



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
16 SEPTEMBER 2026**

Application Number	26/00089/FUL
Location	3 The Paddocks, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA
Proposal	Subdivide Plot 3 The Paddocks to create two smaller chalet-style bungalows, the total floor area being equivalent to that of the originally approved single dwelling.
Applicant	Mr Goulding
Agent	Mr Oscar Dickens - Design Designed Ltd
Target Decision Date	18 September 2026 (EoT)
Case Officer	Matt Bailey
Parish	Burnham-on-Crouch North
Reason for Referral to the Committee / Council	Departure from Local Plan

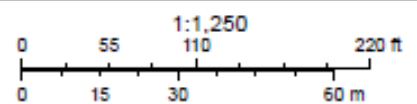
1. RECOMMENDATION

APPROVE subject to the conditions as detailed in Section 8.

2. SITE MAP

Please see below.

26/00089/FUL



3. SUMMARY

3.1 Proposal / Brief Overview, Including Relevant Background Information

Site and Surroundings

- 3.1.1 The application site lies to the eastern side of Stoney Hills, to the north-eastern side of Burnham-on-Crouch. Whilst located outside the defined settlement boundary, Stoney Hills has been the subject of a number of redevelopment proposals over recent years which have resulted in a gradual change in the character of the area from a predominantly rural environment to a more suburban setting, including a number of developments to the north of the application site where properties are accessed by cul-de-sacs. The properties within the wider area are mainly individual detached chalet style dwellings and bungalows along with some two storey dwellings - all of which vary in terms of style, scale and form. The changed character of the area has been recognised by Planning Inspectors when determining recent planning appeals for additional residential development in the area.
- 3.1.2 The application in this case relates to Plot 3 within The Paddocks, a small residential development comprising four chalet bungalows on the eastern side of Stoney Hills granted permission in 2023 under permission ref 23/01203/FUL. The dwellings on Plots 1, 2 and 4 have been built or substantially completed, while Plot 3 remains undeveloped and benefits from permission for one larger chalet bungalow and a detached garage. The plot adjoins the rear gardens of established dwellings in Mill Road to the south and west. Existing mature trees and hedgerows contribute to the site's enclosure and the semi-rural character of Stoney Hills.
- 3.1.3 There are residential properties immediately to the south and west of the Paddocks - those to the south fronting Mill Road and that to the west being Mill Farm, along with an existing stable block. Open countryside extends to the north and east of the site.

The Proposed Development

- 3.1.4 Full planning permission is sought for the construction of two chalet style bungalows in lieu of the authorised single dwelling and detached garage on Plot 3 of the Paddocks scheme. Each dwelling would measure approximately 10 metres by 9.5 metres, have a ridge height of about 6.29 metres and provide approximately 153.4 square metres of internal floorspace. Their combined footprint would be approximately 306 square metres, compared with approximately 296 square metres for the authorised dwelling and garage. Each plot would provide two parking spaces and a private rear garden, extending to approximately 135 and 144 square metres respectively.
- 3.1.5 The proposed design is intended to be sympathetic to the immediate built context, using a palette of materials comprise red brick plinths, white render, dark weatherboarding, slate-effect roofs, white uPVC windows and doors, oak-finish entrance doors and black rainwater goods.

Conclusion

- 3.1.6 While the site lies outside the defined settlement boundary and the development therefore conflicts with the spatial strategy of the Local Development Plan (LDP), the principle of residential development on the site has already been established through the implemented wider scheme and the extant permission relating to Plot 3. The proposal would make more efficient use of an established residential plot and deliver one additional dwelling without resulting in unacceptable harm to the character or appearance of the area.

- 3.1.7 In design terms, the proposed dwellings would be smaller and lower than the approved building, are appropriately designed, would provide satisfactory private amenity space and parking, and would maintain acceptable relationships with neighbouring properties. The scheme would also retain important trees and can be satisfactorily accommodated in terms of drainage, ecology, highways and environmental health.
- 3.1.8 The implemented permission is a significant material consideration and attracts substantial weight in favour of the proposal. Further positive weight arises from the delivery of an additional home, the efficient use of land and the absence of identified technical harm. These benefits outweigh the conflict with the settlement boundary strategy and the limited additional effects associated with the more intensive use of the plot.
- 3.1.9 Planning permission is therefore recommended subject to the conditions set out at Section 8.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (August 2026) (NPPF), including:

- Paragraph 17 Achieving sustainable development

Chapter 3 - Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM6 Use of planning conditions and obligations

Chapter 4 - Achieving sustainable development

- S3 Presumption in favour of sustainable development
- S5 Principle of development outside settlements

Chapter 5 - Meeting the challenge of climate change

- CC2 Mitigation of climate change
- CC3 Adaption to climate change

Chapter 6 - Delivering a sufficient supply of homes

- HO7 Meeting the need for homes
- HO8 Providing affordable homes

Chapter 12 - Making effective use of land

- L3 Achieving appropriate densities

Chapter 14 - Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 - Promoting sustainable transport

- TR3 Locating development in sustainable locations
- TR4 Street design, access and parking
- TR6 Assessing transport impacts

Chapter 16 - Promoting health communities

- HC3 Community facilities and public service infrastructure serving new development

Chapter 17 - Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities

Chapter 19 - Conserving and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development

4.2 Maldon District Local Development Plan (LDP) 2014–2029

- 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
- D4 – Renewable and Low Carbon Energy Generation
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services
- I2 – Health and Wellbeing

4.3 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP)

- S1 – Strategic Housing Growth
- HO.2 – Range and Type of New Residential Development
- HO.3 – Housing for Retired and Elderly Persons
- HO.4 – Affordable Market Housing
- HO.8 – Housing Design Principles

4.4 Other Material Guidance and Evidence

- National Planning Practice Guidance
- Maldon District Local Housing Needs Assessment (LHNA) 2025
- Maldon District Design Guide 2017 (MDDG)
- Essex Design Guide
- Maldon District Vehicle Parking Standards
- Maldon District Green Infrastructure Strategy
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Maldon District Five-Year Housing Land Supply (5YHLS) Position 2025

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Policies S1 and S2 seeks to achieve strategic growth by way of sustainable extensions to the settlements of Maldon, Heybridge and Burnham-on-Crouch, in the form of Garden Suburbs or Strategic Allocations. Policy S6 allocates growth at Burnham-on-Crouch and expects coordinated delivery of housing, employment, transport, green infrastructure and services.
- 5.1.2 The application site lies outside the defined settlement boundary of Burnham-on-Crouch, with the majority of the site also lying outside any defined allocated housing site. The site therefore falls within the open countryside, where LDP Policy S8 supports development which complies with one of the sub-criteria (a) to (m) within the policy and where the intrinsic character and beauty of the countryside is not adversely impacted upon. As the development does not fall within any of those specified categories, it is technically contrary to the spatial strategy and settlement hierarchy of the LDP, in particular Policies S2 and S8.
- 5.1.3 National Policy S5 of the NPPF provides the relevant national decision-making framework for development outside settlements. Its purpose is to distinguish between forms of development which may be acceptable in principle in countryside locations and development which would result in an unsustainable pattern of growth or unacceptable harm to rural character. While the proposal does not fall neatly within all of the specific categories identified in Policy S5, its circumstances are materially different from an isolated or freestanding proposal for new housing in the open countryside.
- 5.1.4 Specifically in this case the principle of residential development on the site has already been established through the implemented permission for the wider residential development, with Plots 1, 2 and 4 constructed or substantially complete and Plot 3 benefiting from permission for a dwelling. The current proposal therefore represents an intensification of an established residential site rather than the introduction of residential development into an undeveloped countryside location. The site is physically and functionally well-related to Burnham-on-Crouch and is capable of being served by the existing access and infrastructure associated with The Paddocks.
- 5.1.5 In this context, although conflict with the adopted settlement-boundary strategy remains, the proposal would not give rise to the type of isolated or poorly related countryside development which Policy S5 seeks to resist. Taking into account the approved residential scheme, close relationship with the settlement and limited net increase of one dwelling, the principle of development is considered acceptable.

Principle of Development Summary

- 5.1.6 The proposal conflicts with the settlement-boundary element of Policy S8 and would result in the loss of agricultural land. However, the housing-supply shortfall, the site's physical relationship to Burnham-on-Crouch and its role in completing the strategic growth area engage policy S5(1)(i) and (j). The final balance therefore asks whether the benefits are substantially outweighed by adverse effects assessed against the national decision policies.

5.2 Housing Mix and Quality of Accommodation

- 5.2.1 Policies H2 and H4 of the LDP and BOCNDP policies HO.1 and HO.2 seek an appropriate mix of homes and efficient land use while maintaining a satisfactory environment. The proposal would increase the approved development from four to five dwellings across approximately 0.34 hectares, equivalent to about 14.7 dwellings per hectare.
- 5.2.2 The two proposed dwellings are spacious chalet bungalows of approximately 150sqm floorspace metres each. This creates two smaller units in lieu of the approved Plot 3 dwelling and broadens the form of accommodation within the wider development. The plots of approximately 360 and 346 square metres provide usable gardens and two parking spaces each in accordance with parking standards.
- 5.2.3 It is noted that Burnham-on-Crouch Town Council and third party objectors have commented that the proposed arrangement would be cramped. However, the low overall density, adequate private amenity areas and lower building height demonstrate that the land can accommodate the additional unit without resulting in an unacceptable living environment or an unduly intensive form of development. The proposal makes effective use of an established residential plot and accords with Policies H2 and H4 of the LDP and Policies HO.1 and HO.2 of the BOCNDP in these respects. It is also consistent with the objectives of NPPF Policy L2, which supports the effective use of land and the sensitive creation of additional homes within existing residential plots where an acceptable form of development can be achieved.

5.3 Character and Appearance

- 5.3.1 Local Plan Policy D1, BOCNDP Policy HO.8 and NPPF policies DP3 and DP4 require development to respond positively to local character, achieve coherent and well-considered layouts and secure a high standard of design. Development should have regard to the scale, form, appearance and established pattern of its surroundings, while making effective use of land. The MDDG is also a material consideration and provides further guidance on matters including built form, spacing, boundary treatment, landscaping and the relationship between new development and its context.
- 5.3.2 Each proposed dwelling would have a chalet-style form measuring approximately 10 metres by 9.5 metres, with a ridge height of around 6.3 metres. This is materially lower and smaller in footprint than the approved Plot 3 dwelling, which measures approximately 13 metres by 11.5 metres with a ridge height of around 7.7 metres. The reduced individual scale of the buildings would limit their visual mass and help them sit comfortably within the established development. The elevations incorporate render, weatherboarding, brick plinths and slate-effect roof coverings, reflecting the architectural language already established within The Paddocks. The submitted street scene indicates that the two dwellings would read as a compatible continuation of the development rather than as visually discordant additions.
- 5.3.3 The subdivision would introduce a closer spacing and a slightly tighter built form than the approved layout for a single dwelling on Plot 3. However, this would not in itself amount to harmful overdevelopment - the proposed dwellings remain modest in scale, retain satisfactory separation from site boundaries and provide appropriate plot depths, usable private gardens, parking provision and landscape margins. There would remain sufficient space around the buildings for the development to retain a suburban and relatively spacious character. The proposal would therefore avoid a cramped or unduly intensive appearance.

- 5.3.4 Final details of external materials, hard and soft landscaping and boundary treatments can be secured by condition to ensure that the development integrates appropriately with the existing character of The Paddocks and its semi-rural edge context. Taking account of the approved scheme, the reduced scale of the individual buildings and the overall quality of the proposed layout, the visual effect from both Mill Road and Stoney Hills would be acceptable. The proposal would therefore accord with Local Plan Policy D1, BOCNDP Policy HO.8 and the relevant design provisions of the NPPF.

5.4 Residential Amenity

- 5.4.1 Policy D1 of the LDP requires development to safeguard the living conditions of existing and future occupiers, including in respect of overlooking, loss of privacy, overbearing effects, loss of light, noise and disturbance. New dwellings should also provide an acceptable standard of internal and external amenity for future residents.
- 5.4.2 The proposed dwellings would be positioned broadly within the area occupied by the approved larger plot 3 dwelling but would sit approximately four metres further from the rear boundaries of properties in Mill Road than the approved dwelling on Plot 3 (36m vs 32m). There are no first-floor windows within the southern elevations facing towards the Mill Road gardens, and no west-facing windows towards Plot 4. These relationships, together with the proposed boundary treatments, would limit the potential for overlooking and loss of privacy. The private rear gardens, measuring approximately 135 and 144 square metres, would also provide a satisfactory level of usable outdoor amenity space for future occupiers.
- 5.4.3 The provision of two separate dwellings would inevitably result in some increase in the potential for ordinary domestic activity, including use of the proposed patio and garden areas. However, the site is already authorised for residential use and the level of activity associated with two dwellings would not be materially harmful having regard to the surrounding residential context and the approved scheme. Removal of specified permitted development rights, together with control over the insertion of additional openings, would prevent future alterations that could give rise to unacceptable overlooking, loss of privacy or overdevelopment. Subject to appropriate conditions, the proposal would provide acceptable living conditions for future occupiers and would not result in material harm to the amenity of neighbouring residents in accordance with LDP Policy D1.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policies T1 and T2 of the LDP and NPPF transport policies require safe access and appropriate parking and advise that development should be refused on highway grounds only where safety impacts would be unacceptable or residual cumulative impacts severe.
- 5.5.2 Stoney Hills is a private road. The application retains the existing access arrangement and provides two parking spaces per dwelling. Essex County Council Highway Authority raises no objection, noting that the private-road access is unchanged.
- 5.5.3 The scheme represents one additional dwelling above the permitted scheme. That modest increase would not cause a severe network impact, and there is no technical evidence that safe use of the private access would be prejudiced. Retention of the parking and turning arrangements is secured by condition. The Town Council's highway concern does not outweigh the Highway Authority's evidence.

5.6 Trees and Landscaping

- 5.6.1 Policy N2 of the LDP, BOCNDP Policy EN.2 and NPPF Policy N3 seek to conserve and enhance the natural environment, including the protection of important trees and

landscape features and their successful integration within new development. These policies require development to respond appropriately to existing landscape structure and to avoid unnecessary harm to trees of amenity or ecological value.

- 5.6.2 The submitted arboricultural information identifies one Category A tree and three Category B trees within or adjacent to the site. Place Services' Arboricultural Consultant raises no objection to the proposal and confirms that no tree removal is required and that the proposed development would not encroach into identified root protection areas. The submitted tree protection measures and working methods are considered to accord with good arboricultural practice and would provide appropriate safeguards during construction.
- 5.6.3 Compliance with the submitted Arboricultural Method Statement and Tree Protection Plan can be secured by condition, including the erection and retention of protective fencing for the duration of construction works. A further condition would secure the implementation and aftercare of the detailed landscaping and boundary treatment proposals. Subject to these measures, the development would retain the important existing tree framework, protect the principal landscape features of the site and achieve satisfactory integration with its surroundings.

5.7 Ecology, Habitats and Biodiversity Net Gain (BNG)

- 5.7.1 Policy N2 of the LDP, BOCNDP Policy EN.2 and NPPF policies F8, N2 and N6 require protection of designated habitats and species and delivery of measurable biodiversity enhancement. The Conservation of Habitats and Species Regulations 2017 require the competent authority to complete the habitats assessment before permission is issued.
- 5.7.2 Place Services Ecology have confirmed that, following review of the applicant's submitted Preliminary Ecological Appraisal, no objection is raised in relation to ecology matters subject to securing the mitigation identified within the report, a Biodiversity Enhancement Strategy and wildlife-sensitive lighting. The submitted biodiversity material records predicted gains of 14.97% in area habitat units and 31.44% in hedgerow units, including six new trees and no reliance on off-site units. The ecologist advises that the proposed seven-square-metre area of modified grassland should be treated as poor rather than moderate condition because of its size and shading; the final Biodiversity Gain Plan must reflect that advice (required as part of the standard BNG condition).

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.7.3 The application site falls within the Zone of Influence (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Network England's general advice is that a Habitats Regulation Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.7.4 To accord with Natural England's requirements, an Essex Coast 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, as follows:

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 specified development types? **Yes**

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

- 5.7.5 As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution is secured. The results in one additional dwelling above the approved dwelling at Plot 3 and lies within the Essex Coast Recreational Zol. An additional RAMS contribution of £175.55 has been secured in accordance with the latest requirements. On the basis of this obligation being secured, along with the statutory biodiversity-gain condition and the detailed ecological conditions below, the proposal would not adversely affect the ecology and biodiversity at the site or within the wider area and would comply with the relevant LDP policies listed above.

5.8 Drainage and Flood Risk

- 5.8.1 LDP Policy D5 and NPPF Policies F4, F7 and F8 require development to be safe for its lifetime without increasing flood risk elsewhere, to give appropriate priority to sustainable drainage systems and to secure suitable arrangements for their long-term management and maintenance. Policies D2 and I1 of the LDP and NPPF Policy CC3 also require development to be supported by appropriate infrastructure and to respond appropriately to the effects of climate change.

Tidal and Fluvial Flood Risk

- 5.8.2 The Flood Risk Assessment submitted with the application identifies that the site lies within Flood Zone 1, where there is a low probability of flooding from rivers or the sea. The proposed residential use is therefore appropriate in flood risk terms and there is no requirement for the development to be directed to an alternative site on the basis of tidal or fluvial flood risk.
- 5.8.3 The assessment nevertheless recognises the relationship of the site with the surrounding drainage network and proposes appropriate finished floor levels as part of the detailed design. Having regard to the site's Flood Zone 1 location and the nature and scale of the proposed development, no unacceptable risk from tidal or fluvial flooding has been identified.

Surface Water Drainage

- 5.8.4 Third party representations have raised concerns regarding existing waterlogging and the potential for development of Plot 3 to affect surface water flows from adjoining properties in Mill Road. These concerns are acknowledged. However, the principle of residential development on Plot 3 has already been established and the approved scheme would itself introduce a substantial dwelling and associated areas of hardstanding. The present application therefore needs to demonstrate that the revised arrangement of buildings and hard surfaces can be satisfactorily drained without increasing flood risk elsewhere.
- 5.8.5 A detailed surface water drainage scheme can be secured by condition. This would require details of the proposed method of disposal, design calculations, discharge location and rate, finished levels, exceedance routing and measures to ensure that runoff is contained and managed within the site. The condition would also require a management and maintenance plan identifying responsibility for the drainage system over the lifetime of the development.
- 5.8.6 Subject to approval and implementation of those details, there is no evidence to indicate that the development would result in an unacceptable increase in surface water flood risk either within the site or to neighbouring land. The concerns raised by neighbouring occupiers can therefore be satisfactorily addressed through the detailed drainage design and the imposition of an appropriately worded planning condition.

Foul Drainage

- 5.8.7 The development would result in one additional dwelling above the approved scheme. There is no evidence before the Local Planning Authority to indicate that the proposed development would give rise to an unacceptable foul drainage or sewerage capacity issue. Detailed foul drainage arrangements would in any event be subject to the relevant statutory and Building Regulations requirements.
- 5.8.8 Taking the above matters together, the site is at low risk from tidal and fluvial flooding and there is no substantive evidence that the development would increase flood risk elsewhere, subject to the detailed surface water drainage measures being secured by condition. The proposal is therefore considered acceptable in respect of flood risk and drainage and accords with Policies D2, D5 and I1 of the LDP and the relevant provisions of the NPPF.

5.9 Planning Balance

- 5.9.1 The planning balance requires the economic, social and environmental effects of the proposal to be considered together, having regard to the development plan and other material considerations. In this case, the principal adverse consideration is the conflict with the adopted settlement strategy, while the positive considerations include the delivery of an additional dwelling, more efficient use of an established residential site, the existing permission and the absence of unacceptable environmental or technical harm.
- 5.9.2 Conflict with the settlement boundary strategy attracts moderate adverse weight. The proposal would also result in a somewhat tighter layout than the approved scheme and a modest increase in domestic activity arising from the additional dwelling; however, these effects are limited and attract only limited adverse weight.
- 5.9.3 Conversely, significant weight is afforded to the existing permission for a materially larger dwelling and detached garage on Plot 3 of the approved, implemented scheme. The delivery of one additional dwelling and the more efficient use of an established residential plot also weighs positively in favour of the proposal. Further limited benefit is afforded to the reduced scale and height of the proposed buildings, the provision of acceptable living

conditions, the retention of important trees, biodiversity enhancements and the absence of technical objections in respect of highways, ecology, arboriculture and environmental health.

- 5.9.4 Overall, the benefits of the proposal, together with the significant weight afforded to the approved dwelling, outweigh the identified conflict with the settlement boundary strategy and the limited adverse impacts arising from the more intensive use of the plot. Subject to compliance with the conditions set out below, the development is considered to accord with the relevant LDP and NPPF policies referred to within this report.

6. RELEVANT BACKGROUND AND PLANNING HISTORY

Reference	Description	Decision
22/00222/FUL	Construction of four chalet bungalows.	Refused
22/00571/FUL	Construction of four chalet bungalows.	Refused
23/00574/FUL	Construction of four chalet bungalows.	Approved
23/01203/FUL	Construction of four chalet bungalows and two detached garages.	Approved
25/05019/DET	Compliance with conditions 6, 9, 10, 14 and 17 of permission 23/01203/FUL.	Conditions cleared

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	Recommends refusal. The Town Council considers that two dwellings would overdevelop the plot, add traffic to a narrow lane and be served by a poor access.	The density, layout, character and access effects are assessed under Housing, Design and Character and Access and Parking. The existing residential permission and unchanged private-road access carry significant weight. Subject to conditions, the matters raised do not justify refusal.

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority	No objection. Stoney Hills is a private road, and the existing access arrangements would remain unchanged. An informative is requested.	The development would add one dwelling over the permitted scheme and provides two spaces per dwelling. In the absence of a highway objection, the residual highway effects would not be severe.
Place Services Ecology	No ecological objection subject to completion of the Habitats Regulations process, Natural England consultation and securing the Essex Coast RAMS contribution. Conditions are requested for Preliminary Ecological Appraisal mitigation, a Biodiversity Enhancement Strategy and wildlife-sensitive lighting. A 30-year Habitat Management and Monitoring Plan is also recommended. The submitted metric indicates 14.97% habitat-unit and 31.44% hedgerow-unit gains.	The requested safeguards are included as conditions. A RAMS contribution has been secured. The statutory biodiversity-gain condition also applies.
Place Services Arboricultural Consultant	Supports the application. The submitted arboricultural information identifies one Category A and three Category B trees, with no removals or encroachment into root protection areas. The protection measures accord with good practice.	Tree protection and implementation in accordance with the submitted arboricultural documents are secured by condition.
Environmental Health	No objection subject to controls over construction impacts and hours, and a precautionary unexpected-contamination condition.	The requested construction and land-contamination safeguards are included as conditions.

7.3 Site Notices / Advertisement

- 7.3.1 A press notice was published in the Maldon and Burnham Standard on 18 June 2026, with comments due by 9 July 2026. Site notices were placed adjacent to the site at Stoney Hills and to the junction of Stoney Hills and Mill Road, on 24 June 2026, with comments due by 15 July 2026.

7.4 Representations received from Interested Parties (summarised)

- 7.4.1 Two **objections** have been received during the course of the application, which are summarised as follows:

Objection Comment	Officer Response
<u>Overdevelopment and character</u> Two houses are said to be cramped on a plot intended for one, inconsistent with the design of The Paddocks and visually awkward from Mill Road.	See sections 5.2 and 5.3. The scheme increases the approved estate from four to five dwellings, but the two lower buildings retain adequate plots, parking and gardens. The approved development and street-scene relationship materially reduce the additional effect.
<u>Living conditions</u> Concern is raised about privacy and noise from patios close to Mill Road boundaries.	See section 5.4. The submitted orientation, separation and absence of first-floor south-facing windows limit overlooking. Boundary treatment and permitted-development controls provide further protection.
<u>Drainage and waterlogging</u> The development is said to interrupt the natural drainage route from Mill Road gardens and worsen winter waterlogging.	See section 5.8. A detailed surface-water scheme and maintenance arrangements are required before construction above ground-floor slab level, ensuring no increase in off-site flood risk.
<u>Consultation and notification</u> Neighbours say they were not directly notified and that a notice should have been placed prominently at the Mill Road junction.	See section 7.3 The application was advertised and representations were received and considered.

8. PROPOSED CONDITIONS

CONDITIONS:

- Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- Compliance with Plans**
The development shall be carried out in complete accordance with the approved plans and documents listed in the decision notice.
REASON: To ensure that the development is carried out as approved and in the interests of proper planning, in accordance with Policies D1, H4, T1 and T2 of the Maldon District Local Development Plan and Policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan.
- Material Details**
No external facing or roofing material shall be applied unless and until details and samples of all external materials, including brick plinths, render, weatherboarding, roof coverings, windows, doors and rainwater goods, have been submitted to and approved in writing by the local planning authority. The development shall be completed and retained in accordance with the approved details.
REASON: To secure a high-quality appearance appropriate to the character of The Paddocks, in accordance with Policy D1 of the Maldon District Local

4. **Hard and Soft Landscaping**

Before construction proceeds above ground-floor slab level, a detailed hard and soft landscaping scheme and boundary-treatment plan shall be submitted to and approved in writing by the local planning authority. The details shall include species, sizes, densities and planting positions; retained vegetation; hard-surface materials; all walls, fences and gates; and an implementation and five-year replacement programme. The approved hard landscaping and boundary treatment shall be completed before first occupation. All planting shall be carried out in the first planting season following first occupation, and any plant that dies, is removed or becomes seriously damaged or diseased within five years shall be replaced in the next planting season with one of similar size and species.

REASON: To integrate the development into its surroundings, protect neighbouring living conditions and secure landscape enhancement, in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and Policies HO.8 and EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

5. **Construction Environmental Management Plan (CEMP)**

No development shall take place within each phase, including any ground works or demolition, until a CEMP has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following details:

- safe access to the site
- vehicle routing
- 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
- wheel and underbody washing facilities
- Construction Dust Management Plan
- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including impacts from noise or vibration
- The location and timing of sensitive works to avoid harm to
- biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication in the event of a complaint and subsequent investigation
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The construction of the development shall be carried out in accordance with the CEMP as approved and shall be adhered to at all times thereafter.

REASON: To prevent on-road parking of construction vehicles, mud and loose material on the highway, use of unsuitable roads and harm to priority species or designated habitat sites, in the interests of highway safety and biodiversity and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan and NPPF policies TR4, TR6, N2 and N6.

6. **Construction Timings**

During construction, demolition or site-clearance works, no powered machinery shall be operated, no process shall be carried out and no delivery to or collection from the site shall take place other than between 07:30 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays. No such activity shall take place on Sundays or public holidays.

REASON: To protect neighbouring occupiers from unreasonable noise and disturbance, in accordance with Policy D1 of the Maldon District Local Development Plan.

7. **Surface Water Drainage**

Before construction proceeds above ground-floor slab level, a detailed surface-water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include design calculations, discharge location and rate, finished levels, exceedance routes, measures to prevent flooding of land outside the site, and a management and maintenance plan identifying the responsible body for the lifetime of the development. The approved scheme shall be fully implemented before first occupation and thereafter managed and maintained in accordance with the approved arrangements.

REASON: To ensure satisfactory drainage and prevent increased flood risk elsewhere, in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policy EN.3 of the Burnham-on-Crouch Neighbourhood Development Plan.

8. **Contamination**

If, during development, contamination not previously identified is found to be present, no further development shall be carried out in the affected area until a remediation strategy detailing how that contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be implemented and a verification report submitted to and approved in writing before occupation of the affected dwelling.

REASON: To ensure that risks from unexpected land contamination are identified and addressed, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

9. **Parking Provision**

No dwelling shall be occupied until the vehicle parking and turning areas serving that dwelling have been laid out, hard surfaced and made available in accordance with the approved plans. Those areas shall thereafter be retained solely for the parking and turning of vehicles and kept free of obstruction.

REASON: To provide adequate off-street parking and safe manoeuvring, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

10. **Cycle and Waste Storage**

Before first occupation of each dwelling, secure and weather-protected cycle storage and enclosed refuse and recycling storage shall be provided for that dwelling and thereafter retained and kept available for those purposes.

REASON: To support sustainable travel and provide satisfactory waste storage without visual or amenity harm, in accordance with Policies D1, T1 and T2 of the Maldon District Local Development Plan.

11. **Preliminary Ecological Appraisal Compliance**

The development shall be carried out in full accordance with the impact-avoidance, mitigation and precautionary measures contained in the submitted

Preliminary Ecological Appraisal. All measures shall be implemented at the stated stages and thereafter retained where applicable.

REASON: To conserve protected and priority species and habitats, in accordance with Policy N2 of the Maldon District Local Development Plan and Policy EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

12. Biodiversity Enhancement Strategy

Before construction proceeds above ground-floor slab level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. It shall identify the purpose and conservation objectives of the enhancements; detailed designs and locations of habitat and species features; persons responsible for implementation; timing; and arrangements for maintenance. The strategy shall include integrated bird and bat features and shall be implemented before first occupation and retained thereafter.

REASON: To secure measurable biodiversity enhancement and species features, in accordance with Policy N2 of the Maldon District Local Development Plan and Policy EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

13. Sensitive Lighting

Before any external lighting is installed, a wildlife-sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall identify dark zones and sensitive ecological features, provide luminaire specifications, positions, heights, orientations, shielding and predicted light levels, and demonstrate accordance with current Bat Conservation Trust and Institution of Lighting Professionals guidance, including Guidance Note 08/23. Only the approved lighting shall be installed, and it shall thereafter be operated and maintained in accordance with the approved scheme.

REASON: To avoid disturbance to nocturnal wildlife and protect habitat connectivity, in accordance with Policy N2 of the Maldon District Local Development Plan and Policy EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

14. Habitat Management and Monitoring Plan

No development shall commence, apart from preliminary site investigation, until a Habitat Management and Monitoring Plan covering a period of at least 30 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the final habitat baseline and condition targets; habitat creation and management prescriptions; responsibilities, funding and contingencies; monitoring methodology; and submission of monitoring reports in years 1, 3, 5, 10, 15, 20, 25 and 30. The approved plan shall be implemented in full. Any remedial action identified by monitoring shall be carried out within the timetable agreed in writing with the Local Planning Authority.

REASON: To secure, manage and monitor the proposed biodiversity gains for the required period, in accordance with Policy N2 of the Maldon District Local Development Plan and Policy EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

15. Tree Protection

All retained trees and hedges shall be protected and the development carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. Protective fencing shall be erected before any site clearance, excavation, delivery of materials or construction begins, retained for the duration of the works and removed only after completion. Within protected areas there shall be no excavation, level change, storage, mixing, fires, service installation or vehicle movement unless expressly authorised by the approved arboricultural documents.

REASON: To prevent damage to retained trees and landscape features, in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and Policy EN.2 of the Burnham-on-Crouch Neighbourhood Development Plan.

16. Permitted Development Rights Removal

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting it, no enlargement, improvement or other alteration within Classes A, B or C of Part 1 of Schedule 2 and no building or enclosure within Class E shall be carried out without express planning permission.

REASON: To preserve local character, neighbouring living conditions and landscaping in accordance with Policies D1, H4 and N2 of the Maldon District Local Development Plan and Policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan.

INFORMATIVES:

1 Biodiversity Net Gain

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.