



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
26 FEBRUARY 2025**

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**PRESENT**

Chairperson                      Councillor M E Thompson

Vice-Chairperson              Councillor N D Spenceley

Councillors                      M G Bassenger, V J Bell, S J Burwood, A Fittock, A S Fluker,  
L J Haywood, K Jennings, K M H Lagan, W J Laybourn,  
S J N Morgan, M G Neall, R G Pratt, U C G Siddall-Norman,  
P L Spenceley, E L Stephens and N J Swindle

**575.      CHAIRPERSON'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**576.      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councilors D O Bown, J Driver, M F L Durham CC, J C Hughes, A M Lay, C P Morley, R H Siddall, W Stamp, CC, J C Stilts, S White, and L L Wiffen.

**577.      MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 27 November 2024 be approved and confirmed.

**578.      DISCLOSURE OF INTEREST**

There were none.

**579. 24/01005/FUL LAND BOUNDED BY MALDON ROAD AND CREEKSEA LANE, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>24/01005/FUL</b>
<b>Location</b>	Land Bounded by Maldon Road and Creeksea Lane, Burnham-On-Crouch, Essex
<b>Proposal</b>	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.
<b>Applicant</b>	Barratt Developments PLC
<b>Agent</b>	Lanpro Services Ltd
<b>Target Decision Date</b>	27.02.2025
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

The Members' Update circulated prior to the meeting reported:

- a correction to the Burnham-on-Crouch Town Council consultation response detailed in the report.
- confirmation of the contribution required from the NHS toward healthcare provision.
- receipt of an informal Response from Essex County Council (ECC) Education confirming contributions would be sought.
- consultation response from Strategic Housing.
- amendments to the Heads of Terms of Section 106 agreement relating to affordable housing, education, and NHS provisions.
- an additional pre-commencement condition following further correspondence from Anglian Water.

During her presentation the Officer advised that a consultation response had been received from ECC in terms of education provision and she detailed the proposed contributions. Following this the applicant, Mr Houghton addressed the Committee.

Councillor S J N Morgan proposed that the application be approved, as per officer's recommendations including those within the Members' Update. This proposal was duly seconded.

Members commended the developer on allocating one of the proposed dwellings as affordable as an alternative option to a commuted sum.

Following a brief discussion, the Chairperson put the proposal in the name of Councillor Morgan and upon a vote being taken this was approved.

**RESOLVED** that this application be **APPROVED** 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 the conditions as set out below

#### **HEADS OF TERMS OF SECTION 106 AGREEMENT**

##### Affordable Housing:

A financial contribution of £205,600.00 as a commuted sum to provision affordable housing.

Or

The developer would enter into a Deed of Variation proposing a separate standalone schedule in the S106 under 24/00244/FULM to change a market dwelling for an affordable rented dwelling on the approved 63 unit development. This would also be secured via a Section 96A application to regularise the previously approved tenure plan H8769-2A-SP-003D.

Education and Libraries

Early Years contribution £6,444; Primary education contribution £21,279; Secondary education contribution £17,347, Libraries contribution £233.40.

ECC Monitoring Fees:

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

NHS

A financial contribution of £1,206 is required to mitigate impacts on healthcare provision.

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 Zone of Influence 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.

**CONDITIONS:**

**Pre-commencement condition:**

No development shall take place, including any ground works or demolition, until a CCTV condition survey of the existing Anglian Water combined sewer within the site has been undertaken. Should the survey identify any necessary maintenance or works for the sewer, details of the maintenance or works, and the timing for it, shall be submitted to and approved in writing by the local planning authority in consultation with Anglian Water prior to commencement of development. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the drainage system implemented will adequately function and dispose of foul water from the site in accordance with policy I1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework

**Conditions:**

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.

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.

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.
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.
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.

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.

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.

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.
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.
11. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
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.
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.
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.

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.

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.

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.

There being no other items of business the Chairperson closed the meeting at 7.55 pm.

M E THOMPSON  
CHAIRPERSON