



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

to
SOUTH EASTERN AREA PLANNING COMMITTEE
23 July 2025

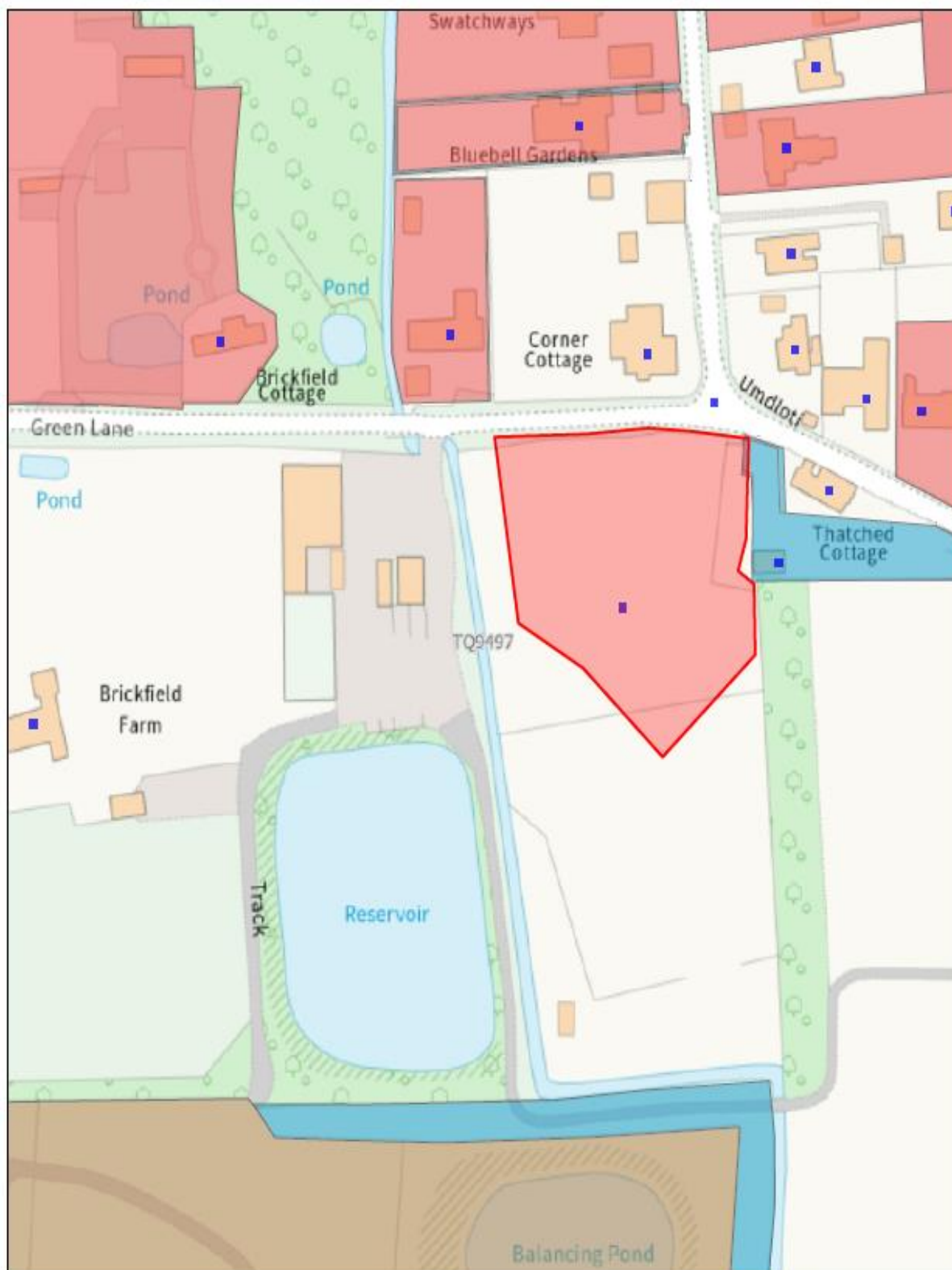
Application Number	24/00947/FUL
Location	Land West of Thatched Cottage Green Lane Burnham-On-Crouch Essex
Proposal	Erection of 3 no detached dwellings with garages
Applicant	Penny Homes Ltd
Agent	Andrew Pipe Associates
Target Decision Date	31.07.2025
Case Officer	Patrick Daly
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Departure from the Local Plan Member Call-in by Cllr Stamp for the Housing Mix (Policy H2) and Outside of Settlement Boundary (Policy S8)

1. RECOMMENDATION

APPROVE subject to the submitted Unilateral Undertaking to secure the planning obligations and subject to conditions as detailed in Section 8 of this report.

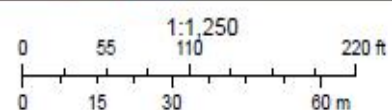
2. SITE MAP

Please see below.



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■ GMS BLPU Points ■ Other



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application site

- 3.1.1 The application site is located to the south of Green Lane, adjacent to the junction with Mangapp Chase and lies outside of the settlement boundaries of both Burnham-on-Crouch (to the south) and Stoneyhills (immediately to the northeast). It consists of an existing greenfield site, with substantial foliage to all boundaries. The site benefits from an existing gated access to the northeast corner.
- 3.1.2 Regarding the immediate surroundings of the site, to the south is mostly agricultural in character, with a working farmyard to the west. To the north there are dwellings located on Mangapp Chase, with the settlement boundary of Stoneyhills incorporating the dwellings on the eastern side of the road. Further dwellings outside of the settlement boundary are located to the north of Green Lane and a thatched cottage to the east.
- 3.1.3 The site does not form part of a conservation area but the cottage immediately to the east is Grade II listed. The site is not subject to any ecological designations and there are no Tree Preservation Orders (TPO's). The site is sited in Flood Zone 1, but it should be noted that Flood Zones 2 and 3 are located just offsite to the west and south.

Proposal

- 3.1.4 Planning permission is sought for three dwellings with associated garages, with a singular access centrally derived from Green Lane. The western most dwelling (Plot 3) would be located close to Green Lane, albeit set back behind the retained hedgerow. The easternmost dwelling (Plot 1) would be located further back behind the retained hedgerow and a proposed wildflower area. The third dwelling (Plot 2) would be centrally located, yet to the rear of the plot, angled slightly and incorporating bushes and foliage. A breakdown of the proposed dwellings would be as follows:
- Plot 1: four bedroom detached dwelling of 1.5 storey dwellinghouse (7.6m to ridge) with single detached garage, total combined floor area of 242sq.m;
 - Plot 2: four bedroom detached 1.5 and 2 storey dwellinghouse (6.7m) with single detached garage (195sq.m) and
 - Plot 3: four bedroom detached 2 storey dwellinghouse (8.7m) with single detached garage (242sq.m).
- 3.1.5 Parking would be provided at a minimum of two spaces per property plus additional covered garage spaces.
- 3.1.6 The existing hedgerow fronting onto Green Lane would be retained save for the ingress/egress point. Wildflower meadow would be planted to the northeast in front of Plot 1 and an additional area between Plots 2 and 3. Further hedgerow is scattered strategically throughout the site

Background

- 3.1.7 Whilst there is no planning history for the site, there have been a number of permissions for dwellings in close proximity to the site, the closest being the northern dwelling diagonally opposite the site that was granted consent via 14/00222/FUL for a five-bedroom detached residential dwelling, which was amended to add a further

three habitable rooms in the roofspace with dormers via 16/00610/FUL and has been implemented. Further consents have been granted on Mangapp Close to the north.

- 3.1.8 It should also be noted to the south of the site is a Strategic Growth Site as set out in the Local Development Plan (LDP) (S2(j)) for the provision of 180 dwellings, which was granted consent and has since been implemented.

Conclusion

- 3.1.9 The site is outside any defined settlement boundary where the principle of new residential development is not supported. As the Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS) the tilted balance in favour of sustainable development is engaged. For the reasons explained in this report, the site is located in a sustainable location in close proximity to Burnham-on-Crouch and Stoneyhills settlement boundaries, which provide for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the (LDP) is therefore acceptable along with all other material planning considerations.
- 3.1.10 The scale and layout is acceptable and well considered, stepping back the scale of development from the roadside and increasing southward to two storeys. Materials proposed are in keeping with the prevailing character of the area and what is characteristic of Maldon more broadly.
- 3.1.11 Although the site would be accessed at a position where there is a change in speed, Essex County Council (ECC) Highways have no objection with regard to highway safety, subject to conditions and the provision of sufficient visibility splays. The technical matters assessed raise no concerns subject to conditions.
- 3.1.12 The proposal would result in new dwellings which is a social benefit and there would be economic benefits through the construction of the dwelling. The environmental harm resulting from the development, in this rural location is offset by a modicum of onsite Biodiversity Net Gain (BNG) provision and the procurement of local BNG credit will be sought and is acceptable in this instance. Whilst these benefits are relatively small in the context of Maldon, they nonetheless tip the balance in favour of the development.
- 3.1.13 As such, the proposal is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10 - 12 Presumption in favour of sustainable development
- 39 Decision-making
- 48 - 51 Determining applications
- 56 - 59 Planning conditions and obligations
- 61 – 84 Delivering a sufficient supply of homes.
- 109 - 118 Promoting sustainable transport

- 124 - 130 Making effective use of land
- 131 - 141 Achieving well-designed places
- 161 -186 Meeting the challenge of climate change, flooding and coastal change
- 187 – 201 Conserving and enhancing the natural environment
- 202 – 221 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) (2017) approved by the Secretary of State

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation Area and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Burnham-on-Crouch Neighbourhood Plan (BoCNP)

- S1 Strategic Housing Growth
- EN.2 New Development and Flood Risk
- EN.3 Enhancement of the Natural Environment
- EN.7 Waste Bins Storage
- HC.2 New Development Features
- HO.1 New Residential Development
- HO.2 Range and Type of New Residential Development
- HO.8 Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards (SPD)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (SPD)
- Maldon District Design Guide (MDDG) (2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and Paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (LDP) and the BoCNP.
- 5.1.2 Policy S1 of the LDP states that *'When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the policy.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area's natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow major (m) development which complies with other policies of the LDP.
- 5.1.5 Policy S1 of the BoCNP states that *"Within the Plan period a minimum of 450 dwellings will be provided... through the development of the strategic housing sites... and on other windfall sites"*.
- 5.1.6 The site is situated outside of the defined development boundary for Burnham-on-Crouch and Stoneyhills and therefore policies of rural constraint apply.

Five Year Housing Land Supply

- 5.1.7 Paragraph 78 of the NPPF 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. 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."*
- 5.1.8 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

- 5.1.9 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.10 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *'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'*.

Sustainable Development

- 5.1.11 It is necessary to assess whether the proposed development is *'sustainable development'* as defined in the NPPF. If the site is considered sustainable then the NPPF's *'presumption in favour of sustainable development'* applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.12 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that *"development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*. This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that *"new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable"*.
- 5.1.13 The application site is outside any settlement boundaries. Green Lane is a single track lane with passing places, with a 60mph speed limit to the west of the site and 30mph limit to the east. However, the settlement boundary of Stoneyhills is located directly across the road to the northeast of the site. To the south is the strategic site allocation S2(j) and the settlement boundary of Burnham-on-Crouch. Approximately 200m to the west of the site, off Green Lane, is the walking and cycling route connecting to Grangewood Park Avenue to the south. Further to the west is the B1010 which has bus routes into Burnham-on-Crouch centre and to Maldon and Chelmsford. To the east, Green Lane connects with Southminster Road which has bus services into Burnham-on-Crouch centre and to Southminster to the north.

5.1.14 Furthermore, planning permission (14/00222/FUL) was granted by the South Eastern Area Planning Committee for a dwelling diagonally opposite the site to the north west. Similarly, other applications for residential dwellings on Green Lane have been approved either by Committee or on appeal over the past decade.

5.1.15 Although accessibility along Green Lane itself is poor, being single lane, unlit and with limited footways, the site is in close proximity to bus routes and the facilities and services in the nearby settlements. Based on the above it is considered that the site has reasonable accessibility in terms of the NPPF sustainability considerations.

With regard to other Environmental considerations these are assessed in detail in the report below.

Social Dimension

5.1.16 The development would make a nominal contribution towards the supply of housing within the District as only three dwellings are proposed.

Economic Dimension

5.1.17 The development would make a nominal contribution to the local economy through the construction of the dwellings and additional custom for existing businesses.

Summary of Principle of Development

5.1.18 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies. Therefore, the development of sites such as this outside of settlement boundaries need to be considered as to whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location for this development in close proximity and accessible to the main settlement of Burnham-on-Crouch as defined in policy S8 which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the (LDP) is therefore considered acceptable.

5.2 Housing Provision and Mix

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 National Planning Policy Guidance (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 LDP requires developments *"to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand"*. Policy HO.2 of the BoCNP requires a range and type of new housing. The LHNA (2021) concludes that the District has a need for smaller dwellings, however the biggest requirement is for three bed dwellings (40-50%) and additional need for two bed dwellings (25-35%).

- 5.2.3 The proposals would deliver three four-bedroom dwellings. Whilst the proposal would not provide a dwelling to meet the majority of housing needs in the District it would still meet a requirement for four+ bedroom dwellings in the District. The proposal would make a nominal contribution given the scale of the proposal and would not contribute towards the District's biggest requirement for three bedroom dwellings. Nonetheless, the proposal is not considered unacceptable based on housing mix and policy H2 and the proposal is providing housing albeit at larger sizes and this must still be weighed in the planning balance.

5.3 Design and Impact on the Character 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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.3.3 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;
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.3.5 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
- 5.3.6 Policy HO.8 of the BoCNP states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings. Policy HC.2 of the BoCNP requires new housing should produce high quality scheme that reflect the character and appearance of their immediate surroundings.
- 5.3.7 The application site forms part of an existing field that is set within a countryside location, which is reinforced by a farmyard to the west. However, it lies adjacent to the settlement boundary of Stoneyhills, which is to the northeast and there are further dwellings to the north and east of the site. The urban grain of Stoneyhills is relatively dense, appearing suburban in character, consisting of both linear developments fronting the Mangapp Chase and Green Lane and cul-de-sacs that flow from it.

- 5.3.8 Turning back to the immediate surrounds, whilst the context of the farmyard is important, the dwellings to the north and east are more pertinent in this instance, as they also lie outside of the settlement boundary. Attention is drawn to the northern dwelling diagonally opposite the site that was granted consent via 14/00222/FUL for a five-bedroom detached residential dwelling with detached double garage, which also received consent for an amended to add a further three habitable rooms in the roofscape with dormers via 16/00610/FUL. This development has been implemented and has extended the built form from those located outside of the settlement boundary to the west on Mangapp Chase westward along Green Lane, partially infilling a gap to those dwellings located further on Green Lane.

Layout

- 5.3.9 Looking at the development in greater detail, the site would be arranged in a semi-organic manner, with Plots One and Three located to the front of the site, albeit with Plot one set back further so as to negate a more formal linear pattern on Green Lane. Plot two would be set back further still to the rear of the site, with its principal façade angled to the northwest. The access would be centrally located. The retention of hedging fronting Green Lane assists in softening the appearance of development and the incorporation of wildflower planting and internal hedging adequately separates the plots and is broadly welcomed.

Scale

- 5.3.10 The scale of the proposals varies between 6.7m to 8.7m, with the tallest unit (Plot three) located to the rear of the site so as to address any concerns of overbearingness on the surrounding rural setting from the public highway and so that there is a gradual increase in scale as one moves southward through the site. By comparison, the dwelling to the north consented via 14/00222/FUL was permitted at 9.3m and is more prominent in views on Green Lane. Given this context and the considered nature of the scheme, the proposals are in keeping with prevailing building heights.

Appearance

- 5.3.11 Moving to detailed design, the dwellings would incorporate, brick detailing (brick plinths, voussoirs etc.), clay roof tiles, render and weatherboarding with traditional window designs, seeking to reflect the surroundings. The dwellings would benefit from deep soffits, gable ends and with dormer windows on the smaller units all of which are considered acceptable. The materials and detailing proposed is supported.

Landscaping

- 5.3.12 The landscaping proposed as part of the proposals is relatively simple in nature, limited to the retention of the existing hedging, some tree planting, provision of garden boundary hedging and wildflower meadow in selected areas to separate plots and to fill residual parcels of land. The landscaping strategy is considered broadly acceptable, subject to conditions regarding further hard and soft landscaping details, planting implementation and aftercare and the retention of existing trees.

Character and Appearance of the Area

- 5.3.13 Regarding the character and appearance of the area, notwithstanding the site's countryside and rural setting, as identified earlier, the site lies adjacent to existing housing to the north and east. The retention of the hedging screens the development

from public vantage points on Green Lane, aside from the access point, which itself is not proposed to incorporate paraphernalia. Moreover, the site is not readily visible from other points to the south, east and west given existing thick foliage.

- 5.3.14 Within the site, the inclusion of wildflower meadow planting softens the built form and assists in retaining attributes of rurality together with the retained and future hedging.

Conclusion

- 5.3.15 The proposal is acceptable on design grounds, and it would not have a harmful effect on the character and appearance of the area, being in accordance with policies S1, D1 and H4 of the LDP and policies HO.8 and HC.2 of the BoCNP.

5.4 Heritage Impacts

- 5.4.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4.2 Policy D3 of the approved LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy S5 is also relevant as it seeks, at 7)(???), to preserve and enhance the quality of the historic character including the built environment.
- 5.4.3 Whilst the site is not located within a conservation area, it lies adjacent to Thatched Cottage to the east, which is a grade II listed building. The significance of Thatched Cottage as a grade II listed building derives from its architectural interest as an example of a late-Georgian thatched cottage although it is accepted that its semi-rural setting that contributes to its setting is somewhat diminished as it is now located opposite the settlement boundary of Stoneyhills.
- 5.4.4 Regarding the development and its impact on the heritage asset, the Heritage and Conservation Officer has been consulted and has advised that despite the dwelling of Plot One being higher than the heritage asset, the distance between both structures and the mild downward gradient change from east to west would overcome any concerns and would ensure that the development would not harm the listed building's significance. Conditions are recommended in regard to materials for the buildings and boundary treatments.
- 5.4.5 Given the above, the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or with the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5.5 Impact on 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).

- 5.5.2 Plot one would sit, at its closest, 1.7m from the shared boundary with Thatched Cottage to the east and over 20 metres from this property itself. However, due to the orientation of the proposed dwelling there would be no windows at first floor level that would directly overlook the neighbouring property. Given the degree of separation, it is not considered that this would result in an overbearing impact on this neighbouring property or any others in proximity and it would not result in an unacceptable loss of light or loss of privacy to these neighbouring occupiers.
- 5.5.3 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing. The proposal is in accordance with Policy D1 of the LDP and the NPPF.

5.6 Living Conditions and Amenity Space

- 5.6.1 The proposal would provide three / four bedroom dwellings, significantly above the minimum 97sq.m required for a two storey four bedroom dwelling as set out in the Nationally Described Space Standards (NDSS). The habitable rooms would be provided with natural light and ventilation, as such, there are no concerns with quality of accommodation.
- 5.6.2 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.3 Garden amenity areas would be very generous, with each plot benefiting from over 400sq.m in this instance, far in excess of 100sqm of amenity space would be provided to accord with the MDDG SPD and again, no concerns are raised in this regard.
- 5.6.4 In light of the above, the proposal accords with the MDDG SPD and policy D1 of the LDP and the MDDG.

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 LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards in the Vehicle Parking SPD.
- 5.7.2 The NPPF refers in paragraph 111 that, 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'.
- 5.7.3 Following an initial objection from the Highway Authority, the proposal was amended to provide a single central access from Green Lane. A Highways Report was also submitted to assess the safety of the proposed access. The results elucidate that there have been no accidents in this location for the past 10 years and that the actual speed of traffic passing the site is lower than the limits imposed, being 36.7mph eastbound and 13.6mph westbound.

- 5.7.4 The proposed access would be approximately 30m from the junction of Green Lane and Mangapp Chase and moving past this junction going west, there is a speed change from 30mph to the national speed limit (60mph), submitted
- 5.7.5 The Highway Authority were re-consulted and advise that the submitted Highways Report, and results of an associated speed survey, demonstrate that the new access can be provided with appropriate visibility splays. On that basis, no objection was raised on highway safety grounds. Subject to conditions relating to a Construction Management Plan, the access width, visibility, unbound material, boundary treatments, cycle parking and a residential travel information pack.
- 5.7.6 The proposal includes a single garage, measuring 3m x 7m internally, and two parking spaces for each dwelling, therefore providing sufficient car parking to meet the requirements of the Vehicle Parking SPD. In addition, sufficient turning space is provided within the site.
- 5.7.7 The proposal is therefore in accordance with Policy D1 and T2 of the LDP and the NPPF.

5.8 Trees, Ecology and Biodiversity

- 5.8.1 Policy S1 of the LDP states that decision making should 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. Policy D1 of the same Plan advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment. Policy N2 of the LDP states that any development which could have an adverse impact on sites with designated features, priority habitats and /or protected species, either individually or cumulatively will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated site are identified, the proposal will not normally be permitted.
- 5.8.2 Paragraph 170 of the NPPF states that, '*Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity*'.

Trees

- 5.8.3 No Arboricultural Impact Assessment has been submitted with the application but given the boundary context of the site, the Council's Arboricultural Consultant has been consulted on the application.
- 5.8.4 The plans submitted illustrate that no trees would be removed from the site as those trees that are located on the boundary would be located adjacent to garden and/or amenity areas and their root protection areas would remain safeguarded. However, it is considered that some of the trees/hedgerows on the peripheries of the boundaries could be compromised as the development comes forward during the construction process. As such, details regarding the construction and location of tree and hedge protection measures should be provided within an Arboricultural Management Statement (AMS) and Tree Protection Plan (TPP) should be conditioned.

Ecology

- 5.8.5 The applicant submitted an Ecological Appraisal, which found no evidence of protected species at the site and there are no non-statutory designated sites within 1km of the site. However, the site falls within the Zone of Influence (Zol) of the Essex Coast RAMS, which is discussed later in this report.
- 5.8.6 The site is considered to be of low ecological value, with the peripheral trees and hedgerow being considered to have a higher value. The enhancement measures incorporated in the scheme, including additional tree, hedgerow and wildflower planting and amongst other measures, are considered to have a positive residual effect.
- 5.8.7 The Council's Ecology Consultant was consulted on the revised Ecological Report and has stated that the proposals are considered acceptable subject to conditions relating to a subsequent Biodiversity Enhancement Strategy.

Biodiversity Net Gain

- 5.8.8 The Council's Ecologist has no objection to the BNG Statement and calculations submitted.
- 5.8.9 It is acknowledged by the Applicant that the proposals would lead to a net loss of - 38.96% (0.47) habitat units. The measures to compensate include an upgrade the current modified grassland, trees and hedgerow planting include additional tree and hedgerow planting and new parcels of meadow. Cumulatively this comes to only 0.06 habitat units and as such, the Applicant will turn to the local habitat bank to purchase the necessary habitat units to make the development acceptable, coming to 0.58 units in order to meet the mandatory 10% BNG betterment. Given this strategy, the scheme is considered compliant with the Environment Act (2021).

Impact on Designated Sites (RAMS)

- 5.8.10 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast RAMS. The LPA must therefore undertake a habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.8.11 The development will result in the net gain of 3 no. dwellings at the site. This falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and strategy advice, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for 3 no. dwellings.

HRA Stage 2: Appropriate Assessment Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No.

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment

- 5.8.12 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to re-consult on this Appropriate Assessment.
- 5.8.13 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £163.86 (2024/25 figure) and thus, the developer contribution should be calculated at this figure.
- 5.8.14 The applicant has provided the relevant checking and monitoring fees, and a completed and signed Unilateral Undertaking to ensure that the necessary mitigation is secured.

Conclusion

- 5.8.15 The RAMS mitigation has been secured via a legal agreement and there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to LDP policy N2, and the guidance and paragraphs of the NPPF/PPG.

5.9 Flood Risk and Drainage

- 5.9.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.9.2 The site is entirely within Flood Zone 1 and presents a low risk from flooding. The site is less than 1 hectare and therefore does not require a Flood Risk Assessment to accompany the application nor does it require application of the Sequential Test as set out in the NPPF/NPPG.
- 5.9.3 The Council's Environmental Health Specialist has raised no objection to the proposal subject to conditions relating to a Sustainable Urban Drainage Scheme and surface water drainage and foul drainage be attached to any permission granted.
- 5.9.4 Subject to the above mentioned recommended conditions, the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.10 Planning Balance

- 5.10.1 The site is outside any defined settlement boundary where the principle of new residential development is not supported. Notwithstanding, given the planning history for the site and that the Council cannot currently demonstrate a 5YHLS, the balance tilts in favour of approving development.

5.10.2 The proposal would result in three new dwellings which would result in a social benefit through the provision of new homes however given the scale of development this is given limited weight. There would be economic benefits resulting from the construction of the dwellings and also as the new occupants would support the facilities and services in the area. The environmental harm resulting from the development, in this rural location is offset by conditions to make the application acceptable. The design and appearance of the development and landscaping proposed is acceptable and this benefit is given moderate weight. Furthermore, in terms of environmental sustainability, the site is considered to be in a sustainable location where future occupants would not be reliant on the use of private cars. Whilst these benefits are relatively limited, they tip the balance in favour of the development.

5.10.3 As such, the proposal would result in sustainable development and is therefore recommended for approval.

6. RELEVANT SITE HISTORY

6.1 There is no relevant planning history for the site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Council

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Refuse as the application is outside of the settlement boundary. The housing does not accord with policy H2 of the Local Plan and the need for two and three bed dwellings.	Noted. Discussed in sections 5.1 and 5.2

7.2 Statutory Consultees and Other Organisations (summarised)

Name of External Consultee	Comment	Officer Response
Highway Authority	No objection subject to conditions regarding Construction Management Plan, visibility splays, provision of the access, no unbound material, closure of existing access, planting not to impact visibility splays, cycle parking, Residential Travel Information Packs. .	Discussed in section 5.7
Lead Local Flood Authority	Development is not major development therefore no comment.	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to a condition relating to SuDS.	Noted. Discussed in section 5.9
Trees (Place Services)	No objection subject to conditions regarding details of landscaping, retention and protection of existing trees.	Discussed in section 5.8
Ecology (Place Services)	No objection subject to conditions relating to ecological enhancements, biodiversity enhancement strategy, BNG.	Discussed in section 5.8
Conservation Officer	No objection subject to conditions regarding external materials and boundary fences.	Discussed in section 5.4

7.4 Representations Received from Interested Parties (summarised)

7.4.1 **19** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Quantum of Development and Location • Overdevelopment of Green Lane and surrounding area • A field should not be used to build new housing • The field serves as a buffer between the new housing and the dwellings north of Burnham • The size and scale of the development is to the detriment of the surrounding area • Green Lane is a rural road and should not have housing	Address in Section 5.1
Design and Amenity • Poorly design houses that are not in keeping with the character of the area • The development appears like its own estate • Developments like this make Burnham look like every other settlement • Green Lane is a charming road	Addressed at Sections 5.3 and 5.5

Objecting Comment	Officer Response
and should remain so • New development will introduce more light, noise and air pollution into the area • Loss of light to the Thatched Cottage	
Highways and Access • Entrance to the site is dangerous as it is set on a blind corner with a road that is 60mph • Green Lane is very narrow, with a poor road surface and ditches on either side that make it dangerous • Although the Highways report states that vehicles travel at lesser speeds, it does not take into account of hard braking or approach very slowly as it is a dangerous bend • The road has become very busy and used as a 'cut through' or 'rat run' • There is no pathway and the road is unable for pedestrians at certain times of the day • Recent housing developments have led to more pedestrians on the road in this area • There have been many accidents in recent years. The Highways report does not acknowledge that. • Construction traffic should be routed to enter the site from the east and leave from the west	Addressed in Section 5.7
Local Housing Need • Large houses like this do nothing to assist the housing deficit as they will be unaffordable to most • The Burnham Waters Development has many houses unsold • The area needs more bungalows, not larger dwellings	Addressed in Section 5.1 and 5.2
Infrastructure • Not enough school places	Noted. The development is a minor application and therefore S106 financial contributions towards these services

Objecting Comment	Officer Response
- The sewer and water system is inadequate - There are not enough doctor's or dentist's surgeries	and infrastructures are not triggered in this instance.
Drainage - Houses will be built on a slope that will lead to drainage issues - There are longstanding drainage issues in the area - The drainage issue will add a further hazard to the dangerous road	Addressed in Section 5.9
Ecology - Haven wildlife and there is a badger sett onsite - Other species include muntjac, foxes and birds of prey - Loss of hedgerow and trees that are important to wildlife	Addressed in Section 5.8
Heritage The Thatched Cottage is a listed building and the development will overshadow and be detrimental to its setting	Addressed in Section 5.4

7.4.2 **One** letter was received in **support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
- Wonderful addition to Green Lane, in keeping with other houses - Access is no more dangerous than others along the road that have been approved - Won't noticeably increase the number of people using the lane - There are other areas for local wildlife	Noted

- 7.4.3 **One** letter was received **commenting** on the application and is summarised as set out in the table below:

Comment	Officer Response
No objection but request a condition that all construction traffic must enter via the east and clear signage directing traffic to this extent	The Highways Authority has not requested this, therefore such a condition is not recommended

7.5 **Site Notices**

- 7.5.1 Four notices were displayed adjacent or close to the site from 24 December 2024:

- One adjacent to the site to the south of Green Lane;
- One opposite the site to the north of Green Lane;
- One adjacent to Thatched Cottage; and
- One on Mangapp Close.

8. **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, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
3. 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 approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. the parking of vehicles of site operatives and visitors,
- b. loading and unloading of plant and materials,
- c. storage of plant and materials used in constructing the development,
- d. wheel and underbody washing facilities.

The approved plan shall be adhered to throughout the construction period.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

4. Prior to first occupation of the development and as shown on drawing no. REDW-3569-400, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres to the east, and 2.4 metres by 64 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic relating to the development and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

5. Prior to first occupation of the development, and as shown in principle on planning drawing no. REDW-3569-400, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres for the first 6 metres from the back edge of the carriageway and shall be provided with an appropriate vehicular crossing of the highway verge.

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 T2 of the Maldon District Local Development Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

7. Prior to first occupation of the development, the existing vehicular access to the east of the site shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

8. The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with policy T2 of the Maldon District Local Development Plan.

9. Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's 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 policies D1 and T2 of the Maldon District Local Development Plan.

10. 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, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the Maldon District Local Development Plan.

11. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Crossland Ecology, December 2024). 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 enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

12. No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

The development shall be undertaken in accordance with the approved details.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

13. Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries SAC and the Crouch and Roach Estuaries SPA, Ramsar & SSSI 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 lighting will not result in impacts upon the statutory designated sites. 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 enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

14. No development above slab level shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme’s implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning

authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, 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 in 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.

15. No development shall commence until information has been submitted to and approved in writing by the local planning authority, in accordance with the requirements of BS5837:2012, in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: In the interests of visual amenity and the character and appearance of the development and to secure opportunities for enhancing the site's nature conservation value in accordance with Policies D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

16. No development work above ground level shall take place until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

The development shall be undertaken in accordance with the approved scheme.

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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

17. No above ground works shall commence until high quality photographs or 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: In the interests of the character and appearance of the development in accordance with Policies D1 and D3 of the approved Maldon District Local Development Plan and the NPPF.

18. Scaled elevation and plan drawings of any new boundary fences, illustrating their location, design, materials and finish, shall be submitted to and approved in writing by the LPA prior to their erection. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the character and appearance of the development in accordance with Policies D1 and D3 of the approved Maldon District Local Development Plan and the NPPF.

19. No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and then maintained and retained at all times thereafter.

REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policy D5 of the Maldon District Local Development Plan.

Application Plans:

23.668 02 Reb B Site Layout Plan
REDW-3569-400 Highway Access
10 Street Scene
09 Garages
08 Rev A Plot 3 Elevations
07 Rev A Plot 3 Floor Plans
06 Rev A Plot 2 Elevations
05 Rev A Plot 2 Floor Plans
04 Rev A Plot 1 Elevations
03 Rev A Plot 1 Elevations