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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

23 January 2019

Dear Councillor

You are summoned to attend the extraordinary meeting of the;

MALDON DISTRICT COUNCIL

on **THURSDAY 31 JANUARY 2019 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. A. Holmes', with a long horizontal flourish extending to the right.

Head of Paid Service

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website.

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AGENDA
COUNCIL EXTRAORDINARY - PLANNING
THURSDAY 31 JANUARY 2019

1. **Chairman's Notices (please see overleaf)**

2. **Apologies for Absence**

3. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interest or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interest as soon as they become aware should the need arise through the meeting).

4. **OUT/MAL/18/00443 - Land North West of 2 Maldon Road, Burnham-on-Crouch, Essex** (Pages 7 - 72)

To consider the planning application and recommendations of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item 5.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

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Closed-Circuit Television (CCTV)

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BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-on-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
 - The Planning and Compensation Act 1991
 - The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
 - The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
 - The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
 - The Town and Country Planning (Development Management Procedure) (England) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

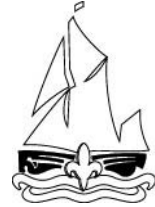
ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**REPORT of
DIRECTOR OF STRATEGY AND PERFORMANCE**

to
COUNCIL (EXTRAORDINARY)
31 JANUARY 2019

Application Number	OUT/MAL/18/00443
Location	Land North West of 2 Maldon Road, Burnham-On-Crouch, Essex
Proposal	Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping
Applicant	Mr Jamie Mocock - Think Green Land Ltd
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	15 February 2019
Case Officer	Anna Tastsoglou
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Major Application. This application is presented before Members of Full Committee as it is of strategic and corporate merit and because there is a Planning Performance Agreement in place.

1. RECOMMENDATION

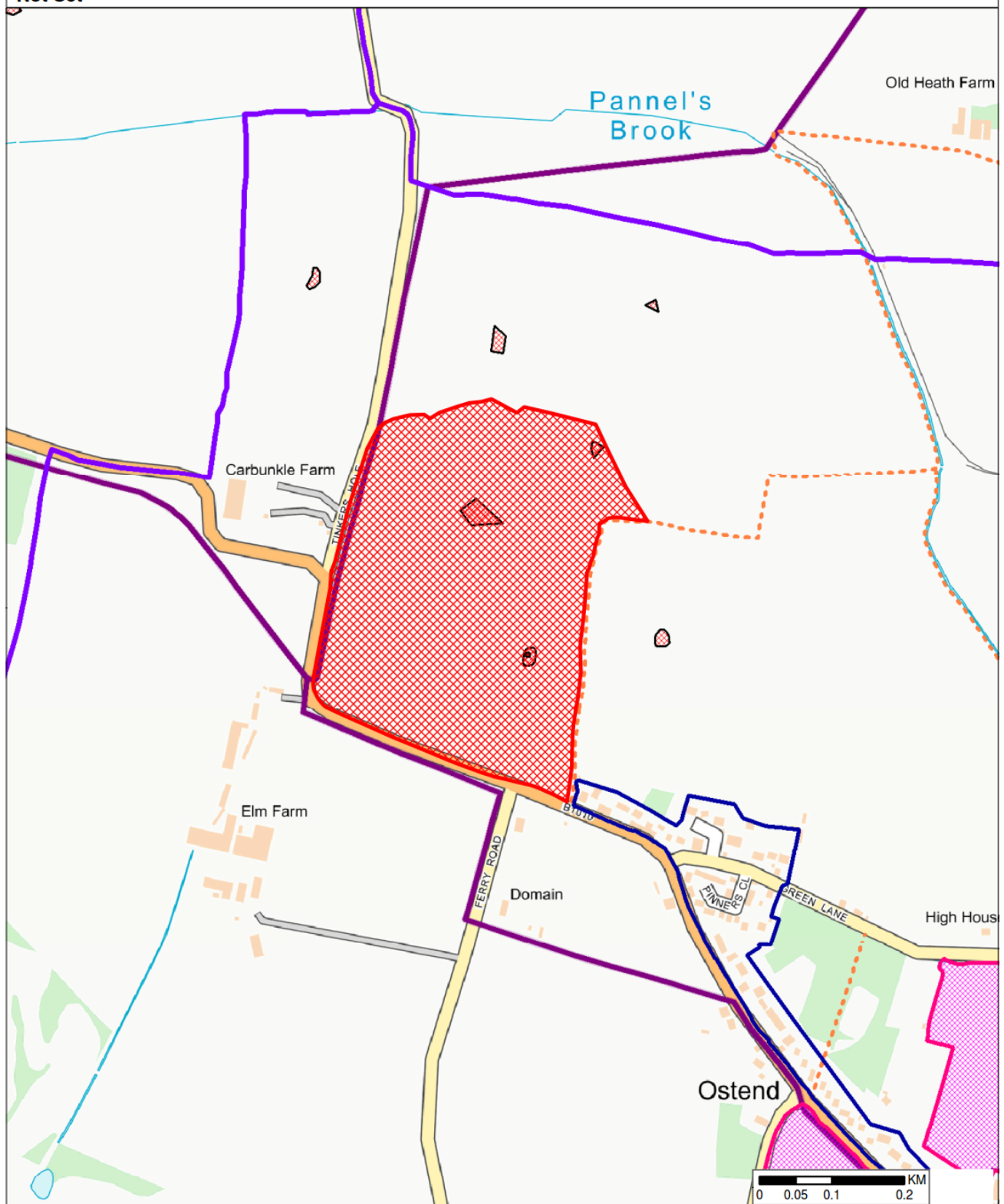
APPROVE subject to the conditions and completion of a Section 106 (S106) agreement (as detailed in Section 17 of this report).

2. SITE MAP

Please see overleaf.

18/00443/OUT

Not Set



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:7,223

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 23/01/2019

MSA Number: 100018588

Agenda Item no. 4

3. SUMMARY

3.1 Site description

- 3.1.1 The site is approximately 15.7 hectares in size, located to the north of Maldon Road, east of Tinkers Hole and west of the Burnham-on-Crouch settlement boundary. The villages of Althorne and Southminster are sited approximately 2 miles to the west and 3 miles to the northeast respectively. The section of Maldon Road that abuts the application site is a 60mph stretch of public highway, while Tinkers Hole is a minor rural road with less frequency usage.
- 3.1.2 The site is almost a rectangular shaped parcel of land and it is arable land, bounded by hedgerows along the south, east and west boundaries. A hedgerow line and ditch also traverse the site. According to the submitted Planning Statement this ditch is hydraulically linked to another ditch running on the north-south direction along the eastern boundary of the site. A public footpath runs along the eastern boundary, which is lined up with mature trees and hedgerows.
- 3.1.3 Within the site an 8 metre easement exists for water utilities, which extends 4 metres either side of the subterranean main water pipe, running in an east-west direction, almost parallel with the ditch, continuing to the south along the eastern boundary of the site. Another easement relating to another water pipe and electricity main traverses the site from the reservoir to the west of the site in a southeast direction, continuing along the northern boundary of the dwellings along Maldon Road. Following consultation with National Gas, it has been highlighted to the Authority that a gas pipeline runs along the western boundary of the site.
- 3.1.4 The surrounding area to the north, south and west of the application site is predominantly undeveloped, comprising large agricultural fields. Burnham Reservoir is sited immediately adjacent to the west of the site, while Elm Farm and Elmwood Equestrian Centre are to the southeast, consisting mainly of agricultural style buildings and two dwellings that appear to be used in association with the equestrian use. To the east of the site there are mainly large scale dwellings, erected in a linear layout along the Maldon Road.
- 3.1.5 Topographically the area is broadly flat, sloping marginally on the northeast direction, falling approximately 7.5 metres in elevation. The level of incline along the northern boundary is approximately 6.5m towards the east, while along the eastern boundary is around 3m towards the north. The site is located within Flood Zone 1.
- 3.1.6 With regard to services, a café is located around 115 metres from the site and a petrol station approximately 450m to the southeast of the site on Maldon Road. The nearest bus stop is located approximately 110m to the southeast of the site. The Burnham-on-Crouch Railway Station is situated around 1.3 miles away from the site. The High Street of Burnham-on-Crouch is approximately 1.9 miles away.
- 3.1.7 It is noted that to the east of the application site, north and south of Maldon Road, the area is undergoing considerable change, given that large scale residential developments have been granted permission, following allocation for development within the Local Development Plan. These two sites are approximately 0.5 miles to the east of the application site.

3.2 Description of proposal

- 3.2.1 The proposal is outline in nature, with matters of appearance, landscaping and scale being reserved for future consideration and proposes the erection of 103 no. of one, two and three bedroom detached bungalows, along with a two storey building containing 55 independent living flats and a 70 bedroom care home with a dedicated dementia care element. Various associated facilities and elements of infrastructure are also proposed, including a community centre, indoor and outdoor sports and social facilities, a medical centre, a small parade of shops with workers accommodation at first floor and associated office and maintenance staff and equipment buildings.
- 3.2.2 A Planning and a Design and Access Statements accompanies the application which states that the development would have an average density of 12 dwellings per hectare at the residential part of development.
- 3.2.3 Vehicular and pedestrian access to the site would be gained off of Maldon Road on the south side of the application site. A secondary emergency vehicular access would be provided on the western side of the application site off of Tinkers Hole, north of the Maldon Road bend. It is confirmed that this access would be gated with emergency services locks fitted. Within the site, with the exception of the main road running in a north south direction, ten cul-de-sac roads would be formed to provide access to the small residential clusters. Apart from the pedestrian access taken from Maldon Road, the emergency access onto Tinkers Hole would be utilised as pedestrian and cycle access. Footpaths would be created throughout the site and around its periphery. Traffic speed within the site would be restricted to 20mph.
- 3.2.4 In terms of layout, following consultation with the Council's Officers, the boundary treatment and the extent of the development along the northern boundary has been amended to establish a boundary line to relate with the co-axial arrangement of the agricultural fields.
- 3.2.5 The proposal is to form ten groups of bungalows in a cul-de-sac arrangement with small open spaces in the centre. However, it is noted that following discussion with the applicant, the position of the bungalows along the extent of Maldon Road have been re-orientated to continue the ribbon development along the road and the established front building line.
- 3.2.6 A group of office and maintenance buildings are proposed at the entrance of the site, on the western side together with visitor and staff car parking, west of a small open green space at the entrance of the site. The proposed care home would be located almost centrally within the application site, with the medical centre and independent living block adjacent to the east. A community centre with outdoor facilities would be erected to the north of the proposed care home. A small parade of eight shops with flats above would be erected to the east of the community centre fronting onto the pond to the northeast of the application site.
- 3.2.7 The proposal would introduce 103 new bungalows. The housing mix proposed would be for 30 no. one bedroom dwellings, 52 no. two bedroom dwellings and 21 no. three bedroom dwellings. Each cul-de-sac would contain between seven and fifteen bungalows of a mixture of types. The submitted Planning Statement highlights that all properties would be constructed to meet Part M4 category 3 (wheelchair accessible

dwelling) building regulations standards, will be wheelchair accessible and will exceed the Technical Housing Standard: Nationally Described Space Standard (March 2015), in terms of floor area provision. It is also stated that the bungalows would be energy efficient. Although full details of the appearance and scale of the bungalows is reserved for future consideration, it is noted that indicative floor plans and 3D visuals have been submitted with the Design and Access Statement. In terms of amenity area and landscaping around the residential element of the development it is noted that small private terraces with larger semi-private open spaces would be provided for the future occupiers. No formal boundaries (i.e. fences, walls) would be erected between the properties. Landscaping features would be planted to create a physical division between the dwellings.

- 3.2.8 It should be noted that a cascade mechanism is proposed to be agreed to prioritise occupation of all units (excluding the workers accommodation) to residents of the District of Maldon.
- 3.2.9 The application is supported by a document detailing the draft Heads of Terms of a potential legal agreement pursuant to Section 106 Agreement of The Town and Country Planning Act 1990. It is confirmed that not less than 30% of the total number of self-contained dwellings would become affordable housing units. It is also noted that the affordable housing shall be provided entirely as Extra Care, Independent Living units in accordance with the Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) definitions.
- 3.2.10 The proposed independent living block would be split into three blocks with internal courtyards and it would extend into two floors. The proposed care home element of the development would also be two storey in height together with the medical centre, which would be erected so that they are linked, incorporating a communal open space in the middle and feature off-street parking provided to the south east of the buildings. Illustrative floor plans and design approach details are included in the Design and Access Statement. The Planning Statement advises that the intention is to create a familiar and consistent environment so that all residents and those with early dementia and Alzheimer's Disease would be able to live on site as long as possible with their neighbours and on-site staff support.
- 3.2.11 Although details of appearance and scale are reserved for a future submission an indicative plan of the proposed medical centre has been submitted showing that doctors' rooms, including dentist, optician and chemist are proposed to be provided.
- 3.2.12 The proposed community centre would be no higher than two storeys and it would provide indoor and outdoor facilities, such as bowls rink, badminton court, gymnasium, bar and changing rooms, multi-use space, swimming pool and tennis courts.
- 3.2.13 A total of eight shops are proposed and these will be used as ancillary facilities to the retirement village. The purpose of the shops is to reduce the need to travel from the application site to meet day-to-day needs and also create a sense of place and a vibrant community. Eight two bedroom self-contained flats are proposed to be erected above the shops to provide workers accommodation. Illustrative floor plans have been submitted with the Design and Access statement. The planning statement

also suggests that the applicant is content for a planning condition to be imposed to restrict the occupation of these flats to occupation by the site's employees only.

- 3.2.14 The proposed development would provide a total of 363 parking spaces on site. This would include one parking space per one-bedroom bungalow and two parking spaces for the two and three-bedroom dwellings, with one visitor parking space per four units. Both the independent living building and the residential care home would be served by one space per resident member of staff, one space for every three units of accommodation and one space per three members of non-resident staff. The submitted Planning Statement confirms that the medical centre would be served by off-street parking spaces that meet the Council's standards. However, the proposed shops and community centre would be served by limited car parking provision aimed primarily at staff parking.
- 3.2.15 It is also noted that 100 electric bicycles, three electric vehicles and two electric buggies would be provided on site to be used within the site together with charging points. Limited distance trips (to Burnham-on-Crouch) outside the site would also be allowed with these vehicles. The provision of a 12-seat minibus is also proposed to be running at set times (potentially three times daily) on pre-arranged stopping points to and from Burnham-on-Crouch.
- 3.2.16 With regard to waste, the revised Design and Access Statement includes details of the refuse collection strategy for the site. The submitted plan shows four refuse points, that are near the proposed care home, independent living building and community centre. It is noted that this is deliberate in order to reduce service vehicles entering the residential cul-de-sacs.
- 3.2.17 In terms of energy usage and production, the applicant's intention is to use a centralised combined heat and power plant for the care home, independent living block, community centre and medical centre. It is also proposed that photovoltaic panels are installed in on the roof of the independent living units to generate electricity and for re-charging electric vehicles.
- 3.2.18 Communal areas are proposed to be provided throughout the site, mainly in a form of pocket size open landscaped greens centred to the cul-de-sacs. It is proposed that access to the communal open space would be unrestricted to all occupiers, with the exception of the curtilage of the care home for safety reasons. The areas would be landscaped with native trees and shrubs. A Neighbourhood Equipped Area for Play (NEAP) is also proposed to be created. This is proposed to be secured through the legal agreement. The existing water drainage ditch that traverses the site would be retained and naturally landscaped. In addition to the drainage ditch for surface water attenuation, swales and a detention pond are proposed to be created. Maintenance of the open space, swales, ditch and detention basin would be secured through the S106 agreement.
- 3.2.19 The submitted Planning Statement highlights that the applicant's intention is to develop the scheme and retain a controlling interest of the site thereafter. This is proposed to be achieved by establishing a Management Company that will retain the freehold title of the all land. This would be secured through the legal agreement.

- 3.2.20 It should be noted that since the submission of the application, a number of amendments have been incorporated to the originally submitted application and there has been an open dialogue with the applicant to address matters of concern raised by officers and other consultees. Further details and amended plans have been submitted during the process of the application and the proposal has been re-advertised and neighbours and consultees have been re-notified. The most important changes from the originally submitted application include the introduction of a straight northern boundary to reflect the co-axial arrangement of the fields and the re-orientation of the dwellings along Maldon Road to continue through the ribbon development. Further details and minor amendments in relation to the main vehicle access to the site have been incorporated. The Transport Assessment has been revised to take into consideration a number of further calculations in relation to trip generation. Further clarifications in relation to refuse strategy have also been provided.

3.3 Conclusion

- 3.3.1 Having taken all material planning considerations into account, it is considered that the development would significantly contribute towards the Council's identified need for accommodation for an aging population. It is also noted that the development includes a range of type of accommodation to meet the needs of the aging population of the District. Although it is acknowledged that the development would be located outside the settlement boundary of Burnham-on-Crouch, there are a number of factors that weigh substantially in favour of the development. Most important of all, the proposed development would address the significant shortfall of the District, including that of the affordable housing, which is one of the main aims of the Local Development Plan (LDP), as set out in policies H1, H3, S8 and I2. The development would also create employment opportunities to meet the set Council's need, as expressed in policy E1. There are also other benefits that arise from the development, including the creation of a community that is based around the well-being of the future occupiers, through the provision of open space and community and sports facilities. Whilst it is understood that the development could increase the need for medical and other local services, the adverse impacts of the development on the functionality of the existing services would be mitigated through the introduction of a medical centre and the provision of enhanced transport opportunities for the future occupiers, which would aim to maximise connectivity in accordance with policy D1 of the LDP. Furthermore, it is worth noticing that the site abuts the settlement boundary. Going through the balance exercise, it is considered that in terms of the principle of the development the benefits that would arise from the development would materially outweigh any potential harm.
- 3.3.2 The proposed development would introduce a new mixed use, but primarily residential, development, which would create a self-sufficient retirement community. The proposal is outline in nature and only matters of layout and access are to be assessed under this application. The development would be located outside the designated settlement boundaries, albeit it would abut the Burnham-on-Crouch boundary to the east. Although is it acknowledged that the development would alter the current character of the site and the surrounding area, it is considered that substantial attempts have been made by the applicant to mitigate the impact of the development on the countryside and be sympathetic to the layout and built pattern of the existing developed area to the east. It should also be taken into account the fact that the development is to meet an identified need of the District that has not been

directly designated through the allocated sites within the LDP and therefore, due to the identified amount of development to meet specialist accommodation, it is only likely to be able to be provided outside the settlement boundaries. The proposal would contribute towards the provision of much needed small sized and appropriate residential accommodation for an older population. Given the current shortfall of such type of accommodation and for all the reasons stated above, the development would bring benefits to the District that would outweigh any potential harm that the development would have to the character and beauty of the countryside and the locality more widely.

- 3.3.3 The impact of the development on highway safety has been assessed and found to be acceptable. Following discussion with the applicant and the submission of amendments and additional information to address matters of concerns in relation to access of the site and the capacity of the highway network, no objection has been raised by the Highway Authority. Adequate parking would be provided for the proposed development and other environmentally friendly arrangement (i.e. electric vehicles) would be made to promote environmental sustainability.
- 3.3.4 The development would have minimal impact on the amenities of neighbouring occupiers. In terms of flood risk the development would be located in an area with lower risk of flooding and mitigation measures have been considered to protect the lifetime of the development without increasing flood risk elsewhere. The development would also not result in land contamination risk. It has also been demonstrated that any potential impacts of the development on ecology, protected species and the Essex Coast would be able to be mitigated.
- 3.3.5 The developer is also willing to enter into a legal agreement with the Council to mitigate the impact of the development and also make contributions to increase the benefits of the development, such as the provision of more than adequate open space, the provision of cascade mechanism to target local people for accommodation and employment and training and education opportunities for future employees.
- 3.3.6 On the basis of all the above, it is considered that the benefits arising from the proposed development would materially outweigh any potential harm caused. Therefore, on the basis of the planning balance exercise, the development would accord with the sustainability aims as set out in the National Planning Policy Framework (NPPF), the LDP and the Neighbourhood Development Plan (NDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 59-66 Delivering a sufficient supply of homes
- 80-84 Building strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan approved by the Secretary of State in July 2017:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- S6 Burnham-on-Crouch Strategic Growth
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment 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:

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.3 – Housing for Retired and Elderly Persons
- Policy HO.4 – Affordable Market Housing

- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (2017)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. PRINCIPLE OF DEVELOPMENT

5.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.2 Policy S1 of the Local Development Plan 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 will apply, inter alia, the following key principles in policy and decision making:*

- 1) *Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations;*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 8) *Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 9) *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;*
- 11) *Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including*

Section 106 agreement and / or Community Infrastructure Levy and other funding sources;

- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community.”*

- 5.3 Alongside policy S1, policies S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and when it is for a purpose that falls within a defined list of acceptable development.
- 5.4 Policy HO.1 of the Burnham-on-Crouch Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan”*.
- 5.5 The site is located outside the defined settlement boundaries abutting the edge of Burnham-on-Crouch settlement to the east. According to Policy S8, there are circumstances where planning permission for development outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations may be granted provided that the intrinsic character and beauty of the countryside is not adversely impacted upon. One of those circumstances include mixed use development proposals that enable the delivery of a new Community Hospital or a similar healthcare facility in accordance with policy I2 and other development proposals that are in accordance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.6 Policy I2 sets out that the aim of the Council would be to improve health and wellbeing. This would be achieved by:
- 1) *Addressing health issues identified in the Maldon HNA and other plans and initiatives produced by Essex Public Health, NHS England, the Mid Essex Clinical Commissioning Group, Essex Health & Wellbeing Board or any associated or successor bodies, to deliver modern healthcare which meets the needs of the District;*
 - 2) *Maximising accessibility to services, particularly for vulnerable groups, through better service integration and locating new services where access can be improved;*
 - 3) *Promoting suitable types of residential developments which cater for the ageing population and support healthy and independent lives; and*
 - 4) *Ensuring increased access to the District’s green spaces and opportunities for higher levels of physical activities.*
- 5.7 Paragraph 8.24 of policy I2 clarifies the type of residential accommodation that would be encouraged by the Council, which would include housing especially suitable for

older people, either because of the dwelling type (e.g. bungalows), specific design features (including ‘lifetime homes’) or because of adaptations to suit older people’s needs, or by specialist housing for elderly people. Specialist housing often has special design features and facilities, and usually includes visiting or on-site support and care. As noted above, the proposed development has been designed to provide accommodation, in a form that would accord with all the abovementioned housing types and be designed to be suitable for an older population, including the provision of bungalows, independent living unit flats and a care home. Health care facilities such as a medical centre and a range of other supporting associated facilities to the elderly population would also be provided on site. It can therefore be argued that consideration has been given to the content of policy I2, in order to provide a development that meets the requirements of the type of housing expressed in this policy.

- 5.8 Policy H3 of the LDP further describes the required accommodation for specialist needs, which derives from evidence contained in the Older Persons Housing Strategy (2010) and Strategic Housing Market Assessment (SHMA) (2012) considered in support of the Local Plan. This states that:

“Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and / or allocated will be supported where:

- 1) There is a clearly identified need that cannot be addressed elsewhere in the District;*
- 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;*
- 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;*
- 4) It will not detrimentally impact on the capacity of public services, including health and social care;*
- 5) It is in close proximity to everyday services, preferably connected by safe and suitable walking / cycling routes or public transport appropriate for the intended occupier;*
- 6) It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;*
- 7) It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and*
- 8) The scheme is supported by the relevant statutory agencies.”*

- 5.9 The above requirement is also identified in the Burnham-on-Crouch Neighbourhood Plan. In particular policy HO.3 states that “Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate”. Policy HO.3 will support general housing or bespoke housing for the elderly close to shops and services.

5.10 Identified need that cannot be addressed elsewhere (criterion 1 of policy H3)

- 5.10.1 Policy H3 regarding accommodation for specialist needs as well as Policy H1 regarding affordable housing provision and policy H2 in relation to housing mix have set the foundations for the Council's adopted Specialist Needs Housing SPD. These policies and the recently adopted SPD are based on the findings of the Maldon District Strategic Housing Market Assessment (SHMA) which has concluded that 67.3% of the projected growth of the District's population over the next 15 years (2014 - 2039) will be people aged 65 and over. The SHMA has identified a need for 374 new sheltered units by 2018: of these 254 are needed in the affordable sector and 120 in the private sector, as well as 138 extra care units. Since 2014, only 30 private rented sheltered units (instead of extra care / independent living) affordable properties have been developed, which is significantly less than the requirement. Furthermore, research that was carried out for the purposes of the Specialist Needs Housing SPD has shown that a care home has closed, and the District has no independent living schemes in place. It further continues stating that even with some of this need (particularly in the affordable sector) being provided in the Garden Suburbs and at the strategic sites there will still be an acute need for specialist needs housing in the District and an urgent need to facilitate delivery through other new development. There is also a significant demand identified for one and two-bedroom bungalows (62.2%).
- 5.10.2 The NPPF recognises the need for delivering a wide range houses including housing for older people and it defines older people as *"People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs"*. The Council's Housing Register considers older people as being over 55 years old. On that basis, the proposed development which is limited to people over the age of 55, would meet the needs of the Council's Housing Register.
- 5.10.3 The need for older people accommodation is also identified in the Planning Practice Guidance (2018, 020) recognising a need for diverse range of need from active people who are approaching retirement to the very frail elderly. It states that *"authorities need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied"*.
- 5.10.4 In light of all the above local policies and local and national guidance, it is considered that there is an identified need for older people housing, which should be urgently addressed in an appropriate manner. The proposed mixed use development, which would primarily provide accommodation for older people, incorporating a 30% affordable housing element, would significantly contribute towards meeting the Council's identified need for this type of accommodation as identified in the above-mentioned policies and is therefore, a material consideration of substantial weight when determining the application. Furthermore, the proposed development would provide a range of housing opting for the aging population of the District. However, as stated above, the site is located outside the defined settlement boundaries and

therefore consideration should be had to whether the benefits of the proposed development, given the identified need for older people housing, would outweigh any potential harm caused to the countryside.

- 5.10.5 The Specialist Need Housing SPD also advises on the different types of accommodation that can be provided for an aging population, whilst a different continuum of care. This states that self-contained accommodation for sale and rent can be provided on a large scale as a retirement village (100 units or more), occasionally restricted to people above a specific age, usually 55 or 60, where a range of services on site are expected to be provided, as well as a mix of market and affordable housing. This would be in line with the development proposal.
- 5.10.6 The recently adopted Specialist Need Housing SPD identifies that the greatest demand exists in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from better access to public transport, shops and other key services. Whilst the accessibility of the site is further assessed below, it is important that the SPD specifies the areas where the need is greater. The site abuts the Burnham-on-Crouch settlement boundary to the east and therefore, its location (although not within the settlement) is in close proximity to one of the larger settlements where a wide range of services and facilities are provided. At present there is a significant shortfall for specialist need housing in the District and no other applications to address this need have been received by the Local Planning Authority. Whilst it is acknowledged that there may be other places within the District that a similar type of development can be accommodated, due to its scale (retirement village of more than 100 dwellings), it is unlikely that this would be able to be provided within the identified settlement boundaries. Furthermore, at this time there are no other proposals, before the Council to meet this shortfall and it is unlikely that any other proposal would at least not have some concerns at best. Notwithstanding this, each application must be determined on its own merits.
- 5.10.7 The LDP permits development outside the settlement boundaries when it can be demonstrated that the countryside would be protected and where the development is to meet a specified need. The impact of the development on the character and beauty of the countryside is assessed below in the relevant section. Nonetheless, the development would meet an identified need of the District and in principle it is considered reasonable for this development to be located at the edge of a settlement at the top of the settlement hierarchy.

5.11 Accessibility (criteria 2 and 5 of policy H3)

- 5.11.1 The second and fifth requirements of policy H3, which run parallel with policies S1, T1 and D2 of the LDP, seek to make sure that the development is located in a sustainable location to meet the social and housing needs of the future residents.
- 5.11.2 LDP Policy T2 relates more directly to accessibility, by requiring all new development proposals to include *“safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate”*. Criterion 6 of policy D1 also encourages maximizing connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. In addition, paragraph 110 of the NPPF sets out that *‘applications for developments should a) give priority to*

pedestrian and cycle movements ... and second – so far as possible – to facilitating access to high quality public transport’.

- 5.11.3 The accessibility of the site to public transportation and facilities is pertinent to be assessed, as it is one of the requirements of policy H3 and also one of the requirements of local and national guidance for older people housing.
- 5.11.4 The site abuts the Burnham-on-Crouch settlement to the east and it is approximately 3km away from the town centre of Burnham-on-Crouch. A bus stop is located approximately 110m to the east of the application site, which provides a 30 minutes service to and from the town centres of Burnham-on-Crouch or Maldon, where the main facilities, including health facilities, are provided. However, it is noted that a 12 seat mini-bus service between the site and destination in Burnham-on-Crouch is proposed as part of the proposed development to address some of the accessibility issues to town centre facilities and services. A new bus stop opposite the main vehicle access and one within the site in front of the medical centre are proposed to be created to improve the accessibility of the future residents with areas where a range of services and facilities are concentrated (Maldon, Heybridge and Burnham-on-Crouch). This would be ensured through the use of a S106. Furthermore, 100 electric bicycles, three electric vehicles and two electric buggies for use within as well as outside the site are also proposed to be provided to increase the accessibility credentials. This element of the proposal would also encourage the use of sustainable modes of transport in accordance with policy T2 and the guidance contained in the NPPF. It should also be noted that to minimise the need for traveling for facility services for day to day living, a small parade of shops will be provided on site.
- 5.11.5 At present, no public footpath is provided along the northern side of Maldon Road, which is a fast 60mph stretch of public highway. A footpath runs along the eastern boundary of the application site which provides a link with the countryside rather than the town centre. To address pedestrian safety access issues and maximize accessibility of the site, footways on either side of Maldon Road would be provided, as well as throughout the site. A footpath runs along the eastern boundary of the application site and it is proposed to continue through the periphery of the site providing a safe and suitable cycle and walking route. It is therefore considered that the development, although not immediately adjacent to the town centre of Burnham-on-Crouch, would maximise the connectivity with the town centre and due to the provision of local shops, would provide access to everyday services.

5.12 Concentration of similar uses (criterion 3 of policy H3)

- 5.12.1 With regard to requirement 3 of policy H3, it is noted that 20 bungalows and a 50-60 bed care home are proposed to be erected on one of the allocated sites to the southeast of the application site. The erection of bungalows and care home has not yet commenced; however, consideration should be given to this extant permission (FUL/MAL/14/00356).
- 5.12.2 The approved Specialist Need Housing SPD highlights that since 2010 a residential home has closed. It is also noted that the demographics of the District have shown an increase in the ageing population. To help meet the market and affordable housing requirements of some of the most vulnerable older people in the District, a range of housing solutions including extra care, independent living and retirement homes, will

need to be delivered to address identified needs and meet the aspirations of older people. As noted above there is a significant demand for this type of accommodation across the District (374 sheltered units are required by 2018: 254 in the affordable sector and 120 in the private sector, as well as 138 extra care units) and only a very limited number (30 private units) of such units have currently been approved through the LDP. The SPD specifies that the greatest demand is in Maldon, Heybridge and Burnham-on Crouch. On that basis, taking in account the identified need, the limited level of provision proposed on this site, already granted planning permission and the projected ageing population of the District, it is not considered that the provision of a small amount of a similar type of accommodation in the vicinity of the site would lead to overconcentration of similar uses that would be detrimental to the character of the area. As explained above, due to the number of dwellings, independent living flats, care home and other ancillary and associated services (medical centre, community centre, shops and amenities) the site would predominantly meet its own needs in relation to services and thus, it is not considered that it would detrimentally impact upon the function of the wider area.

5.13 Impact on the capacity of public services (criterion 4 of policy H3)

- 5.13.1 Regarding requirement 4, justification in relation to the impact of the development on exiting health and social services is required to be assessed. To do so and in accordance with policy I2, a Health Impact Assessment (HIA) that measures the wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development has been submitted.
- 5.13.2 To guide the assessment a number of documents have been reviewed, including the approved Building Regulations Document M: Technical Housing Standards, the Maldon District Council (MDC) Older Persons Housing Strategy and MDC Designing for Older Persons' Housing (2017). The submitted HIA clarifies that the overall concept for the retirement community is developed around the improvement of health and wellbeing of the future occupiers, promoting a healthier way of life and a sense of community. The layout of the site has been designed so that walking and cycling would be encouraged. The bungalows would be erected in small groups, each one providing an informal recreation open space. A community centre with a variety of facilities (including a gymnasium, bowls and badminton courts, a swimming pool and tennis courts) is proposed to be provided on site to promote a more active and healthy way of life for the future residents. The intention for the community centre, shops, open spaces and walkways, is to create a sense of community and encourage socialisation. The formation of volunteering groups and groups that would assist residents are also proposed. Although this is a positive approach it is not considered that incentives such that would be able to be controlled by the planning system and is therefore carries limited weight in the determination of this application. However, it is recognised that the scheme has been designed in a way that supports the wellbeing of the future residents.
- 5.13.3 With regard to the buildings themselves, it is stated that they would meet Part M4 category 3 (wheelchair accessible dwelling) building regulations standards and their layout and orientation would be such that to afford outlook, ventilation and natural daylight to all future occupiers. The Specialist Needs Housing SPD states compliance with Category 2 of the Building Regulations, Approved Document M shall be secured for older persons housing. The applicant has confirmed that the proposed

accommodation would comply with Category 3 of the Building Regulations and therefore, this would not above and beyond the Specialist Needs Housing SPD requirements. It is noted that this would be secured by condition.

- 5.13.4 The proposed development involves the erection of a medical centre on site to provide the primary health care needs of the occupiers of the proposed development. The submitted Planning Statement advises that the proposed doctors' surgery would provide rooms for a doctor, a dentist, an optician and a dispensing chemist. A room would also be available for visiting medical practitioners, such as a podiatrist or physiotherapist. This health care contribution is also supported through the submitted draft Heads of Terms, where it is advised that the medical centre should be supported in perpetuity and at least one practitioner should be available at all times. It is also proposed that to minimise the impact on the existing GP surgery in Burnham-on-Crouch, the on-site medical services are to be offered to the retirement community residents first through a cascade mechanism.
- 5.13.5 NHS England has been consulted in relation to the proposed development and services to be provided on site. Originally a number of concerns have been raised in relation to the certainty of the self-sufficiency of the site in Primary Care terms. In particular, it is raised that future residents may require access to local acute services and that at present there is a shortfall on GP's, which would potentially impact upon the viability of the proposed on-site service. It is highlighted that to provide a NHS funded service a contract would be required and also an application process would be required to be followed for the proposed dispensing chemist. As a result, in order to minimise the potential impact of the development on the existing NHS provided services, mitigation in the form of funding to support increased capacity in the delivery of out of hospital and community healthcare services would be required. An additional payment within a period of five years may also be required in the event that the local GP services are impacted by the registration of patients from this development. This supplementary fee would be triggered after assessment of the situation of the patient list of practices within the catchment area of the development site. To address the concerns raised by the NHS services, the developer has agreed to the requested contributions. On that basis, it is considered that although there is potential that the development would increase the need of medical services, this would be addressed by means of the requested contributions, which could be secured by a legal agreement.
- 5.13.6 Policies S2 and S6 of the LDP identify that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. This is also supported by the Burnham-on-Crouch Neighbourhood Plan. As noted above, the development would be largely self-serving, with a number of facilities and services (i.e. medical centre, community centre amenity area and shops) being provided on site. In terms of the public transportation, as noted above, a mini-bus service would be provided for the future occupiers to travel to Burnham-on-Crouch. Other road improvements are also proposed to be carried out by the applicant, which are further discussed below on the relevant section of the report. Whilst it is accepted that the development would have some impact on the existing drainage and foul systems, it is considered that no objection has been raised by the Environment Health team, given that the details could be secured by condition. As a result, it is considered that the impact of the development on the existing infrastructure and services would be controlled and not materially detrimental.

5.14 The development is designed and managed to provide the appropriate type and level of support (criterion 6 of policy H3)

5.14.1 The proposed development would provide a range of types of accommodation, including bungalows, independent living / extra care flats and a care home incorporating an early dementia, Alzheimer's Disease and other conditions element, which would also provide different levels of support. The applicant's intention as expressed through the planning and design statement is to create a familiar, consistent, legible and friendly environment in each mini-community (dwellings to be built around small cul-de-sacs) in which residents, including those with mental health conditions, can remain for as long as possible with support from their neighbours and from the on-site nursing and care staff. This would encourage residents to assist and care for one another and this is expressed through the layout of and design of the development, incorporating various communal areas at the centre of each cul-de-sac and other facilities (community centre and shops). Different levels of support, depending on the type of housing would be provided depending on the individual level of need. A 24/7 emergency care and support service are a general requirement and it would be expected to be provided.

5.14.2 In light of the above, it is considered that the proposed scheme would provide a variety of housing, with varying levels of care to meet the identified need for specialist need housing. A management company would be created, which would be responsible for the future management and maintenance of the site; this would be secured through the S106 agreement. It is therefore considered that the development would comply with criterion 6 of policy H3.

5.15 Secured revenue funding for long term viability of the scheme and support from relevant statutory agencies (criteria 7 and 8 of policy H3)

5.15.1 Whilst no revenue funding has yet been secured for the proposed development, it is noted that the application is supported by heads of terms where affordable housing provision and other contributions to mitigate the impact of the development are offered. These obligations are to be secured through a S106 agreement. On that basis, if no funding would be able to be secured for elements of the development (i.e. affordable housing provision) or the development found to be unviable, the S106 agreement would prevent the application from carrying out a development that would otherwise be unacceptable in planning terms.

5.15.2 In terms of the long-term viability of the scheme, the application is accompanied by a Financial Viability Assessment ('FVA') which includes information regarding the way in which the proposed medical centre would be viable in a long term and how the number of professional staff required has been arrived at and will be able to be maintained. The conclusive findings of the Viability Assessment show that the development would be viable, given that the value of the development when complete would be significantly higher from the current value of the site and the cost to build the scheme. As a result, although no funding has been secured for the proposed development or parts of it, the submitted Viability Assessment shows that the development can be viable without the need of public revenue funding.

5.15.3 The scheme has been supported by the Council's Housing Department, which is one of the most relevant departments when considering the deliverability and provision of

affordable housing. In particular, it has been noted that “The Maldon District Council’s Older People’s Housing Strategy (2015 Update) identified a need for 120 – 170 extra-care / independent living units for the District. This Application is proposing 55 units for affordable independent living which would assist in meeting this need”. The same need for specialist accommodation has been identified by Essex County Council (ECC) Older People’s Commissioning. However, it would appear that their key is to allocate such accommodation at Maldon only, which is in conflict with the Council’s adopted Specialist Need Housing SPD. Whilst the scheme will not be supported through finally by the latter organisation it is considered that as long as the development and in particular the affordable housing element of the development, is secured through a legal agreement, no objection can reasonably be raised in that respect. It should be noted that the lack of funding in itself is not a material consideration for the determination of this application. Furthermore, the lack of ECC funding will ensure that Maldon District Council will retain full control of allocation of the affordable housing in accordance with the adopted Policy.

5.15.4 The NHS has also been consulted and although some concerns were originally raised in relation to the proposed medical service on site, this has been overcome as set out above and no objection has been raised and the applicant has confirmed that contribution towards NHS services would be secured through a legal agreement.

5.15.5 In light of the above assessment, it is considered that the development would comply with the requirements of policy H3 and it would contribute towards meeting the identified need for specialist accommodation as set out in the Specialist Need Housing SPD, including affordable housing provision. The proposal would also meet the requirements of policy I2 and therefore subject to the assessment of the impact of the development on the character and beauty of the countryside, the development would comply with the exception policy S8.

5.16 Employment – skills, training and education

5.16.1 According to the applicant the development would create more than 100 new jobs. These would include office managers, maintenance supervisors, security staff, entertainment, fitness, sports and social employees, bar and kitchen staff, nurses and carers. The proposed medical centre would also attract doctors, an optician, a pharmacist and a dentist. In accordance with the guidance of the NPPF which aims to support sustainable economic growth, Policy E1 of the LDP clearly sets out its needs for employment generating development, defining that an additional 2,000 net additional jobs should be created in the District by 2029. Therefore, the proposed development although not a formal form of employment that would be derived from a use falling within Class B of the use Class Order, would provide a high level of employment opportunities requiring a range and level of skills. Although it is proposed that the jobs are first advertised at local level whenever vacancies arise, so that the development would support towards meeting the local employment need, this has not been secured through the S106 agreement and is not considered necessarily, by Officers, to make the development acceptable. However, if Members’ are minded to approve the application giving some weight to this matter, this requirement could be required through the S106 agreement. The development would therefore contribute towards the Council’s need for employment generating development and the provision of employment opportunities.

- 5.16.2 It is also proposed to create training and skilling / re-skilling opportunities to support the career progression of the potential staff. The applicant is willing to enter into an agreement with the Local Planning Authority in order to provide the proposed training. Policy E6 states that *“the Council will work with its partners to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. In particular the Council will (2) support a range of programmes and initiatives and identify funding requirements accordingly”*. On that basis and subject to securing the proposed trainings through a S106 agreement, the development would also accord with the aims of policy E6.

5.17 Retail

- 5.17.1 The development would also involve a retail element of a small parade of shops (eight units). Policy E2 states that *“retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of centre or out-of-centre sites be considered. To a limited extent, there is the potential to locate new retail space, in the form of Local Centres, to support that garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2”*. Therefore, given that the site is located outside the town centre areas and it is not a designated garden suburb, its need and impact on the existing retail areas and town centres of Burnham-on-Crouch should be assessed.
- 5.17.2 The submitted statement clarifies that the proposed shops are intended to be operated solely as ancillary facilities to the wider retirement community use and their main purpose is to reduce out commuting from the site for day-to-day items. (i.e. bread and milk, newspaper etc.). It is noted that the intention is to provide a low level commercial element within the development to assist the proposal and not to create an out of town retail centre or to attract a significant number of customers from outside the site. It has been confirmed that the parade of shops would equal to 772sqm, which is less than the 1,000sqm threshold for a local retails impact assessment.
- 5.17.3 Therefore, it is acknowledged that the proposed retail element would most likely be aimed at the residents of the new development rather than draw customers outside the site or the District. The aim is to provide day to day goods in support of the future occupiers and in order to reduce the need for traveling to the town centre. On that basis, it is considered that there is no other place sequentially that could better accommodating element of the development, considering the need is proposed to meet. Finally, taking also into account the scale and limited number of shops proposed, it is not considered that the proposed retail units would detrimentally impact on the vitality or viability of the existing town centre shopping area.

5.18 Community Facility

- 5.18.1 The Council will seek to retain and enhance the provision of community services and facilities. Policy E3 of the LDP seeks that *“New development proposals in the District will be expected to contribute towards the provision of community facilities where an increased need will arise in the local area as a result of the development”*.

- 5.18.2 The proposal would involve the erection of a community centre, which would include a wide range of sport and social facilities, such as a bowls rink, badminton courts, gymnasium, bar and changing rooms, multi-use space, swimming pool and tennis courts. The development would therefore accord with the requirements of policy E3 regarding the provision of community facilities.

5.19 Five Year Housing Land Supply

- 5.19.1 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (October 2018), the Council has published information on its potential housing supply (five year supply of housing plus an additional 20% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 5.54 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Although the authority is able to meet its conventional, open market housing needs targets without recourse to allowing development which would otherwise be unacceptable, in this particular instance, as discussed elsewhere, there is a specific type of housing shortfall that would not be otherwise met. Therefore, given the nature of the proposed development and the identified shortfall of accommodation for specialist type of housing, it is considered that no objection should be raised to the principle of the provision of residential accommodation to meet the District's need for older people housing. It is also noted that the fact that the Council can meet its housing needs should not work as a ceiling to the number of dwellings that are provided, when the development is considered to be sustainable or when the benefits of the development outweigh the harm caused.

5.20 Summary

- 5.20.1 Based on the consideration of all the above planning matters, it is considered that the development would significantly contribute towards the Council's identified need for older people housing. Although it is acknowledged that the development would be located outside the settlement boundary of Burnham-on-Crouch, there are a number of factors that weigh substantially in favour of the development. Most important of all, the provision of this type of housing would address the significant shortfall of the District including that of the affordable housing, which is one of the main aims of the LDP, as set out in policies H1, H3, S8 and I2. The development would also create employment opportunities to meet the set Council's need, as expressed in policy E1. There are also other benefits that arise from the development, including the creation of a community that is based around the well-being of the future occupiers, the provision of open space and a community facility. Whilst it is understood that the development could increase the need for medical and other local services, the adverse impacts of the development on the functionality of the existing services would be mitigated through the introduction of a medical centre and the provision of enhanced transport opportunities for the future occupiers. The development would therefore have a neutral effect on the wider services. On the basis of the above and going through the balance exercise, it is considered that in terms of the principle of the development the benefits that would arise from would materially outweigh any potential harm.

6. AFFORDABLE HOUSING

- 6.1 In assessing the affordable housing need, the findings of the Strategic Housing Market Assessment (SHMA) for the plan period have been used. The SHMA identifies that the most significant feature in population change in the District over the plan period is the expected growth of the over 65 age group. It has also been identified that there is a need for 374 new sheltered homes by 2018, of which 254 are required in the affordable sector. Since 2014, only 30 private rented units have been built. These findings highlight a significant shortfall of affordable housing units required to meet the needs of the ageing population.
- 6.2 Other findings of the SHMA indicate that there is an increasing demand for Extra Care/Independent Living and sheltered accommodation. It is also very important to note that there is a growing trend of under-occupation of residential units in both the market and affordable sector. In the affordable sector there are about 756 households that have two or more spare rooms. By helping the flow of family homes and freeing up lower level supported housing, a more balanced stock will meet the requirements of future households, including older people and those with specific needs.
- 6.3 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site falls within the sub-area of Rural South East Higher and therefore, the requirement towards affordable housing has been set at 30% of the total amount of housing provided.
- 6.4 The proposed development would provide 50 affordable housing units (30.12% of the total of the 166 units proposed) which would be provided entirely as extra care/independent living units, as defined¹ in the Specialist Needs Housing SPD. The development would therefore exceed the affordable housing requirement set out in policy H1 and it would also provide the type of housing that is currently in the highest need. All of which will be secured through the S106 agreement.
- 6.5 The Council's Housing team has been consulted and noted that there are no allocated sites in the LDP around the district for the purpose of specialist need housing and therefore, development would have to come through land owners that wish to swap from conventional to specialist needs housing or as exception sites to meet the identified need.
- 6.6 As a result and on the basis of the abovementioned information, it is considered that the provision of 50 affordable extra care / independent living units would significantly boost the affordable housing provision and contribute towards meeting an identified need that is currently in a significant shortfall. Although the development has not been supported by the ECC Older People's Commissioning team, it is noted that support has been given from the Council's Housing Department, which has recognised the need that the development would meet. The applicant is willing to enter into a legal agreement with the Local Planning Authority to ensure that

¹ **Extra Care:** Self-contained accommodation designated for older people in a setting where care and support can be provided as required from an on-site care provider.

Independent Living: Self-contained accommodation designated for older people (usually aged over 55) with local connection who receive at least 6 hours of care and support each week.

affordable element of the development would be provided as proposed. This would be secured through a S106 agreement.

- 6.7 It is therefore considered that this element of the development would demonstrably weigh in favour of the proposed development and it would be a considerable benefit to build a strong vibrant community and supply housing required to meet the needs of present and future generations, in accordance with the aims of the NPPF and the LDP.

7. HOUSING MIX

- 7.1 The proposal would provide 30 no. one-bedroom bungalows, 52 no. two-bedroom bungalows and 21 no. three-bedroom bungalows, 8 no. two-bedroom flats (above shops) and a mixture of 55 one and two-bedroom independent living units. Thus, 87.35% of the residential units proposed would be single and two-bedroom units. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 7.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 7.3 The Council is therefore encouraged in the approved Policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, it is considered that the provision of a large number of one and two-bedroom units would be a significant benefit to the District's identified need for smaller houses.
- 7.4 A relatively small percentage (12.7%) of three-bedroom properties are proposed. Whilst it is accepted that the majority of the older population would prefer to downsize, and this is the aim of the development by providing the largest amount (87.3%) of properties in home size that would be considered small (one and two bedroom properties), there is still expected that a small amount of the future occupiers would prefer larger properties, which would though meet special specification of accessible and adaptable homes. Furthermore, at times a three bedroom property could still be a sustainable downsize. It is therefore considered that, on balance, no objection is raised to a small amount of larger three-bedroom dwelling to provide a range of housing mix to the proposed retirement village.

8. VISUAL IMPACT AND IMPACT ON THE CHARACTER OF THE AREA

- 8.1 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.

- 8.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*
- 8.3 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;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 8.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) The location and the setting of the site;*
 - 2) The existing character and density of the surrounding area;*
 - 3) Accessibility to local services and facilities;*
 - 4) The capacity of local infrastructure;*
 - 5) Parking standards;*
 - 6) Proximity to public transport; and*
 - 7) The impacts upon the amenities of neighbouring properties.”*
- 8.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 8.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the Burnham-on-Crouch Neighbourhood Development Plan.
- 8.7 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape,

natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 8.8 The application is outline in nature, with the matters of landscaping, scale and appearance being reserved for future consideration. Nonetheless, matters relating to layout and access are to be assessed as part of the current application.

8.9 Concerns that raised and addressed during the process of the application

- 8.9.1 It should be noted that during the process of the application a number of concerns in relation to the access and layout of the development have been raised, which have been addressed following discussions with the applicant. These concerns mainly related to the design of the access to such a large-scale development, the uncharacteristic wavy northern boundary line and the uncharacteristic orientation of the dwellings along Maldon Road. All these matters have now been addressed and are discussed further below.
- 8.9.2 The site is arable land at the northwest edge of Burnham-on-Crouch abutting the open countryside to all boundaries, with the exception of the southeast boundary which neighbours with the settlement of Burnham-on-Crouch and in particular the residential ribbon development along Maldon Road, to the southwest boundary of the application site. A narrow lane, Tinkers Hole runs along the western boundary of the site where it meets Maldon Road at the south west corner. Disperse development, mainly of agricultural nature, can be seen to the south of the site.
- 8.9.3 The site lies within an area of landscape of significant quality defined by its co-axial field system of ancient origin enclosed by native hedgerows and trees. Although the site to the south, east and west is bounded by hedgerow (the southern boundary following an ancient 'salt route' following round the ancient field system), the northern boundary of the site is open and part of a large field. A ditch and hedgerow traverse the site on an east west direction. For that reason and given the historic co-axial field system, it was considered appropriate that the northern boundary of the site should follow the boundary norm and field division character of the area. Following discussion with the applicant the outer boundary of the application site was amended to address the abovementioned matter.
- 8.9.4 The layout of the development as originally designed was rather uncharacteristic in comparison to the build pattern of the area, given that all bungalows were fronting the cul-de-sacs extending inwards to the centre of the site, backing onto the highway (Maldon Road). Although the self-contained character of this particular type of development was acknowledged, it was considered inappropriate that the properties along Maldon would not continue through the street pattern. Consequently, amended plans have been submitted by the applicant addressing this concern, proposing all dwellings along Maldon Road to be orientated in a way that follows the existing form of development and responds to the visual cues of the locality. This revision of the layout creates a more inclusive development that is better integrated with the existing built form and historic and natural environments.

- 8.9.5 Concerns were also raised previously from the Urban Design Officer in relation to the busy access point to such a large-scale development which was not considered to be in an appropriate location. Following amendments, the main access point onto Maldon Road would be appropriately landscaped and it would be for vehicle access only. The existing footpath along the western boundary of the site would be dedicated to pedestrians and cyclists and it would form the main cycle/pedestrian/mobility vehicles entrance point to the site. A footpath enhancement on the southern side of Maldon Road would also allow access to a new bus stop directly opposite. The Tinkers Hole access issues would be used for pedestrians / cyclists and as an emergency access point only. These amendments have been taken into consideration and addressed the previously raised concerns and thus, no further objection is raised in relation to the access of the site.

8.10 Assessment of the development as currently proposed

- 8.10.1 The proposed development would be erected on a green field site that is approximately 390m wide and 445m deep and it would involve the erection of total of 103 bungalows, a two storey block of 55 self-contained independent living flats, a two storey 70-bedroom care home, a two-storey medical centre, a two-storey community centre and two storey blocks incorporating shops at ground floor and eight self-contained flats above and single storey office and maintenance buildings. Other associated highway works, vehicular access, pedestrian accesses, drainage works, amenity areas and open communal space are also proposed.
- 8.10.2 As noted above, the site is located outside the defined settlement boundary and it is mainly surrounded by open countryside, with the exception of the existing residential development to the southeast.
- 8.10.3 The site is more open at the northern rather than the southern boundary, given that visibility to the south is restricted due to the existing vegetation and presence of built form to the east. Although the submitted Landscape Visual Impact Assessment (LVIA) was prepared on the basis of the originally submitted development, given that the amount of the development and the overall position of buildings have not been altered, it is considered that the comments raised would still be relevant. The LVIA states that “*views from the surrounding road network is limited in very close proximity*”. It is also noted that the two-storey larger scale buildings are to be located at the lowest side of the site, away from the highway, while the bungalows would be located to the perimeter to achieve minimum visibility of the built form from outside the site boundary. No objection is raised in relation to the position of the higher volume and height of development away from public vantage points. Although the two-storey buildings would still be visible from the public footpath that runs along the eastern boundary of the site, the existing and proposed dense vegetation would prevent or soften direct views of the buildings. To minimise the impact of the development, the LVIA states that a native planting scheme would be provided to also create ecological enhancement. The proposed landscape character of the scheme would also enhance the appearance of the development and retention of the existing landscape features (hedgerows, trees, ditch that crosses the site) would protect as much as reasonably possible the natural features of the site. Whilst it is not disputed that the development would alter the character of the site, which is currently arable land, and that of the wider area, but this is the case where any arable field is used for development. However, in this instance it is considered that for the reasons stated

above and in the 'Principle' section of the development, the benefits that would arise from the proposed development would be materially greater than the impact of the development on the character of the locality and the visual amenity of the countryside.

- 8.10.4 The proposed development would also introduce new landscape features, such as a pond at the northeast part of the development and swales, the purpose of which would be dual; to improve the visual amenity and sense of place of the area and to provide a drainage scheme to serve the site. The pond would be adjacent to and viewed from the shops and flats above, the independent living flats, the care home and a small number of bungalows and it would run parallel with the public footpath at the eastern boundary of the site. It is considered that the pond and proposed landscaping would create a meeting / focal point for the future occupiers as well as people visiting the area. It is considered that this element of the development would be beneficial to the scheme in visual and social terms.
- 8.10.5 In relation to boundary treatments, it is noted that concerns originally raised in relation to a number of properties backing onto the main road. The submitted Design and Access Statement confirms that rear gardens would have a small private terrace with a larger semi-private open space. The open space would be maintained as part of the overall site which removes the need for garden sheds and hard boundary treatments. The submitted plans show that landscaping would be incorporated to provide a level of privacy and on that basis, no objection is raised in relation to visual impact of the development on the streetscene and public vantage points.
- 8.10.6 In terms of density, the proposal is to be developed on an average density of 12 dwellings per hectare at the residential part of development. It is noted that this density would be lower but not materially different to the density of the neighbouring development (application reference: FUL/MAL/16/00093) at the allocated site (S2(j)) between Maldon Road and Green Lane, which was calculated at 18 dwellings per hectare. The site, although not an allocated site, abuts the settlement boundary to the east and given the nature and amount of the development proposed it would have been unlikely that a proposal such as this would be able to be located within the boundaries of the settlement. Considering that no sites have been allocated though the LDP to meet the identified need of the District, it is considered that location of the application site, which is in close proximity to existing settlement boundary at the top of the settlement hierarchy would be preferable from other sites further encroaching onto the countryside or adjacent to smaller villages where the needs of the future occupiers would be unlikely to be met. The proposed density is considered to be appropriate for a semi-rural site that would act as a gradual buffer to the countryside beyond the site. Having acknowledged all the above, it is considered that the density of the proposed development, in comparison to each location and nearby developed area would be acceptable.
- 8.10.7 Within the submitted Design and Access Statement, it is stated that the overall design principles of the development are to create small communities of bungalows that are bound around a central care and community area. These ten smaller communities would be erected in groups around cul-de-sacs with centred open informal communal areas. This is to foster the sense of community, belonging and mutual assistance.
- 8.10.8 It is also suggested that the site would be landscaped providing various pedestrian / cycling routes throughout the site, open spaces and community facilities to promote

outdoor lifestyle. It is also noted that there is an intention to create a familiar, consistent and friendly environment in each mini-community to assist with residents with early dementia or Alzheimer's disease.

- 8.10.9 It is understood that the reason for the proposed self-contained layout of the development is to reflect the purpose of the development, which is for specialist need housing and not for a conventional type of residential development. This concept is not uncharacteristic for retirement community developments. Within the comments, of Urban the Design Officer other historic examples (Whiteley Village, Surrey which was built in 1907) of retirement villages where a similar self-contained, self-sufficient community character was created have been highlighted. As noted above, the development following requested amendments would no longer appear exclusive, but along the southern boundary it would protect the existing ribbon build form, with dwelling fronting onto the highway.
- 8.10.10 Whilst the character of the built pattern was historically for dwellings to be developed in a linear form along Maldon Road, the allocation for development of two sites in close proximity to the application site and to the north and south of Maldon Road, have already and will continue to alter the character of the development and build pattern at the eastern entrance of Burnham-on-Crouch. As such, although the proposal would bring development further to the west from the current settlement boundary, as proposed, it would not appear at odds with the adjacent existing developed land to the east.
- 8.10.11 Although indicative 3D visuals have been submitted within the Design and Access Statement, these are only to give a sense of place and volume of development. The matters of landscaping, scale and appearance are reserved for future consideration and therefore, they would be assessed at a later stage, when the reserved matters application would be submitted to the Local Planning Authority for consideration.
- 8.10.12 Although it is accepted that the area around the site is characterised by dispersed and sporadic development and the proposal would alter the character of the current character of the area, it is considered that the decision of whether the development is acceptable should be based on a planning balance exercise, where weight should be given to the fact that the proposed development would meet an identified need for specialist need housing. Consideration should be also had to the fact that all possible attempts to minimise the impact of the development on the character and beauty of the countryside have been considered and all suggested amendments from the Council's Officer have been incorporated to the development.

8.11 Summary

- 8.11.1 The proposed development would introduce a new mixed use, but primarily residential, development, which would create a self-sufficient retirement community. The proposal is outline in nature and only matters of layout and access are to be assessed under this application. The development would be located outside the designated settlement boundaries, albeit it would abut the Burnham-on-Crouch boundary to the east. Although it is acknowledged that the development would alter the current character of the site and the surrounding area, it is considered that substantial attempts have been made to minimise the impact of the development on the countryside and blend with the existing developed land to the east. It should also

be taken into account the fact that the development is to meet an identified need of the District that has not been directly designated through the allocated sites within the LDP and therefore, due to the identified amount of development to meet specialist accommodation, it is only likely to be able to be provided outside the settlement boundaries as an exception site. The proposal would contribute towards the provision of much needed small sized and appropriate residential accommodation for an older population. Given the current shortfall of such type of accommodation and for all the reasons stated in above, the development would bring benefits to the District that would outweigh any potential harm that the development would have to the character and beauty of the countryside and the locality more widely.

9. ACCESS, PARKING AND HIGHWAY SAFETY

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

9.2 Access

- 9.2.1 A new vehicular access would be formed onto Maldon Road, measuring a minimum of 6.2m in width, with a minimum of 2.5m footways to allow access and egress of bus and other service vehicles. The road would then narrow down to a minimum of 5.5m, within the site. The submitted Transport Assessment states that all accesses and footways would accord with the Essex County Council and Development Construction manual standards. Concerns were originally raised by the Highway Authority in relation to the vehicle access and its ability to allow larger vehicles (i.e. refuse vehicles or 12 metre bus) to enter and egress the site. To address these concerns, revised drawings have been submitted to show an appropriate width of the vehicle access and also showing the 2m wide traffic island at the entrance of the site would be set three metres back in accordance with details submitted in the Road Safety Audit. On the basis of these amendments and subject to conditions to secure this, no further objection is raised by the Highway Authority in terms of the vehicle access.
- 9.2.2 In relation to the access onto Tinkers Hole, it is noted that it would only be used as an emergency access for fire appliances and ambulances and it would be secured by a fire brigade lock. Given that Tinkers Hole is a narrow lane, no objection is raised in relation to it being used solely for emergency purposes in terms of vehicle access.
- 9.2.3 With regard to pedestrian access, the existing public footpath on the eastern boundary of the site would be used as the main access for pedestrians, cyclists and mobility vehicles. Tinkers Hole would also be used as a pedestrian / cycle access point. Footpaths and cycle routes would be created throughout and at the edge of the site. The speed limit within the site is proposed not to exceed 20mph and the footways would be 2.5m wide and thus, no objection is raised in respect of safety of pedestrians, cyclists or mobility scooter users.

9.3 Highway improvement

- 9.3.1 In terms of highway improvements, it is noted that a right turn ghost lane would be provided, to ensure that vehicles entering the site, do so without obstructing the free flow of traffic. Furthermore, a Disabled Discrimination Act (DDA) footway is also proposed to be provided on the southern carriageway, which will include the new bus stop and formal pedestrian crossing. A new bus stop is also proposed to be located within the site near the medical centre. The abovementioned highway contributions would be secured by a S106 agreement and would be required to be undertaken under the terms of a S278 highway agreement.

9.4 Trip generation

- 9.4.1 To assess the impact of the development in terms of trip generation, the existing and proposed vehicle trips generation have been considered, using a Trip Rate Information Computer System (TRICS) assessment.
- 9.4.2 Currently the site has a limited amount of agricultural related traffic throughout the year. A survey was carried out over a period of seven days at the proposed junction to identify the level of the traffic flow on the main access of the site. Census information in relation to method of travel to work of local residents has been submitted and shows that the majority of local residents' commute by car or van (62%). Train, with a percentage of 13%, is the following more used mode of transport by local residents. The census also shows that there is a high number of people that are not in employment (more than 36%). The submitted details appear to be realistic considering the location of Burnham-on-Crouch, the available modes of transport and the expected local resident population.
- 9.4.3 With regard to the proposed development, it is clear that the number of vehicle trips in comparison the current use of the site would significantly increase and therefore, the impact on the capacity of the highway network should be assessed. Although initial concerns were raised by the Highway Authority in relation to discrepancies and the absence of information in relation to trip generation details, the submitted Transport Assessment and associated Junction reports have been revised accordingly and an objection is no longer raised by the Highway Authority.
- 9.4.4 Following consultation with the ECC Highway officer, the applicant has submitted details of trip generation, taking into consideration all individual elements of the development (70-bedroom care home, 103 bungalows, independent living flats, commercial premises, community centre and medical centre). The findings of the TRICS assessment shows that the daily predicted trip generation would be 2168 two-way vehicle movements. The Transport Assessment states that the community centre, medical centre and retail units are to serve the future residents of the site only. On that basis, if the amount of trips generated from these used is deducted from the total amount of trips, the trip generation is reduced to 978 daily two-way trips, resulting in a 12% increase in traffic, considering the existing weekly traffic flow on the proposed junction was calculated at 57,049 vehicles (thus, an average of 8,149 daily trips).
- 9.4.5 On the basis of the above assessment and the information obtained by PICADY (Priority Intersection Capacity and Delay), it is concluded that the development would not have a detrimental impact on the surrounding highway network in terms of the

interruption of the free flow of traffic or capacity. The Highway Authority has been consulted on the basis of the revised information, as discussed above, and raised no objection to the impact of the development on the capacity of the road or the free flow of traffic.

- 9.4.6 Although initial concerns were raised by the Highway Authority in relation to the date used to assess the impact of the development on the B1010 / B1021 (Maldon Road/ Southminster Road) junction, following revision of the impact of the vehicle movement generated by the proposed development on the junction, these concerns have been addressed and the Highway Authority is satisfied that the impact of the development on the junction would be acceptable.

9.5 Parking provision

- 9.5.1 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 9.5.2 To meet the vehicle parking standards the development would need to comply with the following:

- Residential element: 1 parking space per one-bedroom dwelling and 2 parking spaces for two and three-bedroom dwellings.
- Independent living: no specific standards, the number of parking spaces would have to be assessed/justified individually.
- Retail / food and drink units: 1 space per 14sqm for food and convenience shops, 1 space per 20sqm for all other A1 uses and 1 space per 5sqm for food and drink units outside the town centre.
- Residential care homes: 1 space per resident staff, 1 space per 2 other staff, 1 space per 3 bed spaces / dwelling units.
- Medical centre: 1 space per full time staff and 2 spaces per consulting room.
- Community centre: maximum of 1 space per 22sqm of gross floor space.
- Visitor parking: 1 visitor parking space per 4 dwellings.

9.5.3 There are also requirements in relation to provision of cycle parking, as follows:

- Residential element: none if garages are provided, 1 per one bedroom dwelling, 2 per 2+ bedroom dwellings and 1 per eight units for visitor cycle parking .
- Retail / food and drink units: 1 per 100sqm for staff and 1 per 100sqm for customers for food and convenience shops, 1 per 100sqm for staff and 1 per 200sqm for customers for all other A1 uses and 1 per 4sqm for staff and 1 per 25sqm for customers for food and drink units outside the town centre.
- Residential care homes: 1 per four staff and 1 per 20 beds.
- Medical centre: 1 per four staff and 1 per consulting room.
- Community centre: 1 per four staff and 1 per 4 visitors.

9.5.4 It is noted that for independent living, retirement complexes and residential care homes one mobility scooter space per five self-contained residential units or 1 / 5 residents' communal establishment should be provided.

9.5.5 With regard to the independent living element of the development, it is proposed that one space per resident staff plus one space for every three units of accommodation and per three members of non-resident staff. The parking provision for independent living blocks should be assessed on a case by case basis, depending on the specifics of each proposal. In this instance the development would be 90.9% (50 out of 55) affordable units for people that are over 55 and have a requirement of some support (minimum of six hours per day). A report from the Housing Department has been prepared providing information of the people that are registered with the Council and would wish to move to a development such as the proposed independent living / extra care scheme. It appears that from those registered and willing to move to such type of accommodation, the average age is over 77 and this reduces the vehicle ownership expectancy. It is also noted that the development aims to promote alternative modes of transport, by providing an on-site bus stop, a mini-bus service and a large number of electric bicycles and buggies. This would reduce the need for private car ownership. On the basis of the above assessment, it is considered that the off-street parking provision for this element of the development would be sufficient to meet the needs of the future occupiers and staff.

9.5.6 The submitted Transport Assessment advised that the development would be policy compliant in terms of car parking provision, cycle parking and electric vehicles. Provision of visitor parking would be in excess of the minimum requirement (66 visitor parking spaces are proposed) and therefore, no objection is raised in terms of off-street parking provision or cycle and mobility scooter parking provision. This matter would be further assessed at the reserved matters stage, when full details of the scale of the development would be submitted. The provision of adequate off-street parking provision would be secured through the imposition of a condition for the development to comply with the details submitted.

10. IMPACT ON RESIDENTIAL AMENITY

- 10.1 The basis of policies D1 and H4 of the approved LDP seek 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 Maldon District Design Guide (2017).
- 10.2 The proposed development would increase the levels of activity at the site, when compared with its current use as arable land. Although it is accepted that the development would result in increased levels of activity and resultant increased noise levels, due to the location of the site, which mainly neighbours the open countryside, the proposal would have a limited impact on the residential amenity of neighbouring residential occupiers. Furthermore, due to the nature of the proposed development, which is predominantly residential, it is considered that it would result in uses that are compatible with existing residential character of the area to the southeast.
- 10.3 The most affected property by the development is no.2 Maldon Road, which abuts the site to the southeast. The nearest development to this property would be a bungalow, which would be located 35m away from the western boundary of this property. This separation distance would be sufficient to mitigate any adverse impacts caused in terms of loss of light, domination, sense of enclosure or overlooking. Whilst it is accepted that the development will increase the use of the existing public footpath, given that it would be used as the main pedestrian / cycle / mobile scooter access to the site, taking into account that this is an existing established public footpath higher ambient levels by existing movement are expected. Furthermore, the type of movements would not be that of vehicles that generate high noise levels, but of pedestrians and cyclists and thus, it is not considered that the impact would be such detrimental to warrant refusal of the application on those grounds. The proposed two-storey independent living block, which is the closest two -storey building to the application site, is located around 100m away from the northeast boundary of the site and as such, it is considered unlikely that this element of the development would have any impact on the residential amenity of the occupants of no. 2 Maldon Road.
- 10.4 Elm Farm House to the southwest is located approximately 40m away from the application site and 55m from the nearest proposed bungalow. It is therefore considered that the development, due to the separation distance and single storey nature of the adjacent development would not have a detrimental impact on the amenities of the occupiers of this dwelling.
- 10.5 All other residential properties are sited further away from the proposed development in comparison to the abovementioned dwellings. The impact of the development on the amenities of the occupiers of the dwellings closer to the application site is assessed above and considered to be acceptable. On that basis, any impact on properties located further away from the application would be lesser than that that caused to the adjacent properties and thus, would also be acceptable.
- 10.6 A community centre, including a number of indoor and outdoor sport activities is proposed, which would potentially generate noise. Given that this element of the development is sited well away from a nearby residential dwelling, it is considered that it is unlikely to result in a detrimental harm to the amenities of the nearby

occupiers. With regard to the proposed residential units proposed in close proximity to the community centre, it is considered that the impact would be self-imposed and also subject to appropriate opening hours conditions, no objection is considered reasonable to be raised.

- 10.7 The development would also introduce some shops and restaurants, the opening hours of which should be restricted by condition to minimise the impact of the development on nearby future occupiers and first floor flats. If any extract duct or other plant system would be required to be installed full details of that and noise mitigation measure would be required to be submitted and approved in writing by the Local Planning Authority (LPA) to ensure the impact on residential amenity is minimised.

11. FLOOD RISK AND SUSTAINABLE URBAN DRAINAGE STRATEGY

- 11.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 11.2 Policy D5 also states that *“The Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency”*.
- 11.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Flood Risk Assessment which includes details of how surface water would be managed. A foul drainage strategy is also included.
- 11.4 Due to the predicted increase in rainfall rates, watercourse flows and sea levels that are expected to result from climate change, the Flood Risk Assessment (FRA) states that the development would be impacted by a 40% uplift increase on rainfall rates, and allowance for this should be included in the proposed surface water drainage system. Furthermore, increases in watercourse flows in the Anglian river basin district are anticipated to require between 25% and 35% uplift.
- 11.5 The environment agency maps show that the site is not at risk of fluvial or reservoir flooding, but there may be a risk from surface water flooding. For that reason a detailed surface water management strategy has been submitted in the FRA to reduce water quantity and improve water quality prior to discharging into a receiving watercourse. Various Sustainable Urban Drainage Systems (SUDS) features have been considered to identify the suitable system to manage surface water flooding. To mitigate flood risk and improve water quality for this development, it is proposed to manage surface water by a network of swales and two ponds, which will discharge into the existing ditch network at controlled rates. Water butts are also proposed to be installed to all residential units. Permeable pavement would be used throughout the site. The FRA confirmed that to prevent flooding in the extreme event where the capacity of the drainage system would be exceeded, all residential properties would be set at least 300m above the ground level.
- 11.6 The Lead Flood Authority (ECC) has reviewed the submitted drainage details and raise no objection to the proposed development. The Environment Agency has also

been consulted and due to the fact that the development is located in a Flood Zone 1, they have raised no comments with regard to the proposed development. Furthermore, no objection is raised by the Council's Emergency Planner. It is therefore considered that the development would not pose threat in terms of flooding to the future occupiers of the site or result in flooding elsewhere. No objection is therefore raised in terms of flood risk.

12. IMPACT ON THE ECOLOGY, TREES AND BIODIVERSITY

- 12.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance"*. Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 12.2 On the basis of the abovementioned policy requirement, an Extended Phase 1 Habitat Survey accompanies the application. The site is used as arable land with hedgerows on the south, east and west boundaries and ditch traversing the site. The immediate area to the application site is predominantly agricultural, abutting with the settlement of Burnham-on-Crouch to the southeast. Although it is acknowledged that the site is not classified as being a highly sensitive site, it has potential for nesting birds, roosting / foraging / commuting bats, reptiles, water voles and amphibians and further protected species and for that reason, recommendations to inform the design of the development have been included in the submitted Extended Phase 1 Habitat Survey. These recommendations are following the construction and operational phases of the development.
- 12.3 Standard pollution prevention control measures are recommended during construction. Emergency plans should be in place and practised in absence of a real incident to ensure that they are suitable and sufficient. Where working near water, guidance on how to avoid pollution should be provided. Furthermore, the effectiveness and implementation of environmental control measures should be continually monitored and reviewed. Upon completion of recommended protected species / further assessment may be necessary to reassess specific mitigation requirements based on updated survey information.
- 12.4 The findings of the Extended Phase 1 Habitat Survey conclude that the development is unlikely to have a negative ecological impact on the local ecology. However, this matter is further assessed in the accompanied Habitat Regulations Assessment (HRA) report (prepared by the LPA, which is the competent authority).
- 12.5 In terms of the impact of the development on habitats, it is noted that the proposed development of the site would be an opportunity to enhance the ecological value of the agricultural field. It is recommended that flowering and fruiting shrubs, trees, and climbers that are beneficial to wildlife are included in the soft landscaping of the development, as well as further native species-rich hedgerows. More generally, soft landscaping should incorporate the planting of locally appropriate, native tree, shrub

and herb species. Where possible, mature trees should be retained and protected during construction in accordance with the advice of an arboriculturalist, and in line with the British Standard. Habitat corridors and landscape connectivity for a variety of species should be promoted. It is also noted that standing water can further increase the biodiversity value of the site.

- 12.6 The submitted details for each species recommends that further assessment is carried out for amphibians and water voles. There were also records of badgers within the site and within 30m from the boundary. Following consultation with the Council's Countryside and Coast Officer and due to objection raised by the Essex Wildlife Trust, further clarification has been submitted by the applicant's Ecology Consultant. The clarification information states that no evidence of presence of badgers was identified during the site wide assessment and thus, no mitigation or survey was considered necessary. Although the site has not been identified as suitable for use by reptiles, a two stage cut of ruderal vegetation was recommended to encourage reptiles to move off the site, if any present. With regard to great crested newt, a Habitat Suitability Index Assessment was requested to be carried out in two ponds near the application site; however, this was impossible, given that no access was allowed by the owners of the land. Only evidence of presence of rabbit was identified on site following completion of the site assessment and specific recommendations are made within the submitted Extended Phase 1 Habitat Survey to prevent any offence under the applicable legislation.
- 12.7 The Council's Countryside and Coast Officer has been re-consulted on the basis of the additional information and clarification provided by the applicant's Ecology Consultant and raised no objection to the propose development. It is suggested though that a Non-Licensed Method Statements should be produced for both Amphibians and Reptiles and also given that no Habitat Suitability Index assessment was carried out, for the reasons stated above, the development should only progress with suitable precautions in place. It is also suggested that part of these Method Statements should include clear instruction should evidence of any Amphibian or Reptile species be discovered during any phases of clearance or building works. The Countryside and Coast Officer recognises that the applicant is aware of the sensitivity of the site in terms of the presence of Water Voles on site but requires that a dedicated Mitigation Strategy is secured by condition. The Extended Phase 1 report makes some suggestions in relation to bird and bat boxes installation; however, it also suggests that other options that integrate them on the buildings as well. On that basis of the above suggested measures and mitigation strategies, no objection is raised in terms of the impact of the development on protected species.
- 12.8 The site is mainly arable land. The majority of trees on site are located at the boundary of the field and footpath to the East and much of the hedgerows to the south consist of dead or dying Elm with little amenity or wildlife value. The application is supported by an arboricultural assessment, which states that the trees on the eastern boundary are mature oak trees of moderate amenity value, they are within an informal hedgerow. At present, no trees are proposed to be removed as a result of the proposed development. The majority of the trees along the footpath are separated by a deep ditch and the proposed development has been designed so that no construction of any sort would be required within the Root Protection Area. There are areas of dead Elm within the groups abutting Maldon Road that are recommended for removal from and Arboricultural management perspective. An arboricultural method statement has been

submitted to deal with the abovementioned matter; however, it is noted that a further robust arboricultural method statement has been requested by the Tree Consultant to be submitted and approved in writing by the LPA.

- 12.9 With regard to protection measures of the existing trees, details of tree protection barriers have been included in the Arboricultural Report. A landscaping scheme has also been submitted; however, the selection of species, sizes and locations of the proposed soft landscaping would be part of a future submission, given that landscaping is a matter reserved for future consideration.
- 12.10 Overall the Arboricultural Report concludes that the development would have a minimal impact on existing trees and provides a list of protection measures and methods to avoid work close to trees having any adverse impact. The Tree Consultant raised no objection to the proposed development and advised that a more robust tree protection method statement is conditioned. As such, subject to the imposition of appropriate conditions, no objection is raised in terms of the impact of the development on existing vegetation. As noted above, the details of landscaping would be required to be submitted as part of the reserved matters application.

13. ECOLOGY REGARDING DEVELOPMENT WITHIN THE ZONE OF INFLUENCE (ZOI) FOR THE ESSEX COAST RECREATIONAL AVOIDANCE AND MITIGATION STRATEGY (RAMS)

- 13.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 13.2 Natural England anticipate that, in the context of the Local Planning Authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 13.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 13.4 The application site falls within the ‘Zone of Influence’ 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.

- 13.5 As the proposal is for more than 100 houses, but not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations 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.
- 13.6 To accord with Natural England's requirements, an Essex Coast RAMS Habitat Regulation Assessment (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 (ZoI) 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)? Yes

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

13.7 Summary of Appropriate Assessment

- 13.7.1 As part of the proposed development a Draft Heads of Terms has been submitted, which includes a section dealing with ecology matters and in particular, the proportion impact of the development on the sensitive interest features of the coastal European designated sites, through increased recreational pressure. The Heads of Terms advise that at Reserved Matters stage the effect of potential recreational pressure from the development on nearby nationally and internationally important nature conservation sites would be reviewed and/or a developer contribution would be provided in accordance with the RAMS scheme that would be adopted by the LPA.
- 13.7.2 Notwithstanding the above, it should be noted that the Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and going to Committee to approve the consultation process on 24 January 2019. Thus, subject to approval from the Committee, this document would constitute an emerging document and appropriate weight should be afforded to it for the calculation of the contribution towards RAMS. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution would be calculated using this figure. This could be accommodated within the S106 at this time.

- 13.7.3 As a competent authority, the Local Planning Authority, on the basis of the information submitted and subject to a contribution provided by the applicant towards RAMS, concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites that would justify refusal of the application on those grounds.

13.8 Conclusion

- 13.8.1 For the reasons stated above and subject to a contribution which would be calculated by the LPA and agreed through the S106, it is considered that the likely impact of the development would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

14. OTHER MATTERS

14.1 Contamination

- 14.1.1 Conservation and enhancement of the natural environment is one of the principles set in the NPPF and also one of the key principles as set out in the LDP in order to achieve sustainable development.

- 14.1.2 The site covers an area of approximately 16ha, situated directly off of Maldon Road and is an agricultural field. To assess any potential contamination, the application is supported by a Phase 1 Geoenvironmental Assessment, which includes findings and conclusions based on a walkover and desk study. On the basis of those findings, it is considered that the sites suitable for residential development; however, a number of further investigations are recommended including the following:

- A limited intrusive investigation should be undertaken to evaluate the ground conditions, potential for contamination and any associated risks to human health or the environment. It is suggested this could be carried out during construction works;
- The water service provider must be consulted with regard to the requirements for water supply pipework at the site and;
- A discovery strategy should be in place during all the development works.

- 14.1.3 The Council's Environmental Health Team has been consulted and raised no objection to the proposed development. However, it is advised that intrusive investigation cannot be carried out once works has commenced, given that its findings would inform the risk assessment of those carrying out the groundworks as well as protect receptors on the site, which may be vulnerable groups. It is therefore suggested that notwithstanding the recommendations of the Phase 1 Geoenvironmental Assessment, the ground investigation should be carried out prior to the commencement of the development. Officers concur with the reasoning given by the Environmental Health Officer and therefore, subject to imposition of appropriate conditions, no objection is raised in terms of potential contamination arising from the proposed development.

14.2 Archaeology

- 14.2.1 No designated assets are located within or the immediate vicinity of the application site. However, the consultation response from the Historic Environment Officer advises that recent excavations to the east of the site on land South of Green Lane recorded a Middle Iron Age enclosed settlement. To the west are the cropmarks of at least three ring-ditches, probably representing a Bronze Age barrow cemetery. To the north is the site of a Late Iron Age or Roman saltern and therefore, it is evident that the area is rich in prehistoric sites. Conditions are therefore suggested in order to carry out an archaeological assessment prior to the commencement of the development. Subject to the imposition of the suggested condition, the development would not be objected to in respect of archaeological matters.

14.3 Waste management

- 14.3.1 The Design and Access Statement advises that the refuse strategy is to minimise the movement of largescale vehicles within the homezone areas. For refuse points have been shown on the site plan with collection points for the care and medical facilities, to include for all necessary types of collections. The proposal is for the bungalows to have on plot bin storage for daily use, which the site management company would collect from the dwellings and deposit in one of the main collection areas.
- 14.3.2 Further points of clarification in relation to whether the internal roads of the development meet the highway standards, potential access issues of refuse vehicles and bin store location for the Independent Living element have been requested by the Waste Management Officer. A response has been received confirming that all roads within the site will be engineered to accommodate emergency vehicles. Furthermore, it has been clarified that no vehicle parking will be along the cul-de-sac routes; thus, there would be no conflict with the service vehicles. With regard to the position of refuse for the Independent Living element of the development, it is noted that given the outline nature of the development, further details with regard to refuse facilities and their position would have to be agreed as part of a reserve matters application.
- 14.3.3 The abovementioned comments addressed the issues raised by the Waste Management Officer and therefore, no objection is raised in relation to waste management and refuse location. Further details would have to be agreed at a reserve matters stage.

14.4 Foul drainage

- 14.4.1 The submitted Planning Statement advises that Foul sewerage from all buildings would drain via gravity falls to a pumping station located at the lowest point in the site in the north-eastern corner. From here foul waste would be pumped to the foul sewer located in the B1010 Maldon Road.
- 14.4.2 It is noted that further details of the full drainage system would be required to be submitted and approved in writing by the Local Planning Authority, avoid the risk of water flooding and pollution.

14.5 Neighbourhood Equipped Area for Play (NEAP)

- 14.5.1 It is noted that the proposed development would provide a Neighborhood Equipped Play Area. Although the location of the NEAP has not been identified in the submitted plans, it is noted that it would be adjacent to the community centre. The provision of a NEAP is also included in the submitted Draft Heads of Terms, which will constitute the basis for the discussion of the S106 legal agreement.
- 14.5.2 Although the proposed development would not provide family housing, it is noted that visitors, relative and families of the future occupiers would possibly have children. Therefore, whilst this is not a requirement for the proposed development, it is an element that is positive and welcomed.
- 14.5.3 Given that the Council's policy and design guidance is silent in terms of the calculation of playground space for this type of developments, the National Playing Fields Association Six Acre Standards should be used to identify the appropriate size of the proposed area of playing. The details of the proposed NEAP would be agreed through a legal agreement and should be part of a future reserve matters application.

14.6 External lighting

- 14.6.1 With regard to external lighting, it is considered that the development shall not be occupied until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the Local Planning Authority. This is to eliminate any adverse impact on the wildlife, given that the site is neighboured with the countryside from three sides and to protect the nearby neighbours' amenities. For that reason, the submission of these details would be secured by condition.

14.7 Other developer contribution

- 14.7.1 Along with other key principles, policy S1(11) requires decision makers to *"Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources"*.
- 14.7.2 A document with the Draft Heads of Terms accompanies the application, which include the suggested developer obligation.
- 14.7.3 The general obligation that the applicant is willing to enter into relate to the restriction of the development to persons over 55 years of age, the provision of a cascade mechanism to priorities occupation of all units (except from the workers accommodation) to residents of the district of Maldon, the provision of a NEAP area as discussed above in the relevant section, the provision of a future management and maintenance of community open space and landscaping and the creation of a Management Company with responsibility for future management and maintenance of the children's play area, open spaces, footways, related lighting, street furniture, signage and all landscaping.
- 14.7.4 The developer contribution in relation to affordable housing is discussed above in the relevant section of the report.

- 14.7.5 Health care contributions would include the provision of a doctor's surgery and associated medical facilities in perpetuity with one practitioner available at all times and also contribution towards the NHS mitigation impact funding, as advised in the NHS response of 25 October 2018.
- 14.7.6 Highways obligations would include an agreed scheme of works to footpath and public transport infrastructure, contribution towards the off-site highway improvements, provision of a mini-bus service, provision of agreed number of electric vehicles and the implementation of a Travel Plan as part of the Reserve Matters stage.
- 14.7.7 All proposed community facilities shall be provided as agreed through the S106 agreement and be retained in perpetuity by the Management Company.
- 14.7.8 The mitigation of the impact of the development on the Essex Coast is assessed above in the relevant section of the report.
- 14.7.9 The developer is also willing to enter to an obligation for employment opportunities to be offered to local persons first via an agreed mechanism. However, as discussed above, this is not considered necessary, by officers, to make the development acceptable.
- 14.7.10 Skills training for agreed number of staff / trainees in the care and maintenance occupations is also proposed to be provided and secured through the S106 agreement.
- 14.7.11 The abovementioned developer contributions and obligations shall be secured through a S106 agreement. Should Members' approve this application, this shall only be subject to a S106 agreement, which shall first be discussed and finalised with the Council.

15. ANY RELEVANT SITE HISTORY

- 15.1 No relevant planning history.

16. CONSULTATIONS AND REPRESENTATIONS RECEIVED

16.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Object to the proposed development for the following reasons: a. The application does not conform to BTC NP Policies HC.2, HC. 3, EN. 2, HO.2, HO.3, HO.8, NHD.2, NHD.14 and MDC's approved LDP S1 & S2 T1 & T2	All matters raised are noted and addressed within the main body of the report.

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> b. Paragraph 10.2 Planning of the BTC NP states how to Best Deal with Incremental Planning Applications Over and above the 450 Strategic Allocations ('Windfall) in a Relatively Remote Town with Limited Road Network, Infrastructure and Services c. MDC has a 6.28 year housing land supply d. The development is also over 1km from the Town Centre (MDC Specialist needs housing SPD appendix 2). e. It is outside Burnham's development boundary (LDP) f. It is intrusive and eroding of the countryside, as its design is a departure from the open, rural aspect of the outer edge of Burnham. Policy S8 g. The harm to the entrance to the town is significant as the entrance plays a vital part of the towns setting, hence outweighing any benefit. No amount of mitigation of landscaping would hide this huge development. In breach of policy S8 h. Burwest has outline permission for similar specialist housing i. It will be detrimental to tourism E5 which will have repercussions on E1 j. Significant weight should be given to Burnham's Neighbourhood Development Plan. Legal document k. The need for this speculative development is not identified in SHMA l. The business case presented to us at this level appears unachievable (Volunteers /residents to run Butchers shop etc.) 	

Name of Parish / Town Council	Comment	Officer Response
	<p>m. NHS cannot provide any overflow treatment for residents not wishing to pay for private health care. The process for a dispensing chemist has not started, and there is no guarantee that it will be granted. We have 3 in Burnham already</p> <p>n. ECC predicted in 2016 that the Maldon district 134 units were needed to enable independent living within the community that equates to Burnham having 41% of the whole district without the necessary infrastructure being in place</p> <p>o. Essex Highways have objected. DM1 of development management policies of council supplementary guidance 2011</p> <p>p. MDC Urban design officer objects in breach of MDDG SPD and NPPF</p> <p>q. Arboriculture & Ecology object on grounds harmful to protected species</p> <p>r. Although not a planning reason, it is noted that no one would want to live in an old people's community with limited facilities. Isolation can lead to health and well-being issues as well as mental health problems.</p>	

16.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	<p>A site visit has been carried out and the various documents accompanying the application during the planning process have been duly considered.</p> <p>The proposed development is expected to be relatively self-contained and self-sufficient. As detailed in the Transport</p>	Comments noted and suggested conditions are imposed.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Assessment, the application also includes the provision of a bus service, a contribution to future public transport services in the area and free use of three electric cars, 100 e-bikes and two buggies for residents. The Highway Authority has therefore been satisfied that the impact of the development can be accommodated within the local highway network without discernible detriment to highway safety, efficiency and capacity.</p> <p>Consequently, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.</p>	
ECC Adult Social Care	<p>Based on our demand forecasting and taking into account that there are currently no ECC commissioned Independent Living schemes in Maldon, it is forecast there is currently a need for about 160 units of Independent Living. The ECC modelling has identified the strongest location for a scheme to meet demand would be Maldon Town. The proposed scheme is outside Burnham and therefore, ECC Adult Social Care does not support nominations.</p>	<p>Although the position of the ECC Adult Social Care is acknowledged, it is noted that the applicant is committed to provide affordable housing that meets the requirements of policy H1 and the criteria of Independent living / extra care accommodation as defined in the Maldon District Specialist Needs Housing SPD. This would be secured by legal agreement. It is also noted that the applicant has submitted a financial viability assessment demonstrating that the development would be viable without the need of a funding through ECC Adult Social Care. Finally, it should be noted that</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		way that the scheme would be funded is not a material planning consideration, as long as it can be secured that it would be viable. This is described further within the report.
Essex and Suffolk Water	Further investigation into this application has found two mains located across the proposed site. No objection is raised to the proposed development, subject to compliance with their conditions.	Noted.
Tree Consultant	<p>The arb impact assessment highlights that the trees are unlikely to be impacted and offers some protection advice. It is suggested that a robust tree protection method statement is conditioned to show if access across the RPA is required or not and how it will this be protected. Areas of new planting should also be included in the method statement.</p> <p>Timings of any planting would be useful.</p>	Noted and conditions are imposed.
Natural England	<p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.</p> <p>No objection, subject to appropriate mitigation. It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission.</p>	Noted. An assessment as required has been carried out (section 13 of the report). Mitigation would be secured through a legal agreement.
Lead Local Flood Authority	No objection subject to a condition requesting details of surface water drainage.	Noted and condition is imposed.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
NHS	Mitigation will be sought in the form of funding to support increased capacity in the delivery out of hospital and community healthcare services to the value of £61,666. Deferred mitigation of an additional £61,666 would also be requested and would be triggered at any time within five years of completion of the development in the event that the local GP services are impacted by the registration of patients from this development.	Noted and will be secured through legal agreement.
Environment Agency	No comments raised. The development does not trigger the consultation checklist.	Noted.
Archaeology	The Essex Historic Environment Record (EHER) shows that the proposed development site is located on the northern edge of Burnham-on-Crouch. Recent excavations to the east of the site on land South of Green Lane recorded a Middle Iron Age enclosed settlement (EHER 49137). To the west are the cropmarks of at least three ring-ditches, probably representing a Bronze Age barrow cemetery (EHER 11369). To the north is the site of a Late iron Age or Roman saltern (EHER 11303). It is evident that the area is rich in prehistoric sites. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent.	Noted and condition is imposed.
Cadent Gas	Please note the presence of an intermediate pressure gas pipeline which runs along the boundary of the land parcel. Access over the pipeline is restricted, the developer must engage with Cadent Gas for guidance. Landscaping within the easement is also restricted, the developer must obtain formal written approval from Cadent Gas before commencing any works.	Noted. An informative would be added as a reminder for the applicant.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Wildlife Trust	An objection was raised based on the details of the originally submission of the application, due to the impact of the development on protected species and their habitats and in particular to water vole population.	It is noted that further details have been submitted during the process of the application, providing further information in relation to the impact and mitigation of the development on the protected species and their habitats to address these concerns. The Council's Coast and Countryside Officer has been consulted following the submission of additional information and raised no objection subject to the imposition of appropriate conditions.

16.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Waste Management Officer	<p>Further details have been requested during the process of the application in relation to whether the internal roads of the development meet the highway standards, potential access issues of refuse vehicles and bin store location for the Independent Living element.</p> <p>No objection is raised following the submission of addition clarification information regarding the above.</p>	Noted and addressed in the relevant section of the report.
Housing Officer	The District has a range of housing for older people with the exception of extra – care (Independent Living), a form of specialised housing that sits between mainstream housing and care	Noted and addressed in the relevant section of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>homes. Essex County Council has recognised the need for this in the District and throughout the County. There are no allocated sites in the Local Development Plan for this purpose, so development would have to come from either land owners voluntarily willing to replace planned homes for Independent Living, changing the composition on other sites, or as in this case, sites coming forward as an exception to meet this particular need. The Maldon District Council's Older People's Housing Strategy (2015 Update) identified a need for 120 – 170 extra-care/independent living units for the District. This Application is proposing 50 units for affordable independent living which would assist in meeting this need. The Affordable provision on this site will be required to be in the form of Independent Living and when completed is to be transferred to a Registered Provider regulated by Homes England. The Affordable Units are to be developed to comply with Essex County Council's standard and Design Guide for Independent Living. The Affordable units are to be affordable with regards to Support Charges, Service Charges and Rents that will be met through the Welfare State System (Local Housing Allowance / Personal Independence Payments etc.).</p> <p>Strategic Housing Services fully supports this Application which will assist in meeting the Affordable Independent Living need identified for this District.</p>	

Name of Internal Consultee	Comment	Officer Response
Urban Design Officer	No objection is raised to the access and layout proposals for the proposed development based on the identified need and the design guidance set out in the Maldon District Design Guide SPD and Technical Document Designing for Older Persons' Housing.	Noted and discussed in the relevant section of the report.
Coast and Countryside Officer	<p>No objection is raised in relation to protected species and their habitats subject to the submission of a Non-licenced Method Statements produced for both Amphibians and Reptiles.</p> <p>The developer and their ecologists are clearly aware of the sensitivity around the presence of Water Voles on site, however I think that the development of a dedicated Mitigation Strategy should be conditioned.</p> <p>The Coast and Countryside Officer is also satisfied with the Arboricultural Report.</p>	Noted and conditions are imposed.
Economic Development	Fully support the proposed development, which will create 101 jobs and plans to assist in the training.	Noted and discussed in the 'Principle of development' section of the report.
Planning Policy	<p>New specialist needs housing that helps fill identified gaps in the housing stock and which will improve the flow within the market and affordable sectors should be viewed positively. An appropriate mix of properties for both sectors, in terms of size and tenure should be agreed with the Council at an early stage. The SHMA identifies that need is broadly similar irrespective of tenure: for 1 and 2 bed homes.</p> <p>In this case, because the site is outside the settlement boundary of Burnham on Crouch the expectation is that the application be fully compliant with policy H3</p>	Noted and discussed in the 'Principle of development' section of the report.

Name of Internal Consultee	Comment	Officer Response
	and policy H1 (affordable housing) and the Council's Specialist Housing SPD. The evidence submitted to demonstrate compliance should be proportionate to the scale of the scheme.	
Environmental Health	<p>This Service has no objection to the application.</p> <p>It is noted that the Phase 1 Geoenvironmental Assessment recommends that a limited intrusive investigation should be undertaken to evaluate ground conditions. However, given that it is not possible to carry this out once work has commenced, this should be secured through pre-commencement conditions.</p> <p>The investigation is needed to inform the risk assessments of those carrying out the groundworks as well as to protect the final receptors on the site who by their nature are potentially a vulnerable group.</p>	Noted and conditions are imposed.
Conservation Officer	Given that the development will not affect the setting or significance of any heritage assets, no further comments are raised.	Noted.
Emergency Planner	As the development doesn't appear to be within a high risk flood zone, no further comments are raised.	Noted.

16.4 Representations received from Interested Parties (*summarised*)

16.4.1 40 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Overdevelopment of the site.	These matters are addressed on the 'principle of development' section of the report.
Unsustainable location outside the settlement boundary of Burnham-on-Crouch.	
The level of services in Burnham-on-Crouch is much less than in Maldon and Heybridge, therefore, the level of growth should be limited.	

Objection Comment	Officer Response
Low percentage of aging population who wish to move away from their families means that the development would be available to people outside the district.	
The projected increase in the need for homes in the LDP is in part to cater for older people.	
Impact on the NHS services due to the remoteness of the location and the significant number of new homes.	
The development does not comply with the Neighbourhood Plan, the LDP and the NPPF.	
A need for more elderly residents in the area has not been demonstrated.	
Burnham already has adequate Bungalows, one / two Bed Apartments and Affordable Housing.	The need is addressed in the 'Principle of development' section of the report.
Reference is made to other existing and planned care homes.	The proposed development is not for a care home only and it is noted that the nearest recently approved care home at the allocated site to the southeast of the application site has not been erected yet. The need for accommodation due to the aging population is assessed at the 'principle' section of the report. It is noted that the application OUT/MAL/12/00452 at Junction of Steeple Road And Mill road for the erection of a 60-bed care home has lapsed.
The site is larger in size from the three allocated sites for development in Burnham.	It is noted that this statement is not correct, considering that allocated site to the south of Green Lane and north of Maldon road measures around 14.56 hectares. The allocated site between Chandlers and Creeksea Lane is also of similar size. Therefore, it is clear that two of the three allocated sites are well above the site area of the application site, which measures around 15.7 hectares.
Significant need for workers accommodation, which would impact on the capacity of the existing services.	The LDP has identified a need for 2,000 new jobs in the plan period and the proposed development would support the policy E1 requirement. The development would potentially provide new jobs to local people.
Impact on the existing shopping areas of Burnham.	These matters are addressed on the 'principle of development' section of the report.

Objection Comment	Officer Response
Impact on the capacity of the infrastructure of Burnham-on-Crouch which is already significantly constrained.	These matters are addressed on the 'principle of development' section of the report. Also refer to the relevant consultation responses (i.e. Highways and SUDs).
Out of keeping with the character of the area.	These matters are addressed on the 'Visual impact and impact on the character of the area' section of the report.
Urbanising effect	
Constrained connectivity with Burnham-on-Crouch.	These matters are addressed on the 'Access, Parking and Highway Safety' section of the report. Please also refer to responses from the relevant consultees.
Adverse impact on the highway, pedestrian and cyclists' safety and volume of traffic.	
The development would adversely impact upon the traffic and highway safety of the Old Heath Road and The Endway due to increased traffic.	
Tinker's Hole Road is unsuitable for increased traffic.	
Potential impact on the horse owners / riders of the Elmwood Equestrian Centre.	
Not sufficient visitor parking.	
There are already traffic impacts caused by the recently constructed developments.	It is noted that to assess the capacity of the roads and the traffic impact on the development, consideration was had to the existing and approved developments in Burnham-on-Crouch, including the allocated sites.
Reference is made to the Burnham-on-Crouch Neighbourhood Plan (BoCNP).	Noted. The BoCNP has been taken into consideration.
Minimal windfall approvals are expected in Burnham-on-Crouch	It is noted that each application is assessed on its own merits and any decision should be on the basis of a balance exercise.
The development would not be able to sustain the proposed shops.	The applicant has submitted a Financial Viability Assessment in support of the proposed development. In any case any potential impact on the use of the proposed shops would be self-imposed.
The site is not located in an accessible location in terms of access to facilities and services of Burnham-on-Crouch and the waterfront.	These matters are addressed on the 'principle of development' section of the report.
The layout of the proposed development would be easy to change, from bungalows to three or more bedroom houses.	It is noted that a new application would be required to be submitted for an alternative proposal. The Council can only assess what it is in front of them for consideration.

Objection Comment	Officer Response
Misleading plans	Noted.
Although the idea of accommodation for an ageing population is welcomed, the location of the proposed development is not appropriate.	These matters are addressed on the 'principle of development' section of the report.
The proposed sports facilities (i.e. tennis courts) would not be used.	Noted.
Queries raised regarding the access road, the foul system and gas supply.	It is noted that the site would be accessed via Maldon Road. The details of the foul system would have to be submitted and approved in writing by the LPA. The gas supply is a private rather than a planning matter.
The unique character of the countryside and heritage of the area should be protected.	These matters are addressed on the 'Visual impact and impact on the character of the area' section of the report.
The LDP has already sufficiently met its housing requirements.	Noted and addressed in the 'Principle of development' section of the report.
This site is too far removed from the main facilities and the developers are suggesting it can be "self contained" with its own doctors, chemist, etc., there is no entertainment and little opportunity for residents to join in with the existing community	It is noted that the purpose of the development is to be self-sufficient, not self-contained. Furthermore, leisure facilities are proposed on site and maximising connectivity with the town centre of Burnham has been considered.
The heritage and leisure facilities that attract visitors to Burnham on Crouch should be protected.	The development does not affect existing heritage or leisure facilities.
The development would not integrate and facilitate improvement to existing residents.	It is noted that the site would not be gated. Residents would be able to access the site.
Loss of existing agricultural land.	Although it is accepted that the development would result in loss of existing agricultural land, it is noted that the benefits of the proposed development would outweigh the harm caused. This is addressed in the main body of the report.
The proposed development would compete with the exiting allocation sites.	It is noted that the development is to target accommodation for an aging population and not for conventional housing. Thus, it is not considered that it would compete with the development of the allocated sites. The need of this type of development and the potential concentration of similar facilities is assessed in the 'Principle of development' section of the report.

Objection Comment	Officer Response
The development along Maldon Road is that of ribbon development. The development does not reflect the size and character of the village.	Matters are addressed in the 'Principle of development' and Visual impact and impact on the character of the area' sections of the report.
The development is against the principles of sustainable development.	Addressed in the main body of the report.
The LDP states that cul de sacs should be avoided	It is noted that consideration should be had to the nature of the proposed development. No objection was raised by the Urban Design officer in that respect.
No drainage capacity.	Addressed in the 'Flood risk and sustainable drainage' section of the report
No development should be supported in areas of at risk from surface water flooding.	The site is located in Flood Zone 1, which is an areas of low risk of flooding.
No consideration to preserving the local environment, impact on local businesses and residents.	All addressed in the main body of the report.
Additional facilities have been introduced to prevent objections from residents.	Noted.
Additional lighting would be detrimental to the settlement	Addressed in the main body of the report and condition is imposed in that respect.
The caravan site at Rice and Coles looks to be edging towards full-time occupancy	It is noted that the Rice and Cole is a caravan site for holiday purposes only.
Integration of all ages into the community breeds wellbeing and understanding and makes for a healthy environment for all	Although this is accepted, the significant shortfall of this type of accommodation in conjunction with the significant increase of the aging population, is a material planning consideration and it weights materially in favour of the development. Further assessment is provided within the main body of the report.
Concerns are raised in relation to the expertise of the applicant to provide a development of that scale and specialist field.	It is noted that this Is not a material planning consideration.

16.4.2 **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
There are similar developments in Netherlands and USA that are successful.	Comments noted.
There would be limited impact on the town unlike other developments that provide no facilities for the expanded population.	

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

Comment	Officer Response
It is raised that it would be essential to move the 30 limit to the west of Tinker's Hole and to install active speed cameras.	Noted. However, the impact of the development on the highway network and safety was assessed by the Highway Authority, which raised no objection to the current speed limit.
The development should not encroach on the existing footpath.	The development proposed retention and improvements to the existing footpath along the eastern boundary.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

General Obligations

- No unit shall be occupied other than by persons over 55 year of age;
- A cascade mechanism will be agreed to prioritise occupation of all units (excluding the workers accommodation) to residents of the District of Maldon;
- To provide a Neighbourhood Area for Play ('NEAP') within the development to an agreed standard;
- The provision, retention and future management and maintenance of community open space and strategic landscaping;
- To create a Management Company with responsibility for future management and maintenance of the children's play area, open spaces, footways, related lighting, street furniture, signage etc. and all landscaping;

Affordable Housing Obligations

- The total number of affordable housing units shall be not less than 30% of the total number of self-contained dwellings approved by the Planning Permission (rounded up but excluding bed spaces in the care home from the calculation);
- The affordable housing shall be provided entirely as Extra Care, Independent Living units;
- The meaning of 'Extra Care' is as defined in the Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) (September 2018): Being "Self-contained accommodation designated for older people in a setting where care and support can be provided as required from an on-site care provider"
- The meaning of 'Independent Living units' is as defined in the Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) (September 2018): being "Self-contained accommodation designated for older people (usually aged over 55) with local connection who receive at least 6 hours of care and support each week."

- All affordable housing accommodation is to meet Essex County Council's standards, specifications and requirements.

Health Care Contributions

- The doctors surgery and associated medical facilities shall be constructed and be operational at a point to be agreed in the development process;
- To retain the medical centre on site in perpetuity and to ensure that at least one practitioner is always available;
- To make developer contributions in the circumstances set out in the NHS consultation response dated 25th October 2018.

Highways Obligations

- To agree and implement a scheme of works to footpath and public transport infrastructure within the vicinity of the site;
- To pay the agreed developer contribution for off-site highways improvements;
- To provide a minibus service to an agreed schedule to the town of Burnham-on-Crouch for a period of not less than three years,;
- To provide an agreed number of electric cycles, together with charging stations within the site and electric changing points to each bungalow;
- To submit, agree and implement a Travel Plan at Reserved Matters stage;

Community Facilities

- To provide the community centre, swimming pool, tennis courts and residents informal sports and recreation facilities, allotments and walking and cycling paths and tracks to an agreed specification;
- To transfer these facilities to the Management Company and retain the in perpetuity for the use of residents of the retirement community;

Ecology

- At Reserved Matters stage to review the effect of potential recreational pressure from the development on nearby nationally and internationally important nature conservation sites and implement a scheme of appropriate mitigation, and/or;
- Provide a developer contribution in accordance with any RAMS scheme adopted by the LPA;

Training / Education Obligations

- To offer employment opportunities generated from within the site to local persons first in accordance with an agreed mechanism;
- To offer skills training packages for an agreed number of staff / trainees in care and maintenance occupations.

PROPOSED CONDITIONS

Conditions:

- 1 Details of the appearance, landscaping and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

- 3 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include 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 the beneficial 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, 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: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 With the exception of the car parking provision for the shopping parade, the scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted Vehicle parking standards (2018). Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).

- 5 The proposed Independent Living / Extra Care scheme, Care Home, Medical and Community Centres and Mixed Use (shops and flats above) hereby approved shall not be in excess of two storeys in height.

REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the approved Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 6 The proposed dwellings hereby approved shall not be single storey in height.

REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the approved Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 7 The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the following stated housing mix:

- 30 no. 1 bedroom bungalows;
- 52 no. two bedroom bungalows;
- 21 no. three bedroom bungalows;
- 8 no. two-bedroom flats (above shops);
- a mixture of 55 one and two-bedroom independent living units.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H1 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

- 8 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary

investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by qualified persons and a written report of the findings must be produced. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 9 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for

Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 10 The approved remediation scheme shall be carried out prior to the commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 12 No building shall be occupied until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. No building shall be occupied prior to the implementation of the approved water drainage scheme.

The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.

- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Provision of suitable 'urban creep' allowance.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 13 No building shall be occupied until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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 washing facilities

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 BE1 and T2 of the Maldon District Local Development Plan, and policies D1 and T2 of the submitted Local Development Plan.

- 15 Prior to occupation of the development, the proposed site access shall be constructed in accordance with the plans shown in principle in drawing 183866/A/01 Revision A.
REASON: In the interests of ensuring the highway retains adequate capacity, safety and efficiency and so that vehicles can enter and leave the highway in a controlled manner, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 16 Prior to occupation of the development and as shown in drawing 183866/A/01 Revision A, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions on the B1010 Maldon Road, 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 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 policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 17 Prior to occupation of the development and as shown in Drawing 183866/A/01 Revision A, the developer shall provide minimum 2 metre width pedestrian footways to the north and south of the B1010 Maldon Road linked by a pedestrian island, dropped kerbs and tactile paving. Dropped kerbs and tactile paving shall also be provided on both sides of the B1010 Maldon Road in the vicinity of 16 Maldon Road.
REASON: To provide safe access for pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Vehicle Parking Standards SPD (2018) and the Maldon District Design Guide SPD.
- 18 Notwithstanding drawing 6524-1102-PL3 (Site Plan – Overall Layout), access to the development from Tinkers Hole shall be limited to emergency vehicles and non-motorised modes of transport only.
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Vehicle Parking Standards SPD (2018) and the Maldon District Design Guide SPD.
- 19 Cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

- 20 Prior to the occupation of the development an Arboricultural Method Statement and Arboricultural Supervision Schedule shall be submitted to and approved in writing by the Local Planning Authority. No other trees shall be removed or fell unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the visual amenity of the site in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 21 No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the Written Scheme of Investigation.
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the Maldon District Local Development Plan.
- 22 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.
- 23 Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.
- 24 A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
REASON: To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the Maldon District Local Development Plan.
- 25 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall

be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.

- 26 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Extended Phase 1 Habitat Survey, dated 29 March 2018. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
- 27 No development shall commence until full details of a Non-Licensed Method Statements for Amphibians and Reptiles has been submitted to and approved in writing by the Local Planning Authority. The Non-Licensed Method Statements shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the statement, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
- 28 As part of the reserved matters details of the opening hours of the shopping parade including A1/A3 and A5 uses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be then implemented in accordance with the approved details and be retained as such thereafter.
REASON: To protect the amenities of the nearby residents and future occupiers in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 29 The development hereby approved shall be carried out in a manner to ensure that all proposed residential accommodation, including the proposed bungalows and Independent Living/ Extra Care element, hereby approved comply with building regulation M4 (3) 'wheelchair user dwelling'.
REASON: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the needs of an aging population in accordance with policy H3 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework and the Maldon District Specialist Needs Housing SPD (2018).
- 30 The internal floor area of the proposed parade of shops, including storage and welfare areas, shall not exceed 1,000sqm in total.

REASON: To ensure that the development would not adversely impact upon existing retail uses and it would not exceed the Local Impact Threshold for new retail uses in accordance with policy E2 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 2 If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.

It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984

- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.