



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

to
**DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

Application Number	24/00672/FUL
Location	Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex
Proposal	Construction of 5 dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure in lieu of 2 dwellings approved under 14/00356/FUL.
Applicant	Barratt Developments PLC
Agent	Lanpro Services Ltd
Target Decision Date	06.12.24 (EoT)
Case Officer	Ike Dimano
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

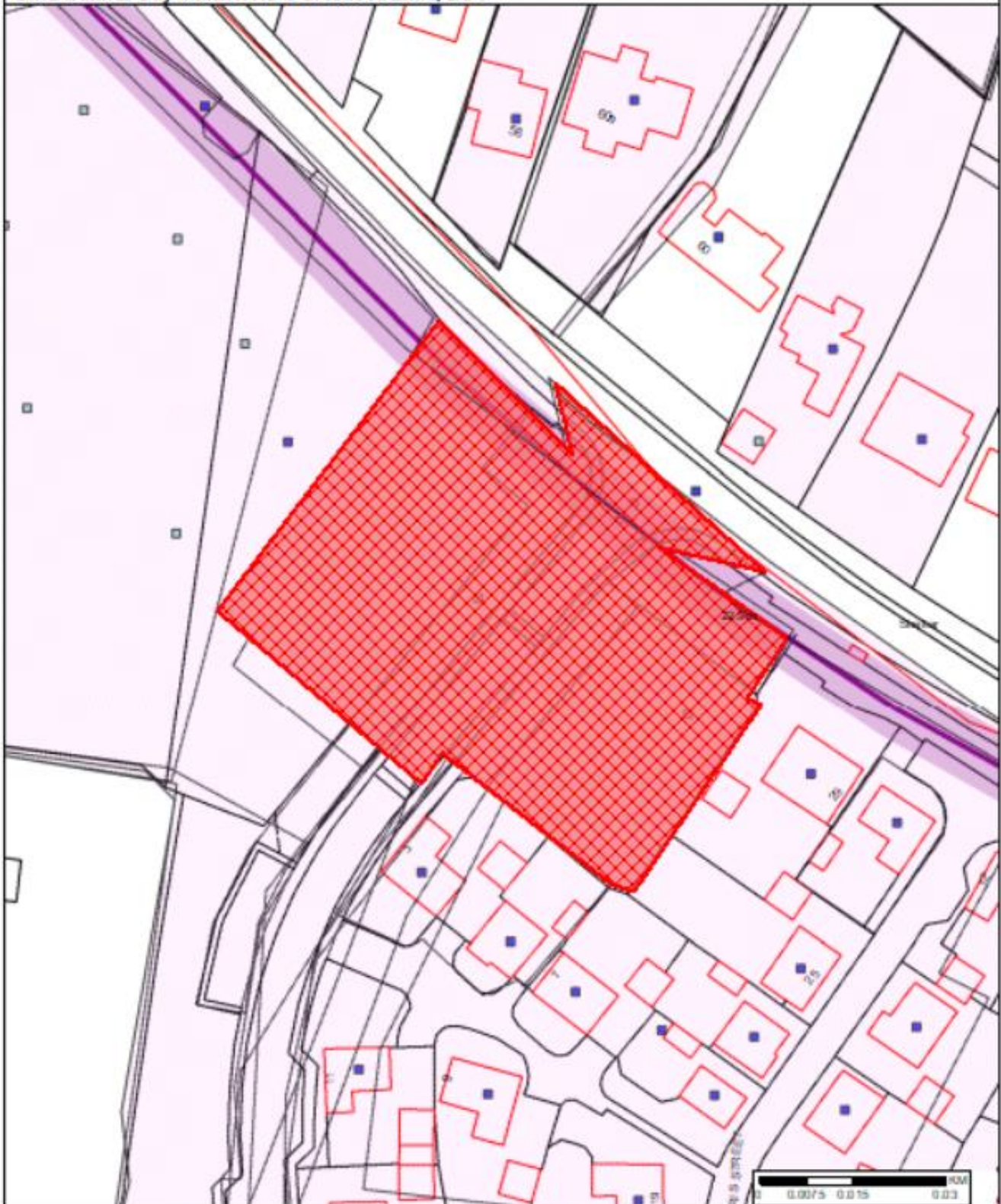
1. RECOMMENDATION

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

See below.

24/00672/FUL
Land Bounded by Maldon Rd & Creeksia Lane, BOC



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Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 18/11/2024

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The land to which this application relates measures approximately 0.45ha (1.1 acres), including the access road from Maldon Road. The developable area is 0.25ha (0.62 acres). It is located to the south of Maldon Road and forms the 'Gateway Site' to the approved Barrat David Wilson Homes development.
- 3.1.2 The Site forms part of a wider land parcel benefiting from extant planning permission ref: 14/00356/FUL to provide 180 new dwellings, including 72 affordable dwellings and associated infrastructure. This permission also included in outline for a 50-60 bed care home, nursery, 3.4ha of B1, B2 and B8 uses and 0.65ha of allotments.
- 3.1.3 A further permission was approved under 24/00244/FULM for the construction of 63 dwellings inclusive of 25 affordable dwellings.
- 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 comprises the construction of five dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure, with the following housing mix: -

Market housing

- 1 x 3-bed dwellings
- 2 x 4-bed dwellings
- 2 x 5-bed dwelling

Affordable housing

The requirement for affordable housing amounts to 0.8 of a dwelling (this is likely to be provided in the form of a financial contribution)

- 3.1.6 For clarity, the current application relates to a part of the site which benefits from approval under planning application (14/00356/FUL). The site has permission for two detached houses and it is proposed to replace the approved dwellings with five detached buildings. Consequently, only three additional dwellings are proposed.
- 3.1.7 The layout includes the provision of hard and soft landscaping, car parking and a sustainable urban drainage system.
- 3.1.8 Vehicular access would be from Endeavour Way which joins onto Maldon Road (B1010).
- 3.1.9 Across this site, a total of 18 allocated car parking spaces are proposed (including on-plot garaging). Secure cycle storage for all dwellings is proposed within garages.

3.2 Conclusion

- 3.2.1 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, however given the number of units proposed, it is considered acceptable.
- 3.2.2 The application would deliver 5no. new dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix as proposed would offer smaller dwellings than the two already approved buildings, and which are being replaced. The delivery of smaller housing would meet one of the larger dwelling types required in the District.
- 3.2.3 The layout of development would follow the grain of existing developments to the south, 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. This part of Endeavour Way would be tree lined. Overall, the layout and design of the proposal would create a high-quality development.
- 3.2.4 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. There would be no unacceptable harm to neighbouring amenity.
- 3.2.5 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.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory, and the development would deliver satisfactory 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.
- 3.2.7 In this instance, 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:

- 40%) affordable housing
- 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 Council's 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.

Principle of development

- 5.1.7 On 11 August 2017, planning consent was granted to erect 180 new homes. The site on which the proposed houses are proposed was previously approved for 2 detached dwellings under application 14/00356/FUL. Consequently, the principle of its establishment is established.

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 greatest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.
- 5.2.3 The proposal for 5 no. residential units consists of a mixture of dwelling sizes as follows: 1 x 3-bed units, 2 x 4 bed units and 2 x 5 bed units,

- 5.2.4 Whist only one-fifth of the dwellings would comprise three-bed units, which is the greatest need within the district. It is the case that only three of these five buildings would actually be new additions to the development.
- 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 It must be noted that the site has already been granted planning permission for two houses and as such these must be deducted from affordable housing requirements.
- 5.2.8 Two of the proposed five properties were previously secured as part of planning permission reference 18/00093/FUL. The previous Applications approved on this Strategic Site (18/00093/FUL, 19/01257/FUL, 23/00500/FUL, 24/00244/FULM) have met the required 40% Affordable Housing requirement with a slight over provision.
- 5.2.9 Taking account of this over provision, this current Application (24/00672/FULM) is required to provide 0.8% Affordable Housing. Policy H1 of the Approved Local Development Plan 2014 – 2029 states – “In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site”.
- 5.2.10 To calculate the contribution required for a property or a percentage of a property it would be the cost to a Registered Provider (RP) that would be paid to the Developer for an affordable unit. Currently the greatest need in the district is for an affordable 3-bed house and the cost that a leading / developing RP in the district currently pays to a developer is £257,000.00. Therefore, the Commuted Sum required for 0.8 of an affordable property would be £205,600.00. The issue of accepting a Commuted Sum would be determined by Members and be detailed within the Section 106 Agreement.
- 5.2.11 Strategic Housing Services have contacted four Registered Providers developing / with stock in the district (two of which have stock on this Strategic Site) and received responses from three stating they would not consider purchasing/managing one affordable property. One of the two RP's with stock on the Strategic Site advised they are not currently bidding for or developing Affordable Housing and the other two RP's stated it was not cost effective for them to bid for and obtain one property.
- 5.2.12 The Applicant has proposed to pay a Commuted Sum in lieu of on-site affordable housing and Strategic Housing Services support this proposal that would greatly assist with alternative affordable housing to meet the needs of residents of the district.
- 5.2.9 Accordingly, the provision of affordable housing is consistent with Policy and S6 of the LDP.

5.3 Layout, design and impact on the character and appearance of the area

5.3.1 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.

5.3.2 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”.

5.3.3 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”.

5.3.4 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.

5.3.5 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.

5.3.6 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.

- 5.3.7 The general layout of development in terms of density and the grain of development follows the approach to the southern development, and thus would be appropriate in principle. In design terms, all of the development would be two-storeys in scale and detached. 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 south.
- 5.3.8 The layout would ensure active frontages are maintained along the highway and public open space to ensure natural surveillance is achieved.
- 5.3.9 In terms of hard landscaping, block paving is proposed to be laid at all off-street parking areas. 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.

5.4 Impact on Future Occupiers Amenity

- 5.4.1 In terms of amenity for future occupiers, the development provides sufficient and usable private amenity spaces, green infrastructure and public open spaces within the wider area. 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).
- 5.4.2 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.
- 5.4.3 In terms of the potential impact upon future occupiers from noise disturbance, the Council's Environmental Health Officer raises no objections.
- 5.4.4 On this basis, it is considered that a good quality of life for the occupiers of the proposed residential units would be provided.

5.5 Impact on Neighbouring Residential Amenity

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.5.2 The nearby residential properties are the existing dwellings to the north, beyond Maldon Road and those to the east, within the recently built (and now occupied) development. The layout and design of the proposed development has had regard to the siting and scale of these neighbouring dwellings. The distances between the side of the closest existing dwellings and the rear of the proposed developments meets with standards set out within the MDDG and there would be no unacceptable overlooking, loss of light, harm to outlook or similar.

5.5.3 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.

5.5.4 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.

5.6 Heritage

5.6.1 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.

5.6.2 Planning permission was granted on the site as part of application 14/00356/FUL. Archaeological considerations were made as part of the assessment. It is not considered that the current proposal would have any additional detrimental impact in terms of heritage.

5.7 Access, Parking and Highway Safety

5.7.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP (2017) seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes.

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

5.7.3 The application site would be accessed from Endeavour Way, just off Maldon Road (B1010).

5.7.4 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)
- 5.7.5 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.
- 5.7.6 The layout plans do not show that any Electric Vehicle Charging (EVC) points are proposed as required by the SPD. However, EVC is now a requirement under Building Regulations, and there is no need for this to be secured via condition.
- 5.7.7 In terms of cycle storage provision, garages are provided for each dwelling, as such secure cycle storage can to be provided within, and this would be secured by way of a condition.

Conclusion

- 5.7.8 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.
- 5.7.9 Based on the above, it is not anticipated that the development would 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.

5.8 Flood Risk, Surface Water and Foul Drainage

- 5.8.1 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.
- 5.8.2 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.
- 5.8.3 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.
- 5.8.4 Foul Water from the proposed development would be disposed of by discharging into the existing foul network of sewers. Anglian Water has previously 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.

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

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

- 5.9.1 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.
- 5.9.2 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.
- 5.9.3 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

- 5.9.4 The application is submitted with a Biodiversity Net Gain Assessment – (CSA Environmental Ltd, August 2024), the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, August 2024), relating to how mandatory biodiversity net gains will be secured for this application.
- 5.9.5 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.

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

- 5.9.6 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'.
- 5.9.7 In this instance, 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 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

- 5.9.8 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 – Design Stage (CSA Environmental Ltd, August 2024) and the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, August 2024), which provide sufficient information for consideration.
- 5.9.9 In this case, 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.

Landscape

- 5.9.10 As part of this application, an Arboricultural Impact Assessment has been submitted by Hallwood Associate in support of the proposal. It has shown the presence of 1 hedgerow (H1) and one offsite tree (T1), which would be considered a potential constraint on the scheme. These specimens are category B (T1) and category C (H1) and although category C trees are not a material considered, the proposal has shown that no trees have been outlined for removal and in addition none of the building footprints are within the root protection areas (RPAs). As such, this proposal can proceed subject to appropriately worded conditions.
- 5.9.11 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 contrite to high-quality development and to provide significant biodiversity net gain.

5.10 Conclusion

- 5.10.1 The principle of development has been established on the site. Planning permission was granted in application 14/00356/FUL, and consent was given to construct residential dwellings on the site, as part of a wider development.
- 5.10.2 The application would deliver 5 no. dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix would comprise one-fifth as three-bed units.
- 5.10.3 The layout of development would follow the grain of existing developments to the south, 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. Overall, the layout and design of the proposal would create a high-quality development.

- 5.10.4 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. There would be no unacceptable impact to neighbouring amenity.
- 5.10.5 In terms of highways matters, Endeavour Way 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.
- 5.10.6 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.
- 5.10.7 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.
- **23/00500/FULM** - Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure. Approved.
- **24/00244/FULM** - 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. Approved.
- **24/00856/NMA** - Application for non-material amendment following grant of planning permission 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Amendment sought: Revisions to the hedgehog hole locations in the hedgehog highways. Currently under consideration.
- **24/05071/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 3 - Samples or product details of the materials. Condition 6 - Tree retention and protection. Condition 7 - Surface water drainage. Condition 8 - Offsite flooding scheme. Condition 12 - Construction Management Plan. Condition 19 - Archaeological assessment. Condition 21 - Details of the waste collection. Discharged.

- **24/05129/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 25 - Biodiversity Enhancement Strategy. Condition 27 - Details of solar panels. Discharged.
- **24/05130/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 20 - Programme of archaeological work. Discharged.
- **24/05147/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 26 - Lighting design scheme. Discharged.

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 objection.	Noted

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Awaiting response	
Essex County Council Highways	No objection	Noted
Essex County Council Education	Awaiting response	
(Lead Local Flood Authority – LLFA) Essex County Sustainable Drainage Team	Awaiting response	
Essex Police Designing Out Crime	Awaiting response	
Anglian Water	Awaiting response	

3.3 **Internal Consultees (summarised)**

Name of Internal Consultee	Comment	Officer Response
Affordable Housing Officer	Awaiting response.	
Ecology Consultant	Recommend approval subject to attached conditions	Noted
Environmental Health	No comments or objections to this application	Noted

7.3 Representations received from Interested Parties

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

Objection Comment	Officer Response
Impact on residential amenities of the adjoining property	Noted
Impact the proposed building types on the locality	Noted
Impact of the proposal on local infrastructure	Noted

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 comprising 0.8% of a unit.

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 3 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 approved plans and documents as shown on the decision notice.
REASON: To ensure that 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:
 - 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 fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. 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 protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

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.

9. 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.

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. 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.

13. Prior to first occupation of the development and notwithstanding the width of the access as shown in principle on planning drawing no. H7660-BAH-XX-XX-DR-UD-203001 Rev P02, the shared vehicular access to the west of the site for plots 3, 4 and 5, shall be constructed at a width of 5.5 metres for the first 6 metres from the back edge of the carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed with the Highway Authority.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.
14. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
15. Prior to first occupation of the development, cycle parking shall be provided in accordance with the Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
16. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
17. 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.
18. 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 17 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.

19. 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.
20. 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.
21. 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.
22. 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.

23. 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).

24. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

25. A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) is to be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- detailed designs or product descriptions for biodiversity enhancements; and
- locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under 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 2014-2029.

26. Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing.

The content of the Habitat Management and Monitoring Plan should include the following:

- A management and monitoring plan for onsite biodiversity net gain 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 BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- A management and monitoring plan for off-site biodiversity net gain 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 BNG 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 council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and 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.

INFORMATIVES

1. General Good Practice Mitigation To Avoid Ecological Impacts During The Construction Phase

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed.
- materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

2. Sensitive Use Of Lighting To Avoid Impacts To Nocturnal Animals

To avoid impacting light sensitive nocturnal animals such as bats, the applicant is advised that any new external lighting should be installed in line with the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). In summary:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Wall lighting should be located as low in height as possible and use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill. Movement sensors and timers could be used to minimise the amount of 'littime'.