 person bungalows
4no. rented 1-bed / 2 person maisonettes

- 3.1.6 The layout includes the provision of 0.68ha of public open space with pedestrian infrastructure, hard and soft landscaping, and a sustainable urban drainage system.
- 3.1.7 Vehicular access would be from Endeavour Way which joins onto Maldon Road (B1010) and would also have an access at the northeastern corner of the site via Brent Way.
- 3.1.8 Across the site 139 allocated car parking spaces are proposed (including on-plot garaging provision) with an additional 19 visitor parking spaces. 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.

3.2 Conclusion

- 3.2.1 Part of the application site is located within the strategic site allocation S2(i) within the Local Development Plan (LDP) 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 original 180 dwellings, however, it is considered the necessary infrastructure could be provided through financial contributions under a Section 106 (S106) Legal Agreement.
- 3.2.2 The remainder of the site is located within land allocated by Policy E1(p) of the LDP for B1 (now Class E), B2, and B8 Uses. The actual allocated employment land to be lost relates to solely Class E Uses. The application is supported by Marketing Reports which set out details of marketing of the site, and references evidence within the Maldon District Employment Land and Premises Study (EL&P) which indicates that the District has a very localised office market with limited supply and demand. The conclusions of the Marketing Reports are supported, and Officers consider that the site allocated for Class E Uses could be released for residential development as this has been justified and would not affect the remainder of the employment allocation which remains available and continues to be marketed for light industrial uses which has been shown to be in demand in the EL&P Study.
- 3.2.3 The application would deliver 63no. dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix would comprise almost one third as three-bed units which is the biggest need in the District. In addition, the proposal would provide a total of seven bungalows which would assist in meeting the needs of older people or people with disabilities.
- 3.2.4 The layout of development would follow the grain of existing developments to the north, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and a complementary palette of materials. Streets would be tree lined, and the open spaces would be well sited with dwellings facing out onto them. Overall, the layout and design of the proposal would create a high quality development.
- 3.2.5 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide, and the open space provision is considered acceptable. There would be no unacceptable harm to neighbouring amenity.
- 3.2.6 In terms of highways matters, Endeavour Way and Maldon Road has adequate capacity to serve the development and the development would not have an adverse impact upon local highway safety. The Highway Authority has no objections from a highway and transportation perspective. Adequate parking would be provided for the development.
- 3.2.7 Matters in relation to landscape and ecology are satisfactory, and the development would deliver significant on-site Biodiversity Net Gain (BNG) which would be secured for 30 years. In addition, the development would be acceptable in terms of flood risk and drainage.

3.2.8 Having considered the benefits that would arise from the proposal and weighed this against the harm arising from the conflict with the employment land designation within the LDP, it is considered that the significant benefits of the development would outweigh any harm. These benefits would amount to material considerations that would indicate that planning permission could be granted not in accordance with the Development Plan, and thus, it is recommended that planning permission be 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.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (2023) 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
- 85-89 Building a strong, competitive economy
- 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
- E1 Employment
- 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 A draft list of Heads of Terms for a Section 106 Agreement includes the following:

- 39.7% affordable housing
- NHS (National Health Service) of £31,100
- Education:
 - Early Years and Childcare – £97,125.00
 - Primary - £330,225.00
 - Secondary - £293,887.00
- Libraries £4901.40
- Essex County Council (ECC) monitoring fee £700 per ECC obligation
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) tariff at £163.86 per dwelling
- District Council monitoring fees

5. MAIN CONSIDERATIONS

5.1 Principle of Development

National Planning Policy Framework (NPPF)

- 5.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 5.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that Local Planning Authorities (LPAs) should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 5.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 5.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a Five-Year Housing Land Supply (5YHLS). This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

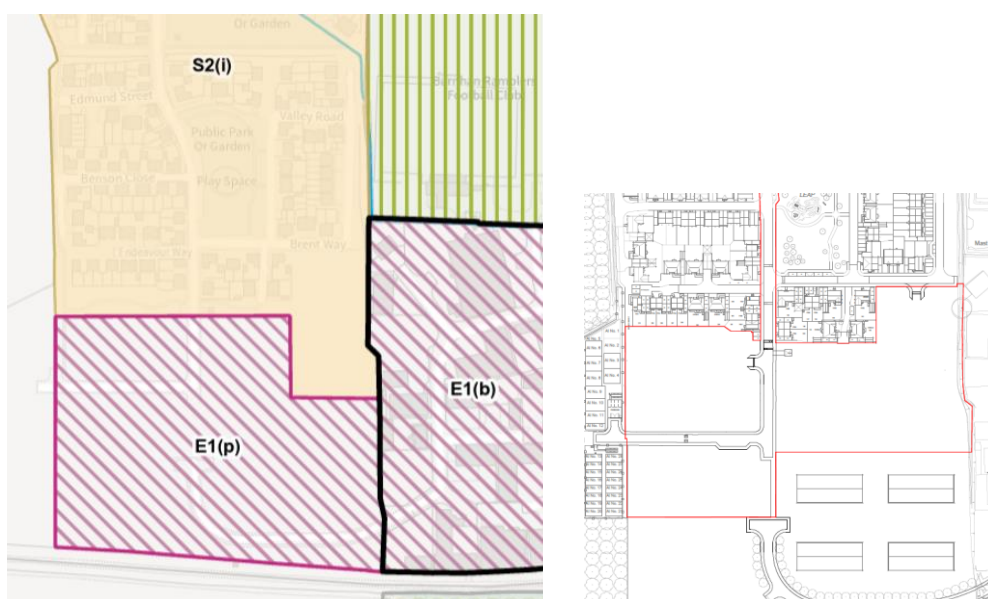
Five Year Housing Land Supply

- 5.1.6 On 28 May 2024, the Council confirmed, through approval of its officers' report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years' worth of housing against the Councils identified housing requirements. The published figure for the year 2023 / 24 was 6.35. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government's drive to meet housing demand, where any identified harm caused

by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on the ground, and approval of new permissions, is necessary for the LPA's to demonstrate that it is being consistent with national policy.

The Development Plan

- 5.1.7 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 National Planning Policy Framework require that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the approved Maldon District LDP and the 'made' Burnham-on-Crouch Neighbourhood Plan (2017) (BOCNDP).
- 5.1.8 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.
- 5.1.9 As per the extract from the Proposals Map below, the site falls within the allocation for S2(i) and E1(p). A small portion of the proposed development would be located within the housing allocation (S2(i)), with the majority located in the employment allocation (E1(p)). These allocations are also reflected in the Maldon Neighbourhood Plan Policies S1 (Strategic Housing Growth) and HO.5 (Land at Burnham West). Within the housing allocation S2(i), the outline permission FUL/MAL/14/00356, approved the land as a day nursery.

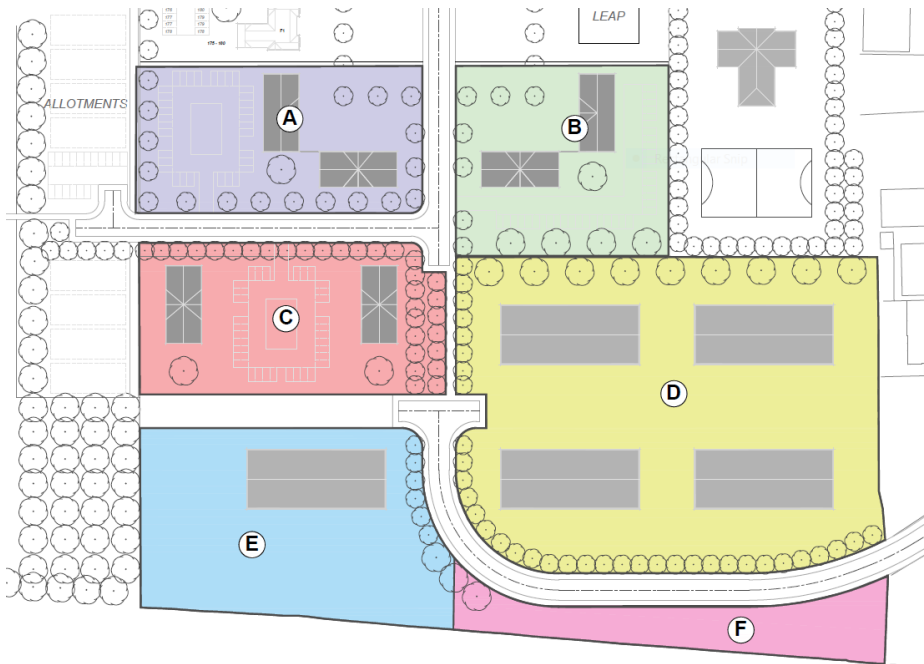


- 5.1.10 Policy S2 (Strategic Growth) confirms the number of units associated with each strategic allocation for each of the five-year periods of the Plan. For S2(i), 180 dwellings represent the expected minimum delivery. Therefore, Policy S2 in itself does not limit in any way the provision of more 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.

- 5.1.11 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”*.
- 5.1.12 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.
- 5.1.13 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.
- 5.1.14 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 210. This application has also been implemented.
- 5.1.15 The most recent application on the site is 23/00500/FUL, which granted consent for an additional 37 dwellings, and which resulted in a further uplift of dwellings on the site to a total of 247.
- 5.1.16 This application for a further 63 units, would result in a total of 310 across the wider site. 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”*.
- 5.1.17 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. 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.
- 5.1.18 A further matter in terms of the principle of development, relates to the application site falling within the employment land allocation (E1(p)). Policy E1 (Employment) confirms that designated employment areas will be protected, unless it can be demonstrated that there is no reasonable prospect for the Site to be used for these purposes. Policy S6 (Burnham-on-Crouch Strategic Growth) states that permission will be given for development at the Strategic Allocations provided that the development accommodates early years and childcare facilities.

5.1.19 The Site is allocated for commercial use under Policy E1(p) (Employment) for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Although the Use Classes Order (September 2020) revoked Use Class B1 and replaced it with the new Class E(g) (Uses which can be carried out in a residential area without detriment to its amenity).

5.1.20 The area of the employment allocation that benefits from outline permission for the previous B1 office accommodation (parcels A, B and C in the image below) extends to 1.42ha. The total employment allocation measures 4.5ha, with the potential loss of these parcels representing 31.5% of the employment allocation.



5.1.21 The application is supported with a detailed Marketing Report (September 2023) and Updated Marketing Report Note (June 2024), which sets out that the site has been marketed for use Classes E, B1 and B8 since April 2019 (and has continued prior to and subsequent to the submission of the planning application), with plots varying from 0.57 to 3.56 acres in size. It has been publicly marketed on a variety of websites, agency boards and circulations to agents and known parties.

5.1.22 The Marketing Report explains that interest received to date has mainly been from businesses seeking to relocate or expand within Burnham-on-Crouch, though no proceedable offers have been received. The Report also sets out other available commercial properties within Burnham-on-Crouch that have been on the market for some time. This indicates that there is a surplus of commercial floorspace in the area, including offices.

5.1.23 The Maldon District Employment Land and Premises Study (February 2024) (EL&P), at paragraph 5.65, indicates that the District has a very localised office market with limited supply and demand. Office space is primarily found above shops in Maldon Town Centre and in a few larger units in Heybridge. Demand comes only from local firms, with no inward investment, seeking small suites of 50-200 sqm. The local office market faces additional constraints due to the ample supply of higher-quality office premises in nearby towns like Brentwood, Colchester, Braintree, and Chelmsford, which also offer better road and rail links to London. These towns are likely to absorb any extra office demand from companies relocating out of London.

- 5.1.24 The Employment Land and Premises Study's conclusion regarding a localised office market with limited supply and demand is supported by the ongoing marketing efforts by the agent, as indicated in the Marketing Report and the supporting Marketing Note, which demonstrates that there has been no interest in the Site for office accommodation. Given the demonstrated lack of interest in new office space, it is on balance considered that the area on the site allocated for Class E Uses, could be released for residential development as this would not affect the remainder of the employment allocation, which remains available and continues to be marketed for light industrial uses (B2/B8 Use Classes), which has been shown to be in demand in the EL&P Study.
- 5.1.25 Additional weight is assigned to Paragraph 86 d) of the NPPF which states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. This is also reflected in Paragraph 126 which states that planning policies and decisions need to reflect changes in the demand for land. As such, there is clear policy support at national level, for alternative land uses than those envisaged in the Local Plan.
- 5.1.26 Overall, in terms of the principle of development, whilst the delivery of additional dwellings aligns with policies of the NPPF to deliver sustainable development, and would accord with LDP Policies S1, S2, S6 and H3 and NDP Policies HO.2, HO.3 and HO.5 in this respect, the siting of residential dwellings within allocated employment plan, although justified in this case within the Marketing Report and Update Marketing Note, would still be in conflict with the Development Plan.

5.2 Housing Need and Affordable Housing

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need and the Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, 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 latest NPPF and NPPG and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the 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 housing.
- 5.2.2 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". The Council therefore seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District's housing stock provides for a wide range of housing needs and offers choice. The LHNA (2021) 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.
- 5.2.3 The proposal for 63no. residential units consists of a mixture of dwelling sizes as follows: 8 x 1-bed units (12.7%) 16 x 2-bed units (25.4%) 27 x 3-bed units (27%) and 12 x 4+bed units (19%).
- 5.2.4 Almost one third of the dwellings comprise three-bed units, which is the biggest need within the District. The proposal would provide a total of seven bungalows 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 BOCNDP which 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”.

- 5.2.5 Turning to affordable housing, 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. In addition, criterion 10 of Policy S6 requires that adequate provision is made for affordable housing.
- 5.2.6 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 LDP policies H1, H2 and H5 will work. Whilst the SPD sets out the preferred tenure mix as 70% Affordable Rent and 30% Intermediate Housing, the LHNA identified a tenure mix of 75% Rented and 25% Intermediate Affordable Housing, and this is what the LPA now seek to deliver.
- 5.2.7 The application proposes 25 of the 63 dwellings as affordable (39.7 %) which would equate to an under-provision of 0.3%. However, it is important to note that the previous phases of the development resulted in an over-provision of affordable housing by 1.62%. Even after accounting for the 0.3% under-provision from the current 63-unit scheme, there would still be a net over-provision of 1.32% of affordable housing. The Councils Strategic Housing Services section have reviewed the application and note that although the affordable housing provision is slightly under on this application, acknowledge that in the context of the wider development parcel, there is still a slight over provision of affordable housing, and on this basis, the total amount of affordable housing proposed is acceptable and aligns with Policy H1 of the LDP.
- 5.2.8 Turning to tenure mix, the LHNA identified a tenure mix of 75% Rented and 25% Intermediate Affordable Housing. The development meets with this tenure mix with the breakdown of sizes of the affordable units as follows –

Rented / Intermediate

- 3 x 2bed/4person dwellings;
- 3 x3bed/5person dwellings;

Shared Ownership

- 4 x 3bed/6person dwellings;
- 7 x 2bed/4person dwellings;
- 4 x 1bed/2person bungalows;
- 4 x 1bed/2person maisonettes.

- 5.2.9 Accordingly, the provision of affordable housing is consistent with Policy and S6 of the LDP and would be in full compliance with the LHNA. In addition, the location of the affordable housing at the site is supported, being located at two different locations across the site and which would appear tenure blind.

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 63 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 site is located within Burnham on Crouch North ward and would create the need for an additional 4.9 childcare places. According to ECC's latest childcare sufficiency data, there are no providers of early years and childcare in the ward. Looking at the wider Burnham-on-Crouch South Ward, there is a total of three providers. Of these, one is a year-round nursery facility offering places for children aged 0 - 5 and two are term-time only facilities for children aged 2 – 5. Overall a total of 0 unfilled places were recorded in the nursery and both preschools were also full, or holding long waiting lists. It is also worth noting that the recent extension of funding for working families, which was introduced in April 2024 has also placed an increased demand on early years places as children become eligible for funding from 2 years. From September, this lowers to children aged over 9 months.
- 5.3.4 The demand generated by this development would require a contribution towards the creation of additional places. A developer contribution of £97,125.00 is sought to mitigate its impact on local Early Years and Childcare provision.

Primary Education

- 5.3.5 This site would be within the Priority Admissions Area of Burnham-on-Crouch Primary School, which has a Published Admission Number of 60 pupils per year. As at the last school census in January the school was full in most year groups, with a total of 419 children on roll. Saint Mary's Church of England Primary School is slightly closer to the site and has a Published Admission Number of 30 pupils per year. As at the census, this school was also full in most year groups and was operating a Year One 'bulge' class for 58 pupils.
- 5.3.6 Provisional data suggests that both schools will again be full in Reception next September. Forecasts for the area, which also includes Southminster, set out in the Ten-Year Plan 'meeting the demand for mainstream school places in Essex 2024-2033', suggest that pupil numbers will rise. In response ECC is proposing an expansion at Burnham-on-Crouch Primary School.
- 5.3.7 The demand generated by this development would require a contribution towards the creation of 16.5 additional primary places. A developer contribution of £330,225.00 is sought to mitigate its impact on local Primary School provision.

Secondary Education

- 5.3.8 The Priority Admissions Area secondary school for the area is Ormiston Rivers Academy. The school has recently increased its Published Admission Number to 210 pupils per year group, as of the result of a project commissioned by ECC. As of January, the school had 207 pupils in Year 7 (the first year of secondary education) with a total of 1,106 pupils on roll. For pupil place planning purposes, the school is grouped with William de Ferrers. The combined forecast, set out in the 10 Year Plan, suggests that more capacity will be needed for the area. William de Ferrers School will take additional pupils from 2025 but, even with this, further action may be

required to ensure a suitable number of unfilled places is retained in each year group.

- 5.3.9 The demand generated by this development would require a contribution towards the creation of 11 additional secondary places. A developer contribution of £293,887 is sought to mitigate its impact on local Secondary School provision.

Post 16 Education and School Transport

- 5.3.10 No contributions sought.

Libraries

- 5.3.11 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 £4901.40 is therefore considered necessary to improve, enhance and extend the facilities and services provided.

Conclusion

- 5.3.12 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

- 5.3.13 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 151 new residents and subsequently increase demand upon existing constrained services.
- 5.3.14 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 £31,100 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.
- 5.3.15 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

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

5.4 **Layout, design and impact on the character and appearance 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). Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.4.6 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.

- 5.4.7 The general layout of development in terms of road hierarchy, density and the grain of development follows the approach to the northern development, and thus would be appropriate in principle. In design terms, the majority of the development would be 2 storey in scale (although there are 7 no. bungalows proposed), with a mix of detached, semi-detached and terrace units. This scale and mix would also reflect that already built within the locality and would be in keeping. In addition, the same approach to the detailed design (with the use of projecting front gables, bay windows, stone cills and chimneys), and choice of materials (the palette includes red and buff brick, render with terracotta and grey roof tiles) would result in a high quality development and assist in unifying this parcel of development with the existing residential development to the north.
- 5.4.8 The layout would ensure active frontages are maintained along the highway and public open space to ensure natural surveillance is achieved. Whilst a high number of the dwellings face out onto the open space, on the limited occasions where side or rear gardens adjoin public open space, brick wall boundary treatments are proposed. This is a further factor which contributes to a high-quality development.
- 5.4.9 In terms of the proposed public open space, Paragraph 102 of the NPPF identifies that access to a network of high-quality open spaces is important for the health and well-being of communities. Alongside this, Paragraph 135, addressing the achievement of well-designed places, sets out that development proposals should demonstrate a 'high standard of amenity for existing and future users.'
- 5.4.10 Policies S6, D1, N1 and N3 of the Local Development Plan and Policy CS.3 of the Neighbourhood Plan seek provision and improvements of open space. The proposed development would incorporate public open space amounting to approximately 0.68ha (which would be predominantly located along the southwestern part of the site) and would assist in the development appearing more open in nature. The relationship of dwellings with the linear open space to the north of the site would assist with increasing distances with the existing dwellings, whilst the location of the southern area of public open space, increase distances to the employment allocation.
- 5.4.11 The layout of open spaces has been integrated into the design of the proposals in order to promote pedestrian movements, creating informal areas for recreation and social interaction primarily for future residents. The open spaces would contain the underground water attenuation and swale, and as set out within the Landscape Masterplan would be laid out with informal paths, grass, wildflower grassland, native hedge planting and trees. Additionally street trees are proposed, which adds positively to the character and quality of the urban environment (as well as assisting to mitigate and adapt to climate change) in compliance with Paragraph 136 of the NPPF.
- 5.4.12 In terms of hard landscaping, block 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. Overall, Officers are content that the level and quality of open space would be adequate to serve the development, and that the approach to hard and soft landscaping would be appropriate and contribute to creating a high quality development.

5.5 **Impact on Future Occupiers Amenity**

- 5.5.1 In terms of amenity for future occupiers, the development provides sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. All dwellings would be provided with private gardens to meet with the standards set out in the adopted MDDG SPD (namely 100m² of private amenity

space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats).

5.5.2 In addition, all properties would be served by windows which would provide adequate light and outlook to all habitable rooms, and internally all dwellings would meet the Nationally Described Space Standards.

5.5.3 In terms of the potential impact upon future occupiers from noise disturbance, this is a matter that is discussed within the submitted 'Initial Site Noise Risk Assessment'. The Assessment sets out that all plots could achieve the 'relaxed internal target' criteria as set out in BS 8233, with windows open. However, there are 12 out of the 63 plots which would not meet the 'non relaxed' maximum noise levels in BS8233 with windows open. In order for the guideline internal noise levels to be achieved, windows would need to be closed both during the day and at night and an alternative means of ventilation would need to be provided for these 12 units (plots 2-11, 59 and 63). The required alternative means of ventilation could be achieved via condition. Subject to the imposition of such a condition, the Councils Environmental Health Officer raises no objections.

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

5.6 Impact on Neighbouring Residential Amenity

5.6.1 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.

5.6.2 The only nearby residential dwellings are the existing dwellings to the north within the recently built (and now occupied) development. These neighbours are a mix of 2 storey and single storey dwellings. The layout and design of the proposed development has had regard to the siting and scale of these neighbouring dwellings, and the proposed bungalows within the development would align with the existing bungalows to the neighbouring site, beyond the linear open space. The distances between the rear of the existing dwellings and the proposed development meets with standards set out within the MDDG and there would be no unacceptable overlooking, loss of light, harm to outlook or similar.

5.6.3 In terms of impact on neighbouring residents during the construction period, a condition is recommended requiring the submission of a Construction Management Plan to ensure construction impacts are mitigated and/or minimised.

5.6.4 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.

5.7 Heritage

5.7.1 The site lies outside of a Conservation Area and there are no nearby Listed Buildings to be impacted. The development remains acceptable in terms of these matters. However, the other consideration in relation to heritage relates to archaeology. Policy S6 requires a comprehensive and detailed archaeological assessment to be undertaken prior to development, and for 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.

- 5.7.2 The application has been supported by an Archaeological Desk-Based Assessment (prepared by RPS Group, Dated March 2024) which states that previous archaeological works within the study site have revealed evidence of later prehistoric activity including burials, together with evidence for Iron Age and Romano-British settlement activity. The Assessment sets out that further archaeological works are anticipated to be required in advance of construction impacts, and such works are anticipated to comprise elements of trial trench evaluation, undertaken with the intention of defining an area of further mitigation.
- 5.7.3 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 a programme of archaeological investigation, evaluation and recording.

5.8 Access, Parking and Highway Safety

- 5.8.1 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.
- 5.8.2 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

- 5.8.3 The application site would be accessed from Maldon Road (B1010), and via Endeavour Way. Vehicular access into the application site itself is achieved at 2 points. At the north eastern corner of the site, 5no. dwellings would continue the street scene of Brent Way and would benefit from direct vehicular access onto Brent Way, whilst additionally at this corner, access into the site would be provided to serve 20no. dwellings. A further, more central, access would be taken from the northern boundary, which would serve the other 38no. dwellings.
- 5.8.4 The application is supported by a Transport Statement (the 'TS') (prepared by Icen Consulting, dated March 2024). The TS reviews sustainable transport opportunities and proximity to local facilities / amenities, evaluates the proposed site accesses and pedestrian links to / from the development, assesses potential traffic generation, and reviews local parking standards.
- 5.8.5 The TS concludes that Endeavour Way and Maldon Road has adequate capacity to serve the development. It also sets out that a review of local highway safety records found no reoccurring issues at the location of accidents, and that the development is considered unlikely to have a disproportionate impact on local highway safety. It further concludes that the site is in a good sustainable location and can be connected onto the existing highway network which can accommodate the potential traffic flows from the development without having a negative impact on the existing local highway network.

Trip Generation

- 5.8.6 The TS established that the existing vehicle movements on Maldon Road east-bound and west-bound traffic flow results provided a 7 day mean of 8834 movements with the highest movements for 1 day (weekday) being 9771 movements. There were a total of 651 two-way trips during AM peak 8.00-9.00 and 688 two-way trips during the PM peak. The TS also sets out that the vehicle movements for committed development at 'land east of Creeksea Lane', 'Burnham Waters', and 'land at west of Endeavour Way', would result in an additional 260 AM peak movements and 205 PM peak movements.
- 5.8.7 In terms of proposed traffic movements, the TS considers trip date and sets out a peak trip generation as follows:-
- AM Peak (8 - 9am) – 8 movement in and 20 out.
 - School PM Peak (3 - 4pm) – 15 movements in and 11 out
 - PM Peak (5 - 6pm) – 18 movements in and 10 out
 - Total daily - 134 movements in and 138 out.
- 5.8.8 The TS concludes that trip generation for the development would be low and as such would not have a negative impact on the local highway network.

Parking provision

- 5.8.9 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 per 1-bed; 2 spaces per 2 – 3-bed; and 3 spaces per 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 per 1-bed unit, 2 per 2+beds unit; + 1 per 8 units (for visitors)
- 5.8.10 The proposed vehicle parking provision complies with the above standards, with 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. The 19no. visitor parking are relatively well distributed across the site to serve demand.
- 5.8.11 The layout plan also indicates that Electric Vehicle Charging (EVC) points are proposed in compliance with the SPD with one charging point per residential dwelling to be provided either within garages or immediately adjacent to the parking spaces. As EVC is now a requirement under Building Regulations, there is no need for this to be secured via condition.
- 5.8.12 In terms of cycle storage provision, where no garages are provided, cycle parking is to be provided within secure parking stores on plot, and this would be secured by way of a condition.

Conclusion

- 5.8.13 ECC as the Highway Authority has reviewed the submitted information and comment as follows:

“The proposals involve taking access from the existing Endeavour Way and Brent Way estate roads on the south side of the B1010 Maldon Road. ECC is satisfied that access can be provided suitably for all highway users.

The application has been supported by the provision of a Transport Statement. Whilst the Highway Authority would not agree with some of the predicted trip generation figures in that document, it is not considered to be to the point where a significant or severe impact on local highway safety and efficiency could be expected”

- 5.8.14 The Highway Authority concludes that from a highway and transportation perspective, the impact of the proposal is acceptable. It recommends a number of conditions be imposed, including the submission of a Construction Management Plan and laying out of parking.
- 5.8.15 Based on the above, it is anticipated that the development would not cause harm in relation to highway capacity or highway safety. The proposal is therefore considered to accord with Policies S6, D1 and T2 of the LDP.

5.9 Flood Risk, Surface Water and Foul Drainage

- 5.9.1 The application site is located within Flood Zone 1 on the Environment Agency (EA) 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 June 2024, has been submitted as part of the application.
- 5.9.2 Policy S6 of the LDP requires appropriate surface water management mitigation measures are incorporated into the development, whilst Policy D5 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. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.9.3 The FRA confirms the location within Flood Zone 1 (less than 0.1% annual probability of river or sea flooding), and also sets out that there is low risk to flooding from ground water, and no historic evidence of flooding as a result of surcharging public sewers within the vicinity of the site. Whilst the northeastern area of the site has ‘medium’ risk of flooding from surface water (a chance of flooding between 1% and 3.3% each year), a drainage system would be installed to mitigate against surface water flooding. The FRA indicates that this would include numerous SuDS features including an attenuation basin, swales, and permeable paving to slow down the time of concentration of the storm water.
- 5.9.4 The Lead Local Flood Authority (LLFA) has reviewed the application and advise that 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.
- 5.9.5 Foul Water from the proposed development would be disposed of by discharging into the existing foul network of sewers. 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.

5.9.6 Overall, the proposal is considered acceptable in relation to flooding and drainage, subject to conditions.

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

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, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.

5.10.2 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.

5.10.3 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. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out 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.

Ecology

5.10.4 The application has been submitted with an Ecological Impact Assessment (EIA) (CSA Environmental Ltd, June 2024), the Information to Inform Habitats Regulations Assessment – Rev A (CSA Environmental Ltd, April 2024) and the Proposed Walking Routes (CSA Environmental Ltd, April 2024), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

5.10.5 In addition, the application is submitted with a Biodiversity Net Gain Assessment – Rev D (CSA Environmental Ltd, June 2024), the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, March 2024), the Habitats Plan (CSA Environmental Ltd, March 2024) and the Proposed Habitats Plan (CSA Environmental Ltd, June 2024), relating to how mandatory biodiversity net gains will be secured for this application.

5.10.6 On the basis of the above supporting information, Officers are satisfied that there is sufficient ecological information available for determination of the application, and which provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and that with appropriate mitigation measures secured, the development can be made acceptable.

5.10.7 The EIA confirms that Great Crested Newt was recorded within single Pond (P4) located within 90 metres of the red line boundary. However, the conclusion that standard safeguards can be implemented for this European Protected Species are supported. This is because the pond is 90metres from existing access route only, which is already constructed, and is 480metres from the main body of the site. As a result, the LPA has certainty of likely impacts upon this European Protected Species.

- 5.10.8 The EIA also confirms low numbers of Slow-worm and Common lizard within the site following presence / likely absence surveys. As a result, the proposal to undertake a phased construction clearance is supported, as there is habitat availability in the wider area that the species can disperse to during the construction phase. In addition, the new grassland and scrub habitat creation will provide further opportunities for the protected species during the operation phase.
- 5.10.9 The mitigation measures identified in the EIA 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 those recorded in the locality. A Construction Environmental Management Plan (CEMP: Biodiversity) should also be secured as a pre-commencement condition of any consent, to set out the finalised ecological measures during the construction phase. In addition, a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats.

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

- 5.10.10 The application site falls within the Zol for one or more of the European designated sites (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. 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, either when considered 'alone' or 'in combination'.
- 5.10.11 Support is attributed to the documents entitled Information to Inform Habitats Regulations Assessment – Rev A (CSA Environmental Ltd, April 2024) and the updated Proposed Walking Routes (CSA Environmental Ltd, April 2024). This is because walking routes no longer direct residents towards the Crouch and Roach Estuaries Ramsar site, Special Protection Area (SPA) and Essex Estuaries Special Protection Area (SAC). Whilst this development is below 100 units, additional on-site measures are proposed to avoid adverse effects upon site integrity from increased recreational disturbance. The mitigation package includes the following:
- Within the amenity area, inclusion of appropriate signage guiding residents to less sensitive local recreational locations, and dog-waste bins to aid residents with dogs and encourage responsible dog ownership;
 - 'Resident's information packs' to be provided to explain the sensitivity of wildlife, both spatially and seasonally within the designated estuarine habitats;
 - Detailed design and implementation of high-quality open spaces to maximise 'door-step' recreation away from the coast.
- 5.10.12 The LPA has prepared a Habitats Regulations Assessment prior to determination to demonstrate its compliance under the Conservation of Habitats and Species Regulations 2017 (as amended) and to avoid Adverse Effects on Integrity of the designated Habitats sites from the development alone or in combination with other plans and projects. A condition is imposed to ensure that these further on-site measures would be provided. In addition, a financial contribution is also required in line with the RAMS, with the tariff of £163.86 per net new dwelling to be secured as part of the S106.

Biodiversity Net Gain

- 5.10.13 Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The application has been submitted with the Biodiversity Net Gain Assessment – Rev D (CSA Environmental Ltd, June 2024) and the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, March 2024), which provide sufficient information for consideration. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition.
- 5.10.14 In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.
- 5.10.15 A separate Landscape Ecological Management Plan (LEMP) should be provided concurrent with the HMMP, if this includes specific habitat management measures for species. This should include measures set out in the EIA which includes enhancements for reptiles and bespoke biodiversity enhancement measures, including 17 no. bat boxes on trees or integrated within buildings, 17 no. bird nesting boxes, and hedgehog friendly fencing. This will secure further net gains for biodiversity, as outlined in the NPPF.

Landscape

- 5.10.16 The application has been submitted with an Arboricultural Impact Assessment (AIA) which sets out that with the exception of T13 (An 11 metre Oak, Category B1 sited to the eastern boundary behind the existing acoustic fence), the site itself is devoid of existing landscaping.
- 5.10.17 The retention of this tree is important as it is of amenity value. Works required to T13 are a 2metre lateral crown reduction to make space for scaffolding. The AIA sets out the siting of tree protection fencing and the areas requiring ground protection. These measures are adequate and would be secured via condition. This would ensure the protection of the tree in compliance with Policies S1, N1 and N2 of the LDP.
- 5.10.18 In regard to the proposed hard and soft landscaping scheme, this has already been set out above, where it was concluded that the approach would result in an appropriate approach to contrite to a high-quality development and to provide significant biodiversity net gain.

5.11 Planning Balance and Sustainability

- 5.11.1 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): - an economic objective (to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure); - a social objective (to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of

homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and - an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

5.11.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.11.3 As indicated above, the Council's latest 5YHLS position for 2023-2028 shows that the Council has a 6.3 years supply. The Council considers this a robust position and as the Council is able to demonstrate an up to date 5YHLS, and because the most important policies for determining the application are not out of date, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

5.11.4 The adverse impacts and benefits of the proposed development are set out below.

5.12 **Summary of Adverse Impacts**

Site Designation within the Development Plan

5.12.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".

5.12.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.12.3 In this case, the application site is primarily located within land allocated by Policy E1(p) for B1 (now Class E), B2, and B8 Uses. The proposed development for residential purposes thus falls foul of the Policy. As set out above, although the actual allocated employment land to be lost relates solely to Class E Uses, and

wherein the supporting Marketing Reports and evidence within the Maldon District Employment Land and Premises Study (EL&P) notes that the District has a very localised office market with limited supply and demand, even though Officers consider that the site allocated for Class E Uses could be released for residential development (as this would not affect the remainder of the employment allocation which remains available and continues to be marketed for light industrial uses which has been shown to be in demand in the EL&P Study), it would still be a proposal which is contrary to the Development Plan.

5.13 **Summary of Public Benefits**

Mix of Market Housing

- 5.13.1 The development would deliver 63no. dwellings within a variety of sizes and types. Although the Council's has a 5YHLS, there is a high need for 3-bed units within the District. The development would deliver 20no. 3-bed units. Moderate weight is given to this matter.

Affordable Housing

- 5.13.2 The development would deliver a policy compliant amount of affordable housing, amounting to 25no. affordable housing units, of a tenure mix which meets policy (75% Rented and 25% Intermediate Affordable Housing). The affordable housing would also meet with the need for 3-bed units (and would deliver 3no. units) and would further deliver 4no. bungalows to assist in meeting the needs of older people or people with disabilities. Significant weight is attributed to the provision and mix of affordable housing.

Social and Economic Benefits

- 5.13.3 As set out above the delivery of dwellings which meets the most pressing needs for the District, which contribute to the social sustainability of the development. There would be further social (and economic) benefits of additional customers for services and facilities in Burnham-on-Crouch which 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. Further economic benefits would be delivered from the construction phase of the development, where the opportunity exists for sourcing local labour, and thereafter with the spending powers of future residents. Moderate weight is attributed to the social and economic benefits.

Environmental Benefits / Biodiversity Net Gain (BNG)

- 5.13.4 Environmental benefits would be delivered as a result of the enhancement and provision of landscape and ecological features including new hedgerows, trees, wildflower planting and swale. There would be a 19.09% increase in habitat units (in excess of the required 10% for habitat development). The on-site biodiversity gains are considered 'significant' and as set out above, are to be secured through an appropriate legal mechanism for 30-years subject to an onsite HMMP. Moderate weight is assigned to this.

5.14 **Conclusion**

- 5.14.1 Part of the application site is located within the 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 original 180 dwellings however it is considered the necessary infrastructure can be provided through financial contributions under a S106 Legal Agreement.

- 5.14.2 The majority of the site is within land allocated by Policy E1(p) for B1 (now Class E), B2, and B8 Uses. The actual allocated employment land to be lost relates to solely Class E Uses with the employment allocation. The application is supported by Marketing Reports which set out details of marketing of the site, and references evidence within the Maldon District Employment Land and Premises Study (EL&P) which indicates that the District has a very localised office market with limited supply and demand. The conclusions of the Marketing Reports are supported, and Officers consider that the site allocated for Class E Uses could be released for residential development as this has been adequately justified and would not affect the remainder of the employment allocation, which remains available and continues to be marketed for light industrial uses which has been shown to be in demand in the EL&P Study.
- 5.14.3 The application would deliver 63no. dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix would comprise almost one third as three-bed units which is the biggest need in the District. In addition, the proposal would provide a total of seven bungalows which would assist in meeting the needs of older people or people with disabilities.
- 5.14.4 The layout of development would follow the grain of existing developments to the north, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and a complementary palette of materials. Streets would be tree lined, and the open spaces would be well sited with dwellings facing out onto them. Overall, the layout and design of the proposal would create a high quality development.
- 5.14.5 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide, and the open space provision is considered acceptable. There would be no unacceptable impact to neighbouring amenity.
- 5.14.6 In terms of highways matters, Endeavour Way and Maldon Road has adequate capacity to serve the development and the development would not have an adverse impact upon local highway safety. The Highway Authority has no objections from a highway and transportation perspective. Adequate parking would be provided for the development.
- 5.14.7 Matters in relation to landscape and ecology are satisfactory, and the development would deliver significant on-site BNG which would be secured for 30 years. In addition, the development would be acceptable in terms of flood risk and drainage.
- 5.14.8 Having considered the benefits that would arise from the proposal and weighed this against the harm arising from the conflict with the employment land designation within the LDP, it is considered that the significant benefits of the development would outweigh any harm. These benefits would amount to material considerations of weight that would indicate that planning permission could be granted not in accordance with the Development Plan, and it is recommended that planning permission be 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

6.1 The Relevant Planning History is set out below.

- **14/00356/FULM** – 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.
- **17/01242/FULM** - 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.
- **17/01445/FULM** - 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.
- **17/01033/NMA** - Application for non-material amendment following grant of Planning Permission of 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) Amendment sought: Amendment to allotment aspect of area plan (drawing number 013-004-A04) to add clarity to what is proposed. Approved.
- **18/00093/FULM** - 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.
- **18/01424/FULM** - Variation of condition 18, 21 and 23 on approved planning permission FUL/MAL/18/00093 (Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.
- **21/00013/NMA** - Application for non-material amendment following grant of Planning Permission 18/01424/FUL (Variation of condition 18, 21 and 23 on approved planning permission FUL/MAL/18/00093 (Variation of condition 18

on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments)) Amendment sought: Roof tile colours on Plots 117-119. 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 Town Council | No response received. | |

7.2 **Statutory Consultees and Other Organisations**

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---|
| Environment Agency | Raise no objections. Provide further information on water quality and water resources. | Addressed within Section 5.9 of the report. |
| Essex County Council Highways | Advise that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions. | Addressed within Section 5.8 of the report. |
| Essex County Council Education | <p>If planning permission is granted the development should be subject to a section 106 agreement to mitigate its impact on education facilities with the following contributions:</p> <ul style="list-style-type: none"> • Early Years and Childcare (EY&C) places; • Primary School places; • Secondary School places; • School transport contribution. <p>In addition, there is a requested contribution towards libraries, together with monitoring fees.</p> | Addressed within Section 5.3 the report. |
| (Lead Local Flood Authority – LLFA) Essex County Sustainable Drainage Team | No objection subject to the imposition of conditions. | Addressed within Section 5.9 the report. |
| Essex County Council Archaeology | Recommended that any approved shall include a condition for full archaeological works. | Addressed within Section 5.7 of the report. |
| Natural England | No objection subject to securing | Addressed within |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|--|
| | appropriate mitigation for recreational pressure impacts on habitat sites (European sites). Advise that in addition, there should be access to on-site or nearby public open space. | Section 5.10 of the report. |
| Essex Police Designing Out Crime | Neither object nor support. Respond with no concerns with the layout. Advise that to comment further, they would require more detail such as the proposed lighting and physical security measures. Welcome the opportunity to advise further to assist the developer to achieve a Secured by Design Homes award. | Noted. |
| National Health Service (NHS) | Advise that the proposed development is likely to have an impact on the services of the Surgery which operates within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development and cumulative development in the area. The development could generate approximately 151 new residents and subsequently increase demand upon existing constrained services. The ICS therefore requests that the sum of £31,100 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. | Addressed within Section 5.3 of the report. |
| Anglian Water | <p>Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. 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 would have available capacity for these flows. In terms of the used water network, the sewerage system at present has available capacity for these flows.</p> <p>In terms of surface water disposal, note that the preferred method of surface water disposal would be to a sustainable</p> | Noted. Addressed within Section 5.9 of the report. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|------------------|
| | drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets and they are unable to provide comments in the suitability of the surface water management. | |

7.3 Internal Consultees (summarised)

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|--|
| Affordable Housing Officer | Fully support the provision and mix of affordable housing proposed. | Addressed within Section 5.2 of the report. |
| Ecology Consultant | No objection subject to securing ecological mitigation and enhancement measures, including mandatory biodiversity net gains. | Addressed within Section 5.10 of the report. |
| Environmental Health | <p>Respond with no objection in principle to the phase II ground Investigation report and Air Quality Assessment.</p> <p>In terms of the noise assessment, advise that all plots can achieve the relaxed internal target criteria as set out in BS 8233, with windows open. There are 12 plots which will not meet the 'non relaxed' maximum noise levels in BS8233 with windows open, but an alternative means of ventilation can be provided at these plots to ensure reasonable internal noise levels can still be achieved, the details of which can be secured via condition.</p> | Addressed within Section 5.6 of the report. |

7.4 Representations received from Interested Parties

7.4.1 There have been third party representation received from 9 addresses, objecting to the development on the following grounds: -

| Objection Comment | Officer Response |
|---|---|
| <p>Principle of development</p> <ul style="list-style-type: none"> • Town already has many properties for sale. No additional required; • The LPA can demonstrate 5YHLS; • Number of dwellings is beyond the agreed figures previously agreed for the wider site; • Other areas available that could be built on (derelict | Noted, addressed in section 5.1 of this report. |

| Objection Comment | Officer Response |
|--|---|
| <ul style="list-style-type: none"> warehouses), leaving green areas available for nature; No justification for loss of provision for a day nursery or loss of employment area (contrary to the long term growth vision and objectives outlined in the Council's Economic Prosperity Strategy). | |
| Ecology / Landscape <ul style="list-style-type: none"> Loss of habitat for birds and wildlife; Will result in loss of open space for the existing wider site; Significant loss of green field areas within Burnham which is fast becoming an over developed area. | Noted, addressed in section 5.10 of this report. |
| Highway Safety / Access Increase of traffic and impact to road safety. | Noted, addressed in section 5.8 of this report. |
| Infrastructure / Services <ul style="list-style-type: none"> Impact to doctors, hospital, dentists, fire an ambulance services, and schools (already oversubscribed); Will add to existing overcrowded commuter trains; No wider community benefit; | Noted, addressed in section 5.3 of this report. |
| Neighbouring Impacts Will result in overlooking to neighbouring residential dwellings. | Noted, addressed within section 5.6 of this report. |

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing:

25no. Affordable Housing units (39.7%) comprising the mix and tenure split (75% affordable rent and 25% shared ownership) as set out on drawing H8769-1A-SP-001.

Healthcare:

A financial contribution of £31,100 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 £97,125.00 index linked to mitigate the impact of the development on local Early Years & Childcare provision.
- Primary Education - A developer contribution of £330,225.00 index linked towards the creation of 16.5 additional primary school places and / or a new education facility is sought to mitigate the impact of the development on local Primary School provision.
- Secondary Education - A developer contribution of £293,887.00 index linked towards the creation of 11 additional secondary school places and / or a new education facility, is sought to mitigate the developments impact on local Secondary School provision.

Libraries

A developer contribution of £4901.40 index linked, 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 £700 per obligation (financial and otherwise).

Essex Coast RAMS:

A financial contribution of £163.86 x 63 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:
 - H8769-2A-SP-001 Rev I
 - H8769-2A-SP-002 Rev B
 - H8769-2A-SP-003 Rev D
 - H8769-2A-SP-004 Rev D
 - H8769-2A-SP-005 Rev D
 - H8769-2A-SP-006 Rev E
 - H8769-2A-SP-007 Rev E
 - H8769-2A-SP-008 Rev F
 - H8769-2A-SP-009 Rev D
 - H8769-2A-SP-010 Rev D
 - H8769-2A-SP-011 Rev C
 - P286-AE-GS-001
 - P286-AE-FP-001
 - P286-AE-GS-002
 - P286-AE-FP-002
 - P382-AE-GE-001
 - P382-AE-FP-001
 - P382-AE-GE-002
 - P382-AE-FP-002
 - DWB3_5-BE-GS-001
 - DWB3_5-BE-RE-001
 - DWB3_5-BF-FP-001
 - P341-HD-GD-001
 - P341-HD-GD-002
 - P341-HD-RE-001
 - P341-HD-RE-002
 - P341-HD-FP-001
 - P341-HD-FP-002
 - H312-BD-HD-002
 - H312-BD-FP-002
 - H403-ID-GD-001
 - H403-ID-GD-002
 - H403-ID-RE-001
 - H403-ID-FP-001
 - H403-ID-FP-002
 - H456-AD-GD-002

- H456-AD-RE-001
- H456-AD-FP-001
- H456-AD-FP-002
- H469-HD-HD-002
- H469-HD-RE-001
- H469-HD-RE-002
- H469-HD-FP-001
- H469-HD-FP-002
- H588-HN-RE-001
- H588-HN-FP-001
- N2D8/9-2A-HD-001
- N2D8/9-2A-HD-002
- N2D8/9-2A-FP-001
- N2D8/9-2A-FP-002
- Z113-2A-HD-001
- Z113-2A-HD-002
- Z113-2A-FP-001
- Z113-2A-FP-002
- N2D1-2A-HE-001
- N2D1-2A-HE-002
- N2D1-2A-FP-001
- N2D1-2A-FP-002
- N2D1-2A-HE-002 (As)
- N2D1-2A-FP-002 (As)
- N2D3-2A-HE-001
- N2D3-2A-HE-002
- N2D3-2A-FP-001
- N2D3-2A-FP-002
- N2D5-2A-GD-001
- N2D5-2A-GD-002
- N2D5-2A-FP-001
- N2D5-2A-FP-002
- 22007-08 Rev C
- 22007-09 Rev C
- 22007-10 Rev C
- 22007-11 Rev C
- 22007-12 Rev C
- 22007
- -13 Rev C

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

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, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

4. No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens;
 - Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

REASON: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality, in accordance with policy D1 of the approved Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

5. Within the first available planting season following the first occupation of the development, the hard and soft landscaping works as shown on the approved plans 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 2017 and guidance contained within the National Planning Policy Framework.
6. The hard landscaping works, including boundary treatments, as shown on the approved plans, shall be carried out prior to the first occupation of the development hereby approved, and shall thereafter be retained as such.
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 2017 and guidance contained within the National Planning Policy Framework.
7. No development shall commence until the tree protection measures as set out in the Arboricultural Impact Assessment, March 2024 have been fully implemented, and an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out on accordance with the approved details.
REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 - Limiting the discharge from the site to the predetermined rate (as the site is part of a wider site).
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with policy D5 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

9. 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 Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.
10. 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 Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

11. 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 Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.
12. The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during periods of heavy rainfall.
13. 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 Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.
14. 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 in / out of 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
 - The storage of top soil
 - Wheel and underbody washing facilities
 - Construction signage and traffic management
 - Measures to control the emission of dust, dirt and mud during construction
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
- Contact details for Site Manager and details of publication of such details to local residents.

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.

15. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
16. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
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.
17. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Condition 16 and confirmed by the Local Authority archaeological advisors.
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.
18. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
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.
19. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.
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. The applicant will submit to the local planning authority a post excavation assessment which has been approved in writing by the Local Planning

Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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.

21. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (CSA Environmental Ltd, June 2024). The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve 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), s40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2017.

22. Prior to the first occupation of the development hereby permitted, on site measures to avoid impacts from the development alone from recreation disturbance to the Crouch and Roach Estuaries SPA and Ramsar site and Essex Estuaries SAC shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the of the onsite measures will be in line with the approved Habitats Regulations Assessment and shall include the following:
- a) Purpose and conservation objectives for the proposed measures;
 - b) Detailed designs of the interpretation board and leaflets;
 - c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
 - d) Locations of proposed interpretation boards and dog waste bins by appropriate maps and plans; and

- e) Details of initial aftercare and long-term maintenance.

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

REASON: To avoid Adverse Effects on the Integrity to the Crouch and Roach Estuaries SPA and Ramsar site and Essex Estuaries SAC and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

- 23. Prior to any works above slab level, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. This must include enhancements for reptile, 17 no. bat boxes, 17 no. bird nesting boxes and hedgehog friendly fencing, in line with the Ecological Impact Assessment (CSA Environmental Ltd, June 2024). The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans
 - h) Details of the body or organisation responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), the NPPF 2023, s40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2017.

- 24. Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To 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. Prior to the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP), in line with the approved Biodiversity Gain Plan, must be submitted to the Local Planning Authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the Local Planning Authority at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow Local Planning Authority to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

26. Prior to any above ground commencement on plots 2-11 inclusive, 59 and 63, the design and construction of these specific units, including details of additional alternative means of ventilation which allows the internal guideline noise levels in Table 4 of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' to be achieved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of residential amenity and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).

27. The dwellings which are not provided with garaging shall be provided with the approved cycle storage unit, prior to the first occupation of each unit.

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided and in accordance with T2 of the Local Development Plan 2017.

INFORMATIVES

- 1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority, and
- the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

- 2 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 3 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.