



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

to
**DISTRICT PLANNING COMMITTEE
26 FEBRUARY 2024**

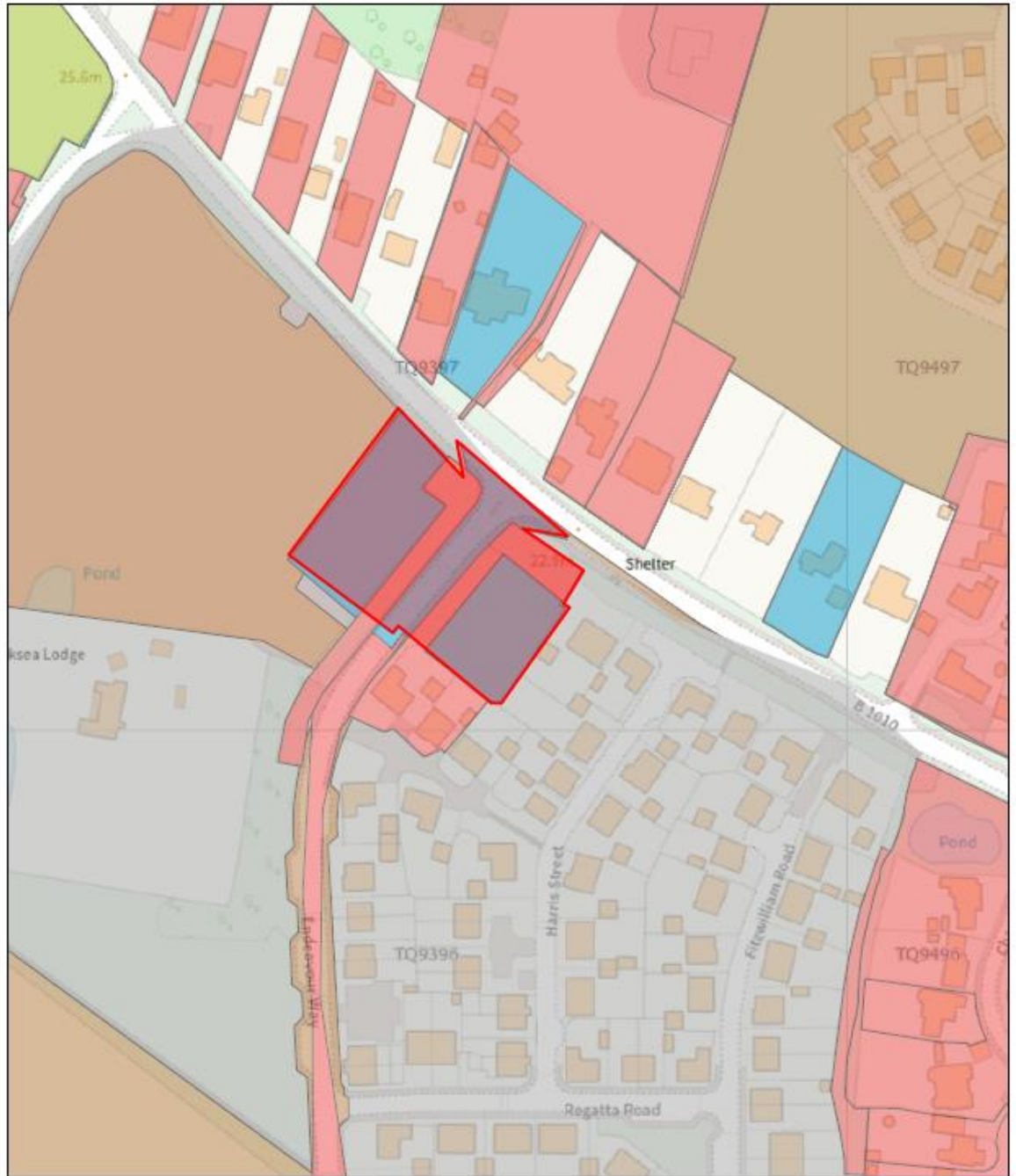
Application Number	24/01005/FUL
Location	Land Bounded by Maldon Road and Creeksea Lane, Burnham-On-Crouch, Essex
Proposal	Construction of 5 dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure in lieu of 2 dwellings approved under 14/00356/FUL.
Applicant	Barratt Developments PLC
Agent	Lanpro Services Ltd
Target Decision Date	27.02.2025
Case Officer	Fiona Bradley
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

1. RECOMMENDATION

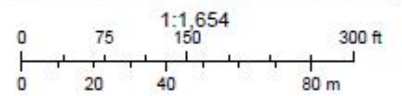
APPROVE planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and subject to the conditions as detailed in Section 8 of this report.

2. **SITE MAP**

24/01005/FUL



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3. SUMMARY

3.1 **The Proposal**

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 on the southern side of Maldon Road and forms the 'Gateway Site' to the approved Barratt 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. Subsequent permissions include 23/00500/FULM for the erection of 37 dwellings (including affordable housing), this permission replaced the care home. A further permission was approved under 24/00244/FULM for the construction of 63 dwellings inclusive of 25 affordable dwellings.
- 3.1.3 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.

Background

- 3.1.4 The application site, and the wider site, benefits from an extant planning permission (14/00356/FUL) which included two large dwellings on the site facing on to Endeavour Way. The current proposals seek to replace these two approved dwellings with five dwellings.
- 3.1.5 This application follows the refusal of an application with the same description (ref. 24/00672/FUL) in December 2024 following an overturn at the District Planning Committee on 27 November 2024. The reasons for refusal were as follows:
- 1. The proposed development by reason of its layout and detailed design, would fail to secure a high-quality development and would be harmful to the character and appearance of the locality, contrary to Policies S3, D1 and H4 of the Local Development Plan 2017 and the National Planning Policy Framework.*
 - 2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to:-*
 - include adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework;*
 - include adequate provision to the provision of the necessary contribution towards education, libraries, and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework;*
 - secure a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have*

an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

Description of proposal

- 3.1.6 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
- 1 x 4-bed dwellings
- 3 x 5-bed dwelling

Affordable housing

As this proposal is part of the wider strategy site the affordable housing requirement is triggered which amounts to 0.8 of a dwelling.

- 3.1.7 In response to the previous refusal, the proposal has been revised to remove the Tudor boarding entirely from the gateway plots (Plots 1 and 3) to provide an elevation of cream render to the side elevation gable, extending to the plinths with a quoining detail transitioning the render and brickwork. Cills and headers have also been added to these gable elevations. In addition, a bay window has been introduced on the ground floor serving the dining room. The garage on Plot 2 has been moved closer towards the rear boundary of the plot. An additional brick pier to the entrance feature has also been included.
- 3.1.8 As set out above, the site has planning permission for two detached houses, and it is proposed to replace the two approved dwellings with five detached dwellings, resulting in a net gain of three dwellings.
- 3.1.9 In terms of building heights, Plots 1 and 3 would be 2.5 storeys, Plots 2, 4 and 5 would be two storeys and all plots would be served by single storey garages. The layout includes the provision of hard and soft landscaping, car parking and a sustainable urban drainage system.
- 3.1.10 Vehicular access would be from Endeavour Way which joins onto Maldon Road (B1010).
- 3.1.11 Across this site, a total of 18 allocated car parking spaces are proposed (including two on-plot garages). Three garages do not meet the minimum size requirements and therefore do not form part of the parking allocations. 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 Since the previous application was determined, the National Planning Policy Framework has been amended. The impact of these changes is addressed in more

detail below however as a result, the Council no longer has a Five Year Housing Land Supply (5YHLS) and therefore the Titled Balance is engaged.

- 3.2.3 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.
- 3.2.4 The alterations have been considered, and it is the officers' view that a reasonable compromise has been reached with the fenestration changes to the Maldon Road facing gable wall, which now provides a level of interest and articulation to address the street scene appropriately. Accordingly, these changes, together with the layout alterations to address adjoining neighbour concerns, provides a level of design detail and appearance which would safeguard the character and appearance of the locality.
- 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 (MDDG). There would be no unacceptable harm to neighbouring amenity.
- 3.2.6 In terms of highways matters, Endeavour Way and Maldon Road have 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 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.
- 3.2.8 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 in this report.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 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 and beautiful 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**

The site is within the Strategic Growth allocation within Policy S2 of the LDP. On 11 August 2017, planning permission was granted to erect 180 new homes (ref. 14/00356/FUL) under which two detached dwellings were permitted within the current application site. Therefore, the principle of residential development is established.

National Planning Policy Framework (the 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.

Five Year Housing Land Supply

- 5.1.5 At the time of submission of the previous application, the Council's position relating to Housing Land Supply was that it had a 6.35 years supply of housing, based on its assessment of supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing in accordance with the NPPF and Planning Policy Guidelines (PPG) Standard Method, as confirmed by its 5-year Supply Statement published 28 May 2024.
- 5.1.6 On 12 December 2024 the Government published an amended version of the NPPF. Paragraph 231 of the new Framework refers to transitional arrangements, confirming that the immediate effect of the changes:
- “The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”*
- 5.1.7 Paragraph 78 of the amended Framework states that *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land”*.
- 5.1.8 Footnote 39 of Paragraph 78 states; *“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”*.
- 5.1.9 In tandem with the publication of the amended NPPF, the Government also updated its PPG in relation to Housing and Economic Needs Assessment – most notably paragraph 4 which sets out an updated Standard Method for the calculation of minimum Annual Local Housing Need figures.
- 5.1.10 The updated Framework makes it clear that any amendments took immediate effect on 12 December 2024 with no transitional period. This means that the Council must have regard to its content from that date alongside the revised Standard Method for calculating the District's minimum Annual Local Housing Need figure set out in the PPG.
- 5.1.11 At the point of determination of the previous application, the Council had prepared and published a 5-Year Housing Land Availability Report on 28 May 2024 which set out the District had a **6.35** year supply of housing based on the Standard Method at that time (based upon an annual supply target of 276 homes). Taking into account the new Standard Method (which sets an annual supply target of 569 homes) and a required additional 5% buffer, the Council's housing land supply now stands at **2.70** years.
- 5.1.12 This means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance' is engaged which states that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;

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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

5.1.13 Footnote 8 further clarifies that:

“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

5.1.14 Given that the Council can no longer demonstrate a 5-year housing land supply, it is clear that paragraph 11d would apply. For the reasons set out below, the officer’s assessment of the application does not identify adverse impacts that would provide a strong reason for refusing the development proposed.

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 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 five residential units consists of a mixture of dwelling sizes as follows: 1 x 3-bed units, 1 x 4 bed units and 3 x 5 bed units. Whilst 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 dwellings would actually be in addition to the development as previously approved, and the mix is therefore acceptable.

5.2.4 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.

- 5.2.5 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.
- 5.2.6 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.
- 5.2.7 Two of the proposed five dwellings were previously secured as part of planning permission reference 14/00356/FUL. Subsequent 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.
- 5.2.8 Taking account of this over provision, this current application (24/01005/FUL) is required to provide 0.8% Affordable Housing. Policy H1 of the Approved LDP 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”*.
- 5.2.9 The applicant is proposing to provide a 3-bed affordable rented unit on the adjacent site by way of meeting the affordable housing requirement (secured by way of a Deed of Variation). The Council's Strategic Housing Services team has been liaising with the proposed Registered Provider (RP) on this matter and is awaiting formal confirmation of the provision. Should this not be approved by the RP an off-site contribution could be sought. Officers are awaiting a formal response from Strategic Housing which will be provided to the Committee in advance of the meeting.
- 5.2.10 Subject to the provision of affordable housing either on the adjacent site (secured by way of a Deed of Variation) or a commuted sum (secured via a S106 agreement), 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:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes”.

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 wider development, and thus would be appropriate in principle. The dwellings would be two or two and a half storeys in height and detached. This scale of development and proposed mix would reflect that already built, or currently under construction, within the wider site. 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 on the wider site.

5.3.8 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.

- 5.3.9 The previously refused scheme was unacceptable as the layout and design was not high quality. Of particular concern was the lack of active frontages on Maldon Road. It is acknowledged that there are site constraints, in particular the gas easement along the front of the site which restrict the siting and access for the dwellings.
- 5.3.10 Whilst the dwellings on Plots 1 and 3 have been designed to face Endeavour Way (which is consistent with the extant scheme) the gable elevations facing Maldon Road have been revised to include an improved design; removing the mock Tudor beams, including a bay window at ground floor, introducing design details (quoins, cills and headers) which together provide for an improved design resulting in an enhanced and more active frontage to Maldon Road.
- 5.3.11 Accordingly, officers are satisfied that when taking into account the extant permission and the recent refusal, the amendments to the design of Plots 1 and 3 are of high quality, address Maldon Road and are therefore acceptable.

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 Councils 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. Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.5.2 The nearby residential dwellings 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. Concerns were raised in the previously refused application from the occupants of 3 and 5 Endeavour Way regarding impact on residential amenity. The distances between the side of the closest existing dwellings and the rear of 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. Notwithstanding this, the revised drawings have moved the garage of Plot 2 to reduce impacts on the neighbours of 3 and 5 Endeavour Way. No letters of objection have been received in response to this application.

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 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;
- 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. Whilst no visitor parking has been proposed (one space would be required) as three of the five dwellings over-provide in terms of parking spaces, the lack of a visitor space is acceptable in this instance.

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 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 which have been included in the recommendation.

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 (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 Sustainable Drainage Systems (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. Anglian Water has objected to the application as three of the dwellings' curtilages would contain private sewers. However, further correspondence between the applicant and Anglian Water has occurred and Anglian Water has agreed that subject to a survey to confirm the condition of the sewer, which will be undertaken imminently, the objection would be removed. Any further response will be provided.

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. Conditions securing this have been recommended.

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 Maldon District Council (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 Associates 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 Planning Balance and Conclusion

- 5.10.1 The principle of development has been established on the site. Planning permission was granted in 2017 (14/00356/FUL), for residential development comprising two dwellings on the site, as part of a wider development.
- 5.10.2 The application would deliver five dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing.

- 5.10.3 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 MDDG. There would be no unacceptable impact to neighbouring amenity.
- 5.10.4 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.
- 5.10.5 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.
- 5.10.6 The net gain of three houses and the provision of affordable housing are given moderate weight in the planning balance. The economic benefits of the dwellings are also given moderate weight, although of a small scale the development is part of the wider Barratt David Wilson Homes scheme, and the dwellings would serve initially as show homes thereby increasing their economic benefit.
- 5.10.7 The proposed amendments to the scheme, following the previous refusal, result in a high quality design and layout, in keeping with the character and appearance of the surrounding area. Accordingly, the application is recommended for approval subject to a Section 106 agreement and conditions.

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.
 - **19/01257/FUL** – Erection of 36 dwellings, with associated off-street parking, public open space and landscaping. Allowed on appeal December 2020.
 - **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.
 - **24/00672/FUL** - 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. Refused.

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
ECC Highways	No objection subject to conditions regarding: construction of shared accesses; no unbound material; cycle parking; and Residential Travel Information Packs.	Noted, the conditions are included in the recommendation.
ECC Education	Awaiting response.	Any response will be reported to the Committee.
Cadent Gas	No objection subject to an informative being added to the decision notice regarding the gas easement.	Noted
(Lead Local Flood Authority (LLFA)) ECC Sustainable Drainage Team	As this application is considered to be a minor development, we do not wish to provide formal comment on this application.	Discussed in section 5.8 of this report.
NHS	Initial response advises no contribution sought however this will be clarified at Committee.	
Anglian Water	Objection – Plots 3, 4 and 5 are affected by Anglian Water owned sewers and these are not permitted in the curtilage of the proposed dwellings. Further correspondence from Anglian Water has confirmed that subject to a survey to confirm the condition of the sewer, this objection could be removed.	Discussed in section 5.8 of this report.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	Awaiting response.	
Ecology Consultant	No objection subject to conditions regarding: development in accordance with ecological appraisal; submission of a Habitat Management and Monitoring Plan; Biodiversity Enhancement Strategy; Wildlife Sensitive Lighting Design Scheme; and the Biodiversity Net Gain condition.	Noted. These conditions are included in the recommendation
Trees	No objection subject to condition regarding tree protection.	The condition is included in the recommendation.

7.4 **Representations received from Interested Parties**

- 7.4.1 The application was advertised by way of four site notices posted at the site on 15 January 2025 (with an expiry date for comments set at 5 February 2025). The site notices were affixed at eye level to telegraph poles adjacent to the application site, in a prominent position within the street scene. Following the receipt of amended plans further notices were posted extending the consultation date to 6 February 2025. No representations from third parties have been received.

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

HEADS OF TERMS OF SECTION 106 AGREEMENT

Affordable Housing:

Affordable Housing comprising 0.8% of a unit. This would be secured by way of a 3-bed affordable rented unit on the adjacent site (secured via a Deed of Variation) or an off-site financial contribution.

Education and Libraries

Awaiting a response from Essex County Council to confirm the contributions sought.

ECC Monitoring Fees:

To pay the County Council's Monitoring Fee of £700 per obligation (financial and otherwise).

NHS

No contribution sought however Officers have sought to clarify this with the NHS given the net gain of three dwellings.

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. 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.
3. No development shall commence until 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 following information has been submitted to and approved in writing by the local planning authority.

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.

4. Within the first available planting season following the first occupation of the development, the 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.
5. 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.
6. 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 be submitted to and approved in writing by the local planning authority.

The approved tree protection measures shall be erected before the commencement of any clearing, demolition and building operations and shall be retained in place until all construction 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 removal of the protection measures an existing tree, shrub or hedge is removed, destroyed, dies, or becomes, in the opinion

of the local planning authority, seriously damaged or defective, a replacement tree, 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.

7. 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.

8. 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.

9. 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 P05, 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 in consultation 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 Policies D1 and T2 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
10. Prior to first occupation of the development and notwithstanding the details as shown in principle on planning drawing no. H7660-BAH-XX-XX-DR-UD-203001 Rev P05, the two proposed vehicular accesses to the east of the site for plots 1 and 2 shall be 4.5 metres wide for the first 6 metres from the back edge of the carriageway. Each access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed in consultation 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 Policies D1 and T2 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
11. 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 Policies D1 and T2 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
12. 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 accessibility, highway safety and amenity in accordance with Policies S1, D1 and T2 of the approved Maldon District Local Development Plan, the Vehicle Parking Standards Supplementary Planning Document and guidance in the National Planning Policy Framework.
13. 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 S1, D1 and T2 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
14. 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 and enhance protected and Priority species, allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

15. 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, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework

16. 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 LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

17. Prior to first occupation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

Informatives

Biodiversity Net Gain

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) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) 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.

Submitted drawings:

H7660-GDT-ZZ-ZZ-DR-AR-000050 Rev P01
H7660-GDT-ZZ-ZZ-DR-AR-000051 Rev P01
H7660-GDT-ZZ-ZZ-DR-AR-000052 Rev P01
H7660-GDT-ZZ-ZZ-DR-AR-000053 Rev P01
H7660-BAH-XX-XX-DR-UD- 203550 RevP06
H7660-BAH-XX-XX-DR-UD- 203580 RevP01
H7660-BAH-XX-XX-DR-UD- 203006 RevP06
H7660-BAH-XX-XX-DR-UD- 203008 RevP04
H7660-BAH-XX-XX-DR-UD- 203007 RevP04
H7660-BAH-XX-XX-DR-UD- 203005 RevP04

H7660-BAH-XX-XX-DR-UD- 203004 RevP04
H7660-BAH-XX-XX-DR-UD- 203003 RevP04
H7660-BAH-XX-XX-DR-UD- 203001 RevP05
H7660-GDT-ZZ-ZZ-DR-AR-000040 RevP02
H7660-GDT-ZZ-ZZ-DR-AR-000042 RevP02
H7660-GDT-ZZ-ZZ-DR-AR-000043 RevP01
H7660-GDT-ZZ-ZZ-DR-AR-000060 RevP02
H7660-GDT-ZZ-ZZ-DR-AR-000062 RevP02
H7660-GDT-ZZ-ZZ-DR-AR-000063 RevP01
H7660-GDT-ZZ-ZZ-DR-AR-000098 RevP01
H7660-GDT-ZZ-ZZ-DR-AR-000099 RevP-
H7660-BAH-XX-XX-DR-UD- 203002 RevP05
24-037-DR-CE-2003 Rev 1st
24-037-DR-CE-2002 Rev 1st
24-037-DR-CE-2001 Rev 1st
22007_15 Rev D
22007_16 Rev D
22007_17 Rev D
CYCLE-2A-CS-001
CSA/7096/109/Rev C