

# Unrestricted Document Pack

APOLOGIES

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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE'S OFFICE  
DIRECTOR OF STRATEGY, PERFORMANCE  
AND GOVERNANCE  
Paul Dodson

30 September 2020

Dear Councillor

You are summoned to attend the meeting of the;

## **DISTRICT PLANNING COMMITTEE**

on **THURSDAY 8 OCTOBER 2020 at 6.00 pm** (please note start time).

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=277&MIId=2183>.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

Please note: Electronic copies of this agenda and its related papers  
are available via the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk).

This meeting will be streamed live via YouTube and available to view on the [Council's YouTube channel](#).

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**AGENDA**  
**DISTRICT PLANNING COMMITTEE**  
**THURSDAY 8 OCTOBER 2020**

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

2. **Apologies for Absence**

3. **Minutes - 13 August 2020** (Pages 5 - 18)

To confirm the Minutes of the meeting of the District Planning Committee held on 13 August 2020, (copy enclosed).

4. **Minutes - 20 August 2020** (Pages 19 - 44)

To confirm the Minutes of the special District Planning Committee held on 20 August 2020, (copy enclosed).

5. **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.)

6. **20/00846/RES - Land North West of 2 Maldon Road, Burnham-on-Crouch** (Pages 45 - 84)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

7. **Any other items of business that the Chairman of the Committee decides are urgent**

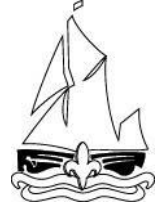
**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting [www.maldon.gov.uk/publicparticipation](http://www.maldon.gov.uk/publicparticipation).
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://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 and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
13 AUGUST 2020**

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**PRESENT**

Chairman	Councillor
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, B S Beale MBE, V J Bell, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, Mrs J C Stilts, C Swain and Mrs M E Thompson

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. She took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale, R P F Dewick, M F L Durham, B E Harker, J V Keyes, C P Morley, W Stamp and Miss White.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) That the Minutes of the meeting of the District Planning Committee held on 9 July 2020 be received.

**Minute 1064 – 20/00157/FUL- Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea**

Councillor E L Bamford requested that the 3<sup>rd</sup> line in the first paragraph on page 13 be amended to read as follows: ‘making it necessary to undertake the proposed extensive groundwork investigations and insufficient information provided with regard to the effects on the wildlife and heritage sites’.

## **RESOLVED**

- (ii) That subject to the above amendment the Minutes of the District Planning Committee held on 9 July 2020 be confirmed.

## **4. DISCLOSURE OF INTEREST**

Councillor M H Lagan declared a non-pecuniary interest in Agenda Item 11 - 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea as he had numerous conversations with a wide range of residents regarding this item.

Councillor N J Skeens declared a non-pecuniary interest in Agenda Item 5 - 19/01208/FUL, Land North of Marsh Road, Burnham-on-Crouch, Essex as a Burnham Town Councillor and Agenda Item 11 - 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea as he was a member of the Bradwell B Working Group.

Councillor A S Fluker declared a pecuniary interest on Agenda Item 5 - 19/01208/FUL – Land North of Marsh Road, Burnham-on-Crouch, Essex as he was a Member of the RHS (Royal Horticultural Society), he had a perceived bias relating to Agenda Item 10 - 15/015327/OUT, Land North and West of Knowles Farm. Wycke Hill, Maldon, Essex and that he had lost connectivity last time round on Agenda Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea therefore he could not partake in the debate or vote. Given that he could not partake in any items on the meeting agenda he removed himself from the meeting.

Councillor F G F Shaughnessy declared a non-pecuniary interest in Item 10- 15/015327/OUT, Land North and West of Knowles Farm. Wycke Hill, Maldon, Essex as she knew the Objectors.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 7- Planning Decision – Legal Advice Relating to Land North and West of Knowles Farm Maldon and 10 -15/015327/OUT, Land North and West of Knowles Farm. Wycke Hill, Maldon, as she knew the land owner. She also declared on Agenda Item 8 Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea as a member of the Bradwell B Working Group.

Councillor C Morris declared a non-pecuniary interest in Agenda Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea, as he had conversations with several residents regarding this item.

Councillor M G Bassenger declared a non-pecuniary interest on Item 8- Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea, as a member of the Bradwell B Working Group

Councillor V J Bell declared a non-pecuniary interest on Agenda Item 5- 19/01208/FUL, Land North of Marsh Road, Burnham-on-Crouch, Essex as a member of Burnham Town Council.

Councillor Fleming advised that she would not be partaking in the debate or voting on Agenda Item 8 - Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea as she lost connectivity at the last meeting on 9 July 2020.

Councillor Mrs M E Thompson declared a non-pecuniary interest in Agenda Item 8- Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea as a member of the Bradwell B Working Group.

Councillor S P Nunn declared a non-pecuniary interest on Agenda Item 8 - Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and Item 11- 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea, as he had several conversations with residents regarding this item of business and it was of particular interest with reference to the heritage of the site.

Councillor M W Helm declared a non-pecuniary interest on Agenda Item 8 -Planning Decision- Legal Advice Relating to Bradwell-on-Sea Ground Investigations and Item 11-20/000157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea, as a member of the Bradwell B Working Group.

Councillor Mrs P A Channer declared a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on all planning related matters. She then advised the Committee that since she was not present on 9 July 2020 for the discussion on Item 11- 20/000157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell -on-Sea, she would not be able to partake in the discussion or vote.

**5. 19/01208/FUL - LAND NORTH OF MARSH ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>19/01208/FUL</b>
<b>Location</b>	Land North Of Marsh Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Residential development comprising the construction of 90 residential dwellings (Use Class C3), public open space, landscaping and associated infrastructure.
<b>Applicant</b>	Taylor Wimpey (East London)
<b>Agent</b>	Ms Catherine Williams - Savills
<b>Target Decision Date</b>	17.07.2020
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

The Chairman introduced the application and said that before she asked the Officer to give their presentation she wished to make a statement.

She said that she was not present at the meeting on 9 July 2020 where Agenda Item 11 20/00157/FUL- Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea was first discussed, therefore, she would not be able to partake in the debate or vote. Furthermore, as per her earlier declaration there was a possible conflict with agenda item 10 Land North and West of Knowles Farm, Maldon. Therefore, for the efficient and effective business of the meeting she would remove herself from the Chair after the conclusion of Item 5 19/01208/FUL- Land North Of Marsh Road, Burnham-On-Crouch, Essex. She then sought proposals for a Member to chair the remainder of the meeting.

There were two councillors proposed, Councillor Mrs M E Thompson and Councillor M S Heard. Councillor Heard said that he was content for Councillor Mrs M E Thompson to chair the remainder of the meeting from Item 6 onwards.

The Chairman then asked the Officer to proceed with the planning presentation .

Following the Officer's presentation, the Chairman addressed a public participation submission from the Applicant, Catherine Williams of Savills (on behalf of Taylor Wimpey)

She then moved the Officer recommendation that planning application 19/01208/FUL, Land North of Marsh Road, Burnham-on-Crouch be approved subject to a S106 agreement and the conditions in section 8 of the report. This was seconded by Councillor Helm

A debate ensued where concerns were raised around safe egress and access to the Primary Schools and infrastructure saturation. Members sought reassurance regarding safe pedestrian crossings, footpaths, additional school allocations, adequate NHS services and road capacity for the additional properties. Both Councillor Skeens and Councillor Bell reminded the Committee that Burnham-on Crouch had already exceeded its agreed housing allocation.

Councillor Bamford sought clarity on the S106 agreement in particular the issue of the management committee as there was no reference to it in the draft version. She was also concerned that landscaping maintenance covered all key areas including the LEAP (Local Equipped Area for Play) and Orchard. In addition, she asked if there was a way to prevent any changes/alterations to the bungalows that were deemed a distinct characteristic in the site.

Planning Officers responded to all aforementioned issues as follows:-

- That this was the first draft of the s106 and that the final version will contain detailed proposals for the management committee and the maintenance, management and landscaping of all open spaces.
- School place provision would be secured via a S.106 agreement. Essex County Council had raised no objection to the proposal on school capacity matters.
- Condition 23 removed permitted development on the bungalows, subject to planning permission, However, Planning could not legally remove somebody's rights to submit a planning application.



- Conditions 30/31 dealt with the issues of a pedestrian crossing, appropriate car-parking facilities, dropped kerbs and tactile paving.
- Condition 32 provided for a public right of way upgraded to a hard surface to allow for increased footfall.
- There was one access to the site in the south west parcel.
- Essex Fire Brigade had recommended the use of water sprinklers which would be included in the next stage as part of the building regulations.
- All pertinent ecological and archaeological issues had also be conditioned appropriately (see the comprehensive list of conditions below).

The chairman noted that all issues raised had been covered by the Officers and thanked them for a very thorough and exemplary report. She then put the Officer's recommendation to approve the application subject to a S106 agreement and the conditions as detailed in section 8 of the report to the committee. Upon a vote being taken the application was approved.

**RESOLVED** that the application be **APPROVED** subject to a S106 agreement and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings:
  - 18.1318.103 Rev Q
  - 18.1318.102 Rev B
  - 18.1318.200 Rev K
  - CSA/3734/138 Rev H
  - 18.1318.100 Rev T
  - 18.1318.201 Rev J
  - 18.1318.202 Rev J
  - 18.1318.203 Rev J
  - 18.1318.206 Rev J
  - 18.1318.300 Rev D
  - 18.1318.410
  - 18.1318.411
  - 18.1318.420 Rev A
  - 18.1318.P1.430
  - 18.1318.P1.440
  - 18.1318.P1.441 Rev A
  - 18.1318.P1.442
  - 18.1318.450

- 18.1318.451
- 18.1318.470 Rev B
- 18.1318.471 Rev B
- 18.1318.490 Rev A
- 18.1318.491
- 18.1318.492 Rev A
- 18.1318.495
- 18.1318.496
- 18.1318.510
- 18.1318.511
- 18.1318.P1.520
- 18.1318.P1.521
- 18.1318.530 Rev A
- 18.1318.540
- 18.1318.800 Rev A
- 18.1318.801
- CSA/3734/136 Rev H
- CSA/3734/132
- CSA/3734/134 Rev H
- CSA/3734/135 Rev H
- CSA/3734/137 Rev H
- 18.1318.802
- 18.1318.205 Rev J

REASON: To ensure the development is carried out in accordance with the details as approved.

- 3 The development hereby permitted shall be undertaken using only the materials set out within plan 18.1318.200 Rev K hereby approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

Open market houses:

- 32 no. two-bedroom dwellings
- 13 no. three-bedroom dwellings
- 9 no. four-bedroom dwellings

Affordable units:

- 11 no. one-bedroom units
- 18 no two-bedroom units

- 7 no. three-bedroom 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.

- 5 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on plans no's 3734\_136 H, 3734\_137 H and 3734\_138 H and specifications attached to and forming part of this permission shall be fully implemented.

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 replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**REASON:** To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 6 The development shall be implemented in accordance with the hard landscaping works as shown on plans no. 3734\_134 H, 3734\_135 H and 3734\_138 H and specifications attached to and forming part of this permission. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved and be retained and maintained as such in perpetuity.

**REASON:** To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 7 Prior to the occupation of the development hereby approved, the boundary treatments shall be implemented in accordance with the details shown on plans nos. 3734\_134 H and 3734\_135 H and specifications attached to and forming part of this permission. The boundary treatment shall be retained and maintained as such in perpetuity.

**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.

- 8 The development shall be implemented in accordance with Tree Survey, Arboricultural Survey, Impact Assessment and Tree Protection Plan C.2789, prior to the first occupation of the development hereby approved. 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.

- 9 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 10 REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 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.
- 11 No development shall take place, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The CEMP is not required to include initial badger sett enabling works which will be controlled by Natural England through the relevant licensing process. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- REASON: To conserve and protect priority species in accordance with policy N2 of the Maldon District Local Development Plan.
- 12 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 6.6l/s within catchment A and 5.8l/s within catchment B for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Demonstrate that all storage features have incorporated a 10% 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 Simple Index Approach in chapter 26 of 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 works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

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

- 14 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

- 15 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

- 16 No development works above ground level shall occur 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.
- 17 Prior to the occupation of the development the vehicle parking shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and details hereby approved. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking area and associated turning area shall be retained in this form in perpetuity. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
- 18 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.
- 19 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. The packs are to be provided by the Developer to each dwelling free of charge.
- REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 20 The development shall be implemented in accordance with the ecological mitigation measures and ecological enhancements as set out in the submitted Ecology Impact Assessment (CSA/3734/02), dated September 2019. 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.
- 21 "A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 22 The first floor windows on the side elevations of the dwellings adjacent to other dwellings and not the highway shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be

agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

REASON: To protect the privacy and environment of people in neighbouring residential properties in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.

- 23 Notwithstanding the provisions of Class A, B, C, D and E of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 24 No development works above ground level 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. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All 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.

- 25 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.

- 26 Prior to the first occupation of the dwellings hereby approved, the development shall be implemented in accordance with the waste management details included in the refuse collection plan no 18.1318.202 Rev J and be retained as such in perpetuity.

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.

- 27 Prior to any works above ground level a scheme of mitigation against air pollution shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented prior to the first occupation of the development.

REASON: To minimise air pollution upon nearby property including residential properties, the adjoining rural countryside in accordance with policies D1 and D2 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework.

- 28 No development including any site clearance or groundworks of any kind shall take place within the specific area of the site shown on the RPS drawing entitled 'Burnham on Crouch - Planning Ref: FUL/MAL/19/01208 – Current archaeological sign off plan' (Drawing Ref: 25729 06.12.19) until the applicant or their agents; the owner of the site or successors in title has secured the implementation of the programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The staged archaeological work shall begin with the additional archaeological trial-trenching as shown on RPS Drawing Ref: 25729 06.12.19. This phase of evaluation will enable the full extent of archaeological interest to be identified for subsequent full archaeological excavation. The identified archaeological excavation area/s will be completed, in accordance with an excavation methodology as set out in the written scheme of investigation, ahead of development groundworks within the specified areas. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON:

To protect the site which is of archaeological interest, in accordance with policy D3 of the Maldon District Local Development Plan.

- 30 Prior to first occupation of the development, the developer shall implement the access arrangements for the proposed development, as shown in principle on Drawing no ST-2847-07 in Appendix F of the Transport Assessment. This should include but not be limited to:

- Providing pedestrian dropped kerbs and tactile paving immediately to the west of the proposed vehicle access and to the front of St Mary's School, with the precise location to be agreed with the Local Planning Authority; and
- Providing a minimum 2 metre width pedestrian footway across the site frontage and into the development.
- Any Traffic Regulation Orders required in the provision of the site access.

REASON: In the interests of highway safety, efficiency and accessibility, and to ensure suitable pedestrian access is provided in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

- 31 The pedestrian crossing to be provided on Marsh Road, as shown on plan 18.1318.203 Rev J (Parking Layout) and detail subject of condition 28 shall be provided prior to the first occupation of the development.

REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

- 32 Prior to first occupation of the development, public footpath no 14 shall be improved to include hard surfacing from Marsh Road to the bridge across Panel's Brook with full details to be agreed with the Highway Authority. There shall also be no additional planting within 2 metres of the footpath.

REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.



- 33 Prior to first occupation of the development, the existing bus stops on either side of the B1021 Church Road (between the junctions with Marsh Road and the B1010 Maldon Road) shall be improved to Essex County Council specifications. Both northbound and southbound stops shall be provided with new poles, flags and timetable information display.  
REASON: To promote public transport and accessibility in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 34 A schedule of glazing and ventilation for bedrooms and living rooms shall be designed to meet the noise criteria detailed in paragraph 4.17 of the Cass Allen Noise Assessment RP01-19251 submitted as part of the application. The glazing scheme shall be implemented prior to occupation.  
REASON: To avoid, mitigate and minimise adverse impacts on health and quality of life from noise in accordance with Policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.
- 35 The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.  
REASON: To ensure that the development is safe in terms of flood risk, in accordance with Policy D5 of the LDP  
The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.  
REASON: To ensure that the development is safe in terms of flood risk, in accordance with Policy D5 of the LDP
- 36 The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood plan shall previously have been submitted to and agreed in writing by the local planning authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.  
REASON: To ensure that the development is safe for its occupants in terms of flood risk, in accordance with Policy D5 of the LDP.

Councillor Mrs Channer vacated the Chairman role and left the meeting as previously agreed.

IN THE CHAIR: COUNCILLOR MRS M E THOMPSON

## **6. EXCLUSION OF THE PUBLIC AND PRESS**

Prior to moving into Private Session, the Chairman deferred to the Monitoring Officer, Mr Quelch to take the Committee through the process for the remainder of the meeting.

The Monitoring Officer drew Members' attention to the content of his email circulated prior to the meeting. He reminded the Committee that the Constitution required that a member must be present for the entire discussion on an application therefore, if a member was not present during the previous discussion or experienced connectivity prob-

lems on items 10 15/015327/OUT, Land North and West of Knowles Farm. Wycke Hill, Maldon, Essex and 11 20/000157/FUL, Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea, that member would not be able to partake in the debate or vote.

The Chairman then addressed the proposal to move into private session in accordance with Section 100A(4) of the Local Government Act 1972. At this point Councillor Morris interrupted the Chairman and requested a vote on whether the Committee move to private business. The Chairman explained that she was taking the Committee through a proposal to go into private session and that the Committee would vote on that proposal. This was seconded by Councillor Helm. A recorded vote was requested.

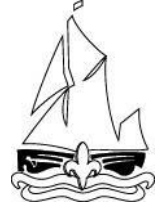
The Monitoring Officer asked if he could address certain issues should the Committee vote against the proposal to move into private session. He advised that the legal advice would be open to both the developers and the public and may not be in the best interests of the Council. The Chairman asked if the advice sought was intended to be made public or not. The Monitoring Officer replied that given the nature of the advice it would not be in the interests of the Council to make the advice open to the public.

## **7. CLOSURE OF THE MEETING**

Due to further interruptions on the part of Councillor Morris, the Chairman, having asked on a number of occasions for order, exercised her discretion in accordance with Rule 10 paragraph 3 and closed the meeting, as it was not possible for the orderly despatch of business.

The meeting closed at 2.20 pm.

MRS P A CHANNER & MRS M E THOMPSON  
CHAIRMAN



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
20 AUGUST 2020 (SPECIAL MEETING)**

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**PRESENT**

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce MBE, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain and Mrs M E Thompson

**1. APPOINTMENT OF CHAIRMAN**

In the absence of a Chairman and Vice-Chairman, the Director of Resources sought nominations from the Committee for a Chairman for the meeting. Councillor S P Nunn proposed that Councillor M S Heard be elected Chairman for the meeting and this was duly seconded. There were no other nominations.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote, this was duly seconded.

In light of the nomination received, the Director of Resources put to the Committee that Councillor Heard be appointed as the Chairman for this meeting and the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce, M R Edwards, Mrs J L Fleming, A S Fluker, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson

Against the recommendation:

There were none.

Abstention:

Councillor M S Heard.

**RESOLVED** that Councillor M S Heard be appointed as Chairman of the District Planning Committee for this meeting.

IN THE CHAIR : COUNCILLOR M S HEARD

## **2. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of all Members present was taken at this point.

## **3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale, Mrs P A Channer CC, R P F Dewick, M F L Durham CC, B E Harker, J V Keyes and C P Morley.

## **4. DISCLOSURE OF INTEREST**

The following declarations of interest were made:

### **Agenda Item 8 – 15/01532/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon, Essex**

- Councillor A S Fluker advised that he had a perceived bias.

The following non-pecuniary interests in respect of this application were declared:

- Councillor S P Nunn had received correspondence from the developer.
- Councillor C Mayes knew the owner of some of the land and had received correspondence from the developer.
- Councillor K M H Lagan had received correspondence from the developer.
- Councillor N G F Shaughnessy was in receipt of correspondence from the developer and knew one of the objectors.
- Councillor M G Bassenger had received correspondence in relation to this item of business.
- Councillor M R Edwards advised that he had met the developer some years ago on Parish business and had received correspondence relating to the application.
- Councillor J Stilts had received correspondence and was a Maldon Town Councillor.
- Councillor M S Heard had received correspondence in relation to this application.

### **Agenda Item 9 – 20/000157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea**

- Councillor Fluker advised he had missed part of the debate when this item had previously been considered and could therefore not take part.
- Councillor Mrs J L Fleming advised that she would not be able to take part in the debate or vote on this item of business as she had experienced connection problems when the item was last discussed.

The following non-pecuniary interests in respect of this application were declared:

- Councillor Nunn had received a number of emails from individual parties interested in Bradwell.
- Councillor Mayes sat on the Bradwell B Working Group and had received emails and letters regarding Bradwell B.
- Councillor Lagan had been in conversation with, had meetings and received a significant number of emails regarding this development.
- Councillor N J Skeens was in receipt of correspondence and part of the Bradwell B Working Group.
- Councillor N G F Shaughnessy had received many emails relating to this application.
- Councillor Bassenger was a member of the BrB Working Group.
- Councillor V J Bell had received correspondence in relation to this application.
- Councillor Stilts had received correspondence and was a Maldon Town Councillor.
- Councillor M W Helm was a Member of the Bradwell Working Group.
- Councillor M E Thompson advised that she had been a member of BrB Working Group, but was no longer.
- Councillor Helm had received correspondence in relation to this application.

In light of his earlier declarations, Councillor Fluker left the meeting at this point and did not return.

In response to a question regarding if there would be a vote when the Committee came to considering whether it would exclude the public and press in relation Agenda Items 5 and 6, the Chairman advised that there would be a vote. In accordance with Procedure Rule no. 13(3) Councillor C Morris requested a recorded vote on Agenda Item 4 Exclusion of Public and Press. This was duly seconded.

In response to a question from Councillor W Stamp regarding her participation in the debate and vote in relation to both items of business having not been in attendance at the meeting on 13 August 2020, the Lead Legal Specialist and Monitoring Officer advised that as this meeting had not discussed either matter she could participate when discussed at this meeting.

In response to a question regarding the necessity to declare non-pecuniary interests for matters such as being a Member of a Working Group or having received correspondence, the Lead Legal Specialist and Monitoring Officer advised that the Code of Conduct set out what a non-pecuniary interest was. In respect of the two examples given, he advised that receiving correspondence from a developer did not give a non-pecuniary interest and likewise neither did being a member of an internal Working Group. However, it was noted that if a Member of an External Working Group or Body then this would be an interest.

At this point Councillor Swain made reference to the following item of business (Exclusion of the Public and press), raising questions and in response the Chairman advised he wanted to go through the process before answering any questions.

## **5. EXCLUSION OF THE PUBLIC AND PRESS**

Prior to consideration of this item of business the Lead Legal Specialist and Monitoring Officer provided Members with an outline of the process which would be followed for consideration of the two planning applications on the agenda. He highlighted the reasons behind considering the legal advice in private session and how if Members voted to consider the advice in open session this would then be available to the public and applicant. The Officer then answered a number of questions from Members and clarified that determination of the planning applications needed to be made in public for members of the public to see how Members vote.

The Chairman proposed that the Council consider the following two items business in private session. This was duly seconded.

In accordance with Procedure Rule 13 (3) a recorded vote was requested and duly seconded. It was further agreed that a separate vote would be taken on each of the private and confidential items of business.

The Chairman asked for a vote on the motion to exclude the public and press from the meeting for consideration of Agenda Item 5 – Planning Decision: Legal Advice Relating to Land North and West of Knowles Farm, Maldon and the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce, M R Edwards, Mrs J L Fleming, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

There were none.

Abstention:

Councillors M S Heard and C Morris.

The Chairman declared this motion as agreed.

The Council then voted on excluding the public and press from the meeting for consideration of Agenda Item 6 – Planning Decision: Legal Advice Relating to Bradwell-on-Sea Ground Investigations and the voting was as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs J L Fleming, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards and C Morris.

Abstention:

Councillors M S Heard and N J Skeens.

The Chairman declared this motion as agreed.

**RESOLVED** that that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**6. PLANNING DECISION - LEGAL ADVICE RELATING TO LAND NORTH AND WEST OF KNOWLES FARM, MALDON**

The Committee considered the report of the Director of Service Delivery providing advice to Members relating to the consideration of planning application 15/01327/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon.

The report provided background information following consideration of the Planning Application by this Committee at its meeting on 9 July 2020. A copy of the report and Members' Update considered at that meeting were attached as Appendix 2 to the report at Agenda Item 8.

The Lead Legal Specialist and Monitoring Officer presented the report and drew Members' attention to Appendix 2 which contained Counsel's opinion.

A lengthy debate ensued during which Members' reviewed and considered the advice set out in the report and its appendices. In response to questions raised the Lead Legal Specialist and Monitoring Officer and Lead Specialist Place provided further information and clarification.

**RESOLVED** that the advice set out in the report relating to planning application 15/01327/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon Essex be noted and taken into consideration in relation to Agenda Item 8 on the agenda for this meeting.

Councillor B S Beale joined the meeting during this item of business.

**7. PLANNING DECISION - LEGAL ADVICE RELATING TO BRADWELL-ON-SEA GROUND INVESTIGATIONS**

The Committee considered the report of the Director of Service Delivery providing advice to Members relating to the consideration of planning application 20/00157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea.

The report provided background information following consideration of the Planning Application by this Committee at its meeting on 9 July 2020. It was noted that since that meeting the Applicant had submitted a report regarding the need for planning permission and this was attached as Appendix 1 to the report. The Council's response to this was contained in Appendix 2.

The Lead Specialist Place presented the report and drew Members' attention to the three Appendices to the report, particularly Appendix 3 which contained Counsel's opinion. The Specialist – Development Management referred to consultation responses received

from Natural England and an ecological consultant regarding protected species within the vicinity of the site.

A lengthy debate ensued during which Members' reviewed and considered the advice set out in the report and its appendices. In response to concerns and questions raised the Lead Legal Specialist and Monitoring Officer provided further information and clarification.

**RESOLVED** that the advice set out in the report relating to planning application 20/000157/FUL - Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea be noted and taken into consideration in relation to Agenda Item 9 on the agenda for this meeting.

## **8. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the special meeting of the District Planning Committee resumes in open session at 3:13pm.

## **9. 15/01327/OUT LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX**

<b>Application Number</b>	<b>15/01327/OUT</b>
<b>Location</b>	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
<b>Proposal</b>	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
<b>Applicant</b>	Mr Nick Mann - Dartmouth Park Estates Ltd.
<b>Agent</b>	Nathaniel Lichfield and Partners
<b>Target Decision Date</b>	31.08.2020
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Local Development Plan (LDP) site allocation Site S2(b)

The Committee considered the report of the Director of Service Delivery, having regard to the legal advice provided at Agenda Item 5. It was noted that the report and Members' Update considered by the District Planning Committee at its meeting on 9 July 2020 were attached as Appendices A and B.

The Specialist: Development Management provided a verbal update, advising that the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution referred to in paragraph 4.4.2 and sections 5.8 and 5.7 of the Officers' report as well as in the heads of terms was out of date. This figure should be updated to reflect an increased fee of £125.58 per dwelling, due to indexation as part of the new financial year. This was noted.



In response to questions raised, Officers provided Members with information regarding the relief road, Section 106 agreement and how the conditions suggested a Strategic Phasing Plan would be required prior to the Reserved Matters application.

Councillor E L Bamford highlighted the difference between this and the previous application and proposed that it be approved. This proposal was duly seconded.

#### **10. ADJOURNMENT OF THE MEETING**

The Chairman proposed and it was duly seconded that the meeting be adjourned for a short comfort break. This was duly agreed by assent.

**RESOLVED** that the meeting be adjourned at 3:33pm.

#### **11. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting of the District Planning Committee resume at 3:40pm in open session.

#### **12. 15/01327/OUT LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX (CONTINUED)**

Further discussion continued regarding this application, with Officers providing information regarding access from the roundabout, access to the community area and the timing of the proposed relief road. In response to a question regarding a possible shortfall in the funding for the proposed relief road, Members were advised that there may not be any shortfall but that Essex County Council were in the process of establishing the current costings for the construction of the relief road.

At this point Councillor E L Bamford reiterated her earlier proposition of approval but sought reassurance from Officers that they would ensure that robust conditions would be implemented particularly in relation to the phasing plan. In response the Lead Specialist Place advised that condition 8, as discussed, dealt with the phasing plan and if Members were minded they could grant planning permission subject to that condition being agreed by Officers through consultation with the Chairman to identify if there were any ways to make it more robust. The Officer advised that there was no guarantee that changes would be made, but assured Members that Officers would deal with the matter professionally and ensure that any harm was mitigated. Councillor Bamford duly amended her proposal for the application to be approved subject to the review of condition 8 by Officers in consultation with the Chairman. Upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) and conditions as detailed below, following review of proposed condition 8 by Officers in consultation with the Chairman of the Committee.

## **Heads of Terms for Section 106 Agreement**

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with an Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
  - A414 Oak Corner Junction.
  - B1018 Heybridge Approach / A414 roundabout.
  - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb.
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of 5 years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
  - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children's Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.
- Mitigation in the form of a financial contribution of £125.58 per dwelling towards RAMS.

## CONDITIONS:

### **Time Limits:**

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

### **In accordance with the plans:**

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
  - PS07015-016-Rev A 'Red Line Boundary Plan'
  - Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39mCD Roundabout'
  - Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
  - Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
  - Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'
- 6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:
  - PS07015-016-Rev A 'Red Line Boundary Plan'
  - PS07015-014.1-Rev I 'Parameter Plan 1 - Extent of Development and Land Use'
  - PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'
  - PS07015-014.3-Rev I 'Parameter Plan 3 - Landscape'
  - PS07015-014.4-Rev I 'Parameter Plan 4 - Building Storey Heights'
  - PS07015-014.5 Rev I 'Parameter Plan 5 - Residential Density'

**Strategic Design Codes:**

- 7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.

**Strategic Phasing Plan:**

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
- a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement' to include trigger points in the development and phasing of delivery;
  - b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement';
  - c) All residential development;
  - d) Employment land, where applicable for the relevant phase;
  - e) Community Use Land, where applicable for the relevant phase;
  - f) The green infrastructure, landscaping, informal open space and open space areas;
  - g) Structural landscaping/planting provisions;
  - h) Strategic foul and surface water features, including SuDS; and
  - i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

**Highway conditions:**

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.
- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where

provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

- 11 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.
- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.

**Housing:**

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.

**Employment Land:**

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.

- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall take place between:

Monday to Friday ..... 07:00 to 19:00 hours

Saturday ..... 08:00 to 13:00 hours

Sundays and Bank Holidays ..... None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:

Monday to Saturday ..... 07:30 to 19:00 hours

Sundays and Bank Holidays..... None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.
- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.
- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.

**Community Use Land:**

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

**Green Infrastructure Management and Maintenance:**

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
  - a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.

- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play;

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

### **Landscaping and Trees:**

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

#### Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007,

haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

#### Hard Landscaping

- a) Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- b) Full details, including cross-sections, of all bridges and culverts.
- c) Utility routes, type and specification.
- d) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- e) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- f) Details of all hard surfacing materials (size, type and colour)

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

- 24 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval.

The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to



construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.
- 26 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 27 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.

**Youth and Children's Play Facilities:**

- 28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:
- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
  - b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP). Local Area of Play (LAP) and any other area of play.
  - c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The

management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

**Materials:**

- 29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

**Boundary Treatment:**

- 30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

**Levels:**

- 31 Any reserved matters application(s) pursuant to this approval shall include full details of the existing and proposed levels, including finished floor levels of any building. The approved development shall be constructed in accordance with the approved levels details.

**Residential Amenity and Private Amenity Space:**

- 32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Maldon District Design Guide SPD for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

**Surface Water Management:**

- 33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.
- 34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- 35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the

management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.

- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

**Foul Drainage:**

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.

**Parking Requirements**

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of 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.
- 39 Any reserved matters application(s) shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the Council's adopted vehicle parking standards for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. Prior to the occupation of any dwelling / building within that phase of development the facilities shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.

**Archaeology:**

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a

programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.

**Ecology:**

- 42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:
- a) Contractor responsibilities, procedures and requirements;
  - b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
  - c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;
  - d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
  - e) Details who will be responsible for the management and maintenance of the area;
  - f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
  - g) A programme for Monitoring to be carried out four times annually during the construction phase;
  - h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role;
  - i) A programme for long-term maintenance, management and monitoring responsibilities; and
  - j) Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW), dedicated 'dogs-off-lead' areas, signage/information leaflets to householders to promote these areas for recreation, and dog waste bins.

No development shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

- 43 Any reserved matters application(s) shall include an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Ecological Conservation Management Plan. It shall detail which specific ecological measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

**Construction Environmental Management Plan:**

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Agreed strategic phasing set out in Condition 8.
  - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
  - c) Construction hours and delivery times for construction purposes.
  - d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
  - e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
  - f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
  - g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.

- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

#### **Air Quality:**

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

#### **Noise:**

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:
  - 60dBLAeq16hours Daytime
  - 55dBLAeq8hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel Lichfield & Partners Supplementary Environmental Statement, November 2016 ref 07015/05/SB/RM.

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

- 47 Noise levels in amenity spaces shall not exceed 55dBLAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.

**Contamination:**

48 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 competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

49 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 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.

- 50 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

- 51 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 in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. 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.

- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.

**Lighting:**

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.

**Renewable energy:**

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the



development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

**Refuse and Recycling:**

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.
- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.

**Broadband:**

- 57 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

**13. 20/00157/FUL LAND EAST OF BRADWELL POWER STATION, DOWNHALL BEACH, BRADWELL-ON-SEA**

<b>Application Number</b>	<b>20/00157/FUL</b>
<b>Location</b>	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
<b>Proposal</b>	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
<b>Applicant</b>	Bradwell Power Generation Company Limited
<b>Agent</b>	N/A
<b>Target Decision Date</b>	EOT: 17/07/2020
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers Major Application

The Committee considered the report of the Director of Service Delivery, having regard to the legal advice provided at Agenda Item 6. It was noted that the report and Members' Update considered by the District Planning Committee at its meeting on 9 July 2020 were attached as Appendices 1 and 2.

Following some discussion Councillor K M H Lagan proposed that the application be refused, contrary to the Officers' recommendation. In presenting his proposal Councillor Lagan raised a number of points of concern, some of which he related specifically to the suggested conditions set out in the Officers' report. This proposal was duly seconded.

A lengthy debate ensued, and a number of other Members raised further concerns. At this point and in light of the motion for refusal the Committee discussed reasons for refusal.

In response to a question regarding deferring the decision pending expert advice, the Lead Specialist Place advised that Members could defer a planning application to seek more information, although what that information would need to be detailed. The Officer reminded the Committee that this application had already been granted an extension of time by the applicant which ended today, and Members should legally make a decision today. Should Members not make a decision then the applicant could make an appeal to the Planning Inspectorate for non-determination of the application.

After further discussion, Councillor Lagan clarified his earlier proposal advising that the reasons for refusal should relate to noise and disturbance on ecology matters, historical environment relating to archaeology and heritage assets and that the Council based on the legal advice received should seek and appoint technical experts in these areas to ensure every area was covered.

In response to a question regarding the procedure Members were advised that they needed to consider the first motion which had been seconded, although this could be amended, prior to considering any other proposals.

The Specialist – Development Management provided the Committee with further information in response to concerns raised which included:

- The Adopted LDP and NPPF were taken into consideration by Officers along with the temporary nature of the works and mitigating actions proposed to minimise concern;
- Conditions were proposed to mitigate concerns regarding contamination, dust, ecology etc.
- The fencing proposed around the compound area was for security;
- The noise assessment had not found that the noise would be harmful to those in the surrounding area;
- Following consultation with Environmental Health and other consultees it was felt that as the hours of operation proposed were not at one time it was considered there would not be harm resulting.
- Noise barriers were proposed around each bore hole whilst it was being worked on;
- Drilling fluids from the bore holes etc. would be taken away and not allowed to drain onto the land;

Members were also reminded at this point that the application was not for a new nuclear power station at Bradwell and the application in front of them had to be determined as presented and therefore Members were unable to alter the number of bore holes etc.

The Committee then discussed the reasons for refusal and referred back to the two reasons for refusal agreed when this application was last considered by the Committee. Following detailed discussions Councillor Lagan amended his earlier proposition, that the application be refused for the following reasons and this was duly seconded:

1. The proposed development would detrimentally impact upon the historic environment, namely as a result of the proximity of the works to the WWII Aerodrome remains (Watch Office / Control Tower, Station Headquarters Building, Blister Hangers, Runway remains and Perimeter track) which are an important asset to our local heritage and of National importance ~~which are non-designated heritage assets~~. The development is considered to overwhelm the setting of these buildings by way of interrupting the flat, open landscape they sit within. Furthermore, the site plays an important role in terms of archaeology and the extensive ground works will result in the potential irreversible disturbance of important archaeological assets. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework.
2. Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets **including protected species**, resulting from noise, **vibration** and disturbance. The proposal would therefore be contrary to Policies S1, **S8**, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.

Upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **REFUSED** for the following reasons:

1. The proposed development would detrimentally impact upon the historic environment, namely as a result of the proximity of the works to the WWII Aerodrome remains (Watch Office / Control Tower, Station Headquarters Building, Hangers, Runway remains and Perimeter track) which are an important asset to our local heritage and of National importance. The development is considered to overwhelm the setting of these buildings by way of interrupting the flat, open landscape they sit within. Furthermore, the site plays an important role in terms of archaeology and the extensive ground works will result in the potential irreversible disturbance of important archaeological assets. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework.
2. Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets including protected species, resulting from noise, vibration and disturbance. The proposal would therefore be contrary to Policies S1, S8, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.

Councillor R G Boyce left the meeting during this item of business and did not return.

There being no other items of business the meeting closed at 5.10 pm.

M S HEARD  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE**  
**08 OCTOBER 2020**

<b>Application Number</b>	<b>20/00846/RES</b>
<b>Location</b>	Land North West of 2 Maldon Road, Burnham-on-Crouch
<b>Proposal</b>	Reserved matters application for the approval of appearance & landscaping on approved planning application 18/00443/OUT (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. key 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)
<b>Applicant</b>	Mr Ian Holloway – Think Green Land Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning & Design Bureau Limited
<b>Target Decision Date</b>	19.11.2020
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application This application is presented to Members as it is of strategic and corporate merit and because there is a Planning Performance Agreement in place.

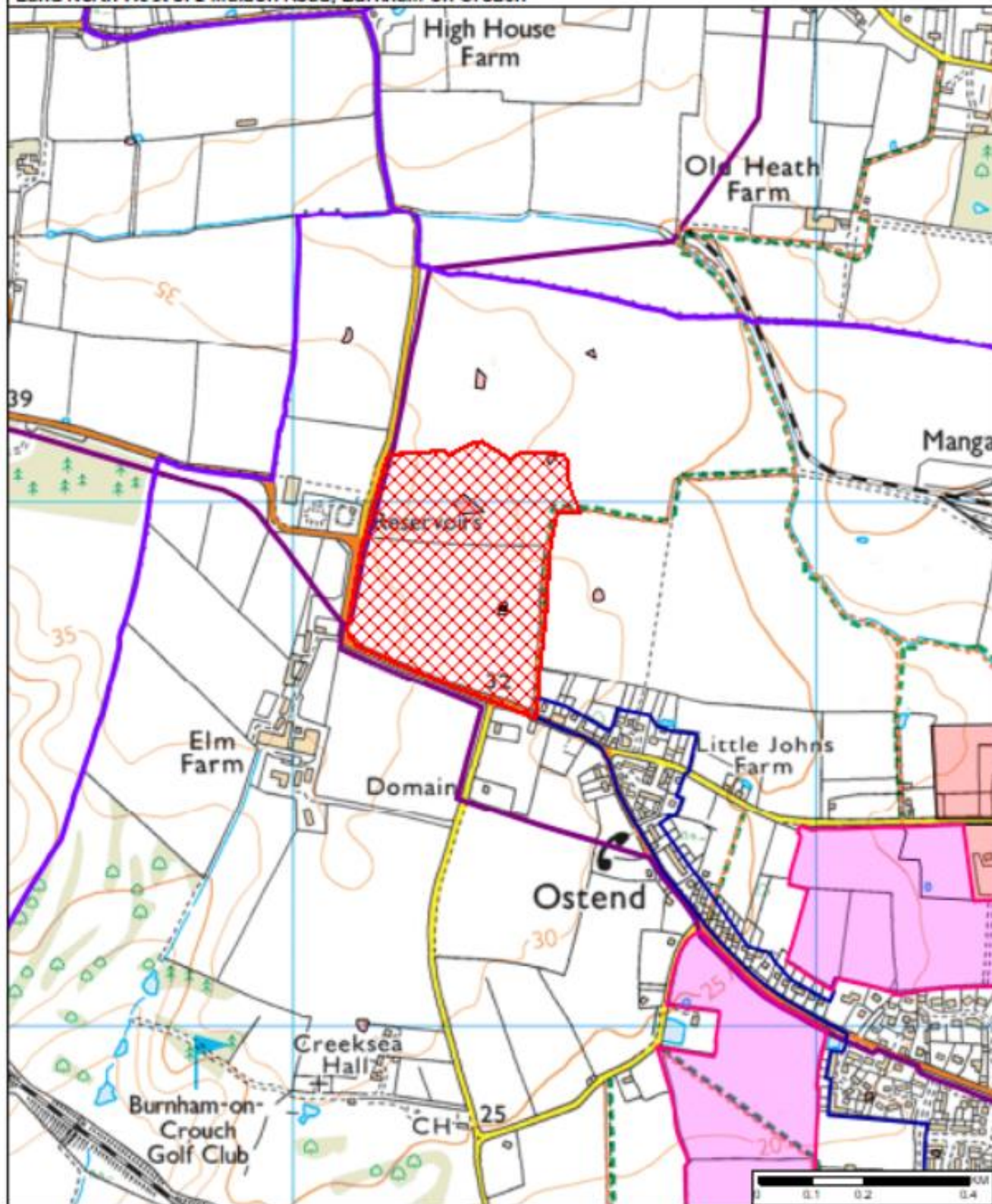
**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

Land North West of 2 Maldon Road, Burnham-on-Crouch



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Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Comments: District Planning

Date: 04/05/2020

MSA Number: 100018588



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

#### **3.2 Application Site and Background**

- 3.2.1 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 (miles per hour) stretch of public highway, while Tinkers Hole is a minor rural road with less frequent usage.
- 3.2.2 The site is almost a rectangular shaped parcel of arable land, bounded by hedgerows along the south, east and west boundaries. A hedge-line and ditch also traverse the site. It is understood that the ditch is hydraulically linked to another ditch running in a north-south direction along the eastern boundary of the site. A public footpath runs along the eastern boundary, which is lined with mature trees and hedgerows.
- 3.2.3 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 undertaken with Cadent Gas, as part of the Outline Application, it has been highlighted that a gas pipeline runs along the western boundary of the site.
- 3.2.4 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 southwest, 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, in a linear layout along Maldon Road.
- 3.2.5 Topographically the area is broadly flat, sloping marginally in a 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 the incline is around 3m towards the north. The site is located within Flood Zone 1.
- 3.2.5.1 With regard to services, a café is located around 115 metres from the site and there is 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 railway station in Burnham-on-Crouch is situated around 1.3 miles away from the site. The High Street of Burnham-on-Crouch is approximately 1.9 miles away.
- 3.2.6 It is noted that to the east of the application site, north and south of Maldon Road, the area is undergoing considerable change, due to large scale residential developments having been granted planning 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.

- 3.2.7 The application site benefits from outline planning permission with the matters of access and layout approved (18/00443/OUT) . Condition 1 of the outline planning permission requires the matters of appearance, landscaping, and scale to be addressed through a reserved matters application, which is the subject of this current application.
- 3.2.8 The approved development allows for the creation of a retirement community involving the erection of 103 no. 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 were also included in the form of 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.

### 3.3 **Proposal**

- 3.3.1 As stated above this application follows the granting of outline permission under application (18/00443/OUT) on 13 September 2019. As the matters of layout and access were considered and approved at the outline permission stage, this application has been submitted to deal with the reserved matters of appearance, landscaping and scale.
- 3.3.2 The current application is a resubmission following the refusal of the previous application for the same description of development (reference 20/00387/RES). That application was refused for a single reason, as follows:
  - 1. *The proposed development, by reason of its design, fails to reflect, and consequently would be detrimental to, the overall character and appearance of the surrounding area. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policies HO.8 and HC.2 of the Burnham-on-Crouch Neighbourhood Development plan and guidance contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).*
- 3.3.3 The main concern raised related to the contemporary and flat roofed design of the majority of the buildings proposed in the context of the site's surroundings and the local area. The design and external materials of the buildings the subject of the current application are more traditional and include pitched, rather than, flat roofs.
- 3.3.4 The development as proposed includes the provision of 103 bungalows, which will be sited within the northern, southern and western areas of the site. The 'central hub' would be located in the centre / eastern side of the site and will contain a medical centre, a 70-bedroom care home with a dedicated dementia care element, 55 independent living flats, a parade of shops with apartments for those working at the site at first floor, and a community hub / centre containing indoor and outdoor sports and social facilities, including both an indoor and outdoor swimming pool. The site offices and maintenance buildings will be located within the southern part of the site.



3.3.5 The layout proposed reflects the layout approved at outline stage, but with refinements to the shape of some of the buildings, road radiuses and also the shape of bodies of water and footpaths through the site.

3.3.6 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) provides the following definitions for layout and scale:

*'layout' means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;*

*'scale' means the height, width and length of each building proposed within the development in relation to its surroundings.*

3.3.7 In the case of The High Court in Pearl, R (on the application of) v Maldon District Council & Anor [2018] EWHC 212, the High Court found that as scale could be approved without layout, or vice versa, a change in one at reserved matters and whether this results in a material departure from the arrangement approved at outline is a matter of planning judgement. The Judge stated that care should be taken in assessing the interrelationship between the details granted and whether the details submitted for reserved matters approval constitutes a material departure from the former within the context of the nature of the development, which is part of the planning judgment as a decision maker.

3.3.8 It is considered that the alterations to the layout are very minor in nature and do not result in any demonstrable changes to the layout. Furthermore, having regard to the above Judgement and the fact that the alterations primarily relate to appearance and landscaping, which are for consideration as part of this application, it is considered that these alterations can be considered within the scope of the approved layout.

3.3.9 Access was also approved at outline stage. The vehicular and pedestrian access to the site would be gained off 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 taken off Tinkers Hole, north of the Maldon Road. 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. In addition to 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.

3.3.10 The surface finish of the internal roads and driveways will consist of vehicular asphalt on the main estate roads, and various types of block paving within the secondary access roads and driveways.

3.3.11 The proposed development would include five bungalow types which are summarised as follows:

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height
Bungalow Type 1-A-P	1	11.5	11.3m (max)	2.3m	6m

<b>Reference</b>	<b>Bedrooms</b>	<b>Width</b>	<b>Depth</b>	<b>Eaves Height</b>	<b>Ridge Height</b>
Bungalow Type 1-B-P	1	11.5m	12.1m (max)	2.3m	6.1m
Bungalow Type 2-A-P	2	14.1m	12.1m (max)	2.3m	6.1m
Bungalow Type 2-B-P	2	14.1m	11.1m (max)	2.3m	6m
Bungalow Type 3-A-P	3	15.1m	12.9m (max)	2.3m	6.1m

- 3.3.12 The bungalows are largely arranged in cul-de-sac arrangements consisting of ten groups with small open spaces in the centre. The bungalows situated along Maldon Road however, are laid out to continue the existing ribbon development along the road and the established ‘building line’.
- 3.3.13 The bungalows are of similar styles and design. The submitted plans show the use of a mixture of brick, timber cladding, composite cladding and slate roof tiles.
- 3.3.14 Parking will be provided either to the front or sides of the bungalows in the form of driveways with some visitor parking provided within the centre of the courtyards.
- 3.3.15 The proposal also includes the provision of 55 independent living units, 50 of which will be provided as affordable housing. The mix of apartments consists of 45no. 1 bed units and 10no. 2 bed units. The independent living units will be provided within three blocks within the eastern part of the site. Block 1, located furthest to the south, will feature a number of communal facilities at ground and first floor consisting of facilities and services such as a hairdressing room, cinema room, communal lounge, staff facilities, large dining area with indoor and outdoor seating and a scooter store. In the centre of the blocks are communal courtyards consisting of soft landscaping. There is also some outdoor seating provided within block 3.
- 3.3.16 The three blocks are linked via two storey walkways. Two of the blocks would have a footprint of 52m x 36m with the third with a footprint of 58m x 35m and the pitched roof would measure 6.2m in height to eaves and a maximum, overall height of 12.3m. One of the blocks would accommodate solar panels on the roof. External materials would consist of facing brick (Olde Essex Red Multi or similar) with feature panels of horizontal cladding, powder coated windows and doors and a composite slate roof.
- 3.3.17 The independent living units will be served by 54 parking spaces, including three disabled spaces, eight cycle spaces provided in a shelter shared with the proposed Medical Centre, three electric charging points and ten scooter storage spaces with one charging point per scooter, within Block 1. The vehicle parking is provided to the southeast of Block 1.
- 3.3.18 The proposed care home element of the development is also two-storey in height and would specialise in dementia care. The facility would have 70 beds, communal spaces, dining and catering facilities.
- 3.3.19 The building would be ‘J-shaped’ with a roof measuring up to 14.7m in height with an eaves height of 8.3m. The overall floorspace of the building would be just under

4000m<sup>2</sup>. The finish materials would consist of facing brickwork (Olde Essex Red Multi or similar) with timber effect composite cladding detailing, fibre cement slate roof, powder coated aluminium windows and doors and louvres for solar shading. Solar panels will be fixed to the roof of the building.

- 3.3.20 A two-storey medical centre is proposed to the west of Block 1 of the independent living units. The centre will provide pharmacy facilities, GP consultation rooms, dialysis, MRI (Magnetic Resonance Imaging) facilities, psychiatric consultation rooms, Dentist, Optometrist and Paediatric facilities and dementia care. The building would be rectangular in footprint measuring 17.8m in width and 23m in depth and be a maximum of 11m in height with varying eaves height (but a maximum height of 5.7m). The external materials would consist of a mixture of red multi bricks as well as vertical and horizontal composite cladding (black and cedar in colour), powder coated aluminium windows and doors and fibre cement roof covering.
- 3.3.21 On the southern side of the medical centre would be 15 car parking spaces, two of which would be disabled spaces. A covered cycle parking area has also been provided to be shared with the occupiers of the independent living units.
- 3.3.22 To the north of the care home would be the 'community hub'. This would provide sports facilities, including both indoor and outdoor pools and a gym along with a community bar and indoor and outdoor seating areas. The outside space would consist of two tennis courts. The building would be partly two storey and partly single storey and would have a footprint of 43m x 44m and a maximum height of 12.1m. The palette of materials would consist of a mixture of facing bricks (Olde Essex Red multi or similar) and vertical timber effect composite cladding (black and cedar colour) for the walls, powder coated aluminium windows and doors and fibre cement slate for the roof.
- 3.3.23 The 'community hub' would provide 35 vehicle spaces, ten cycle spaces, and two vehicle charging points.
- 3.3.24 To the east of the 'community hub' would be a mixed-use area consisting of eight Class A1, A3 and A5 units at ground floor and eight flats at first and second floor, which would provide accommodation for those working within the site. The proposed building would face onto the body of water within the northeast of the application site. This building would be of traditional design with a red brickwork finish, gable dormer windows and a covered parade area to the front of the shops. The building would have a width of 66m and a depth of 14.9m, with an overall height of 10m.
- 3.3.25 The proposed opening hours are as follows:
- A1 shops 07:30 hours – 21:00 hours Monday to Saturday, 08:00 hours – 18:00 hours Sundays and Bank Holidays
  - A3 Restaurants and Cafes 07:30 hours – 23:00 hours Monday to Saturday, 08:00 hours – 22:00 hours Sundays and Bank Holidays
  - A5 Hot Food takeaways 11:00 hours – 22:00 hours Monday to Saturday, 11:00 hours – 22:00 hours Sundays and Bank Holidays

- 3.3.26 The proposal also includes the provision of site offices located within the south of the site to the northwest of the site entrance. The buildings will consist of a staff office, security office, maintenance ‘barn’ and sales office. These buildings would be finished in black composite cladding for the walls, powder coated windows and doors and a black standing seam roof. There is also a substation proposed within the north of the site.
- 3.3.27 There are four refuse stores proposed around the site to serve the bungalows and each commercial element of the site will also have their own refuse store. The bin stores will consist of gabion walls with galvanised steel roofs. Each of the bungalows will be able to place their refuse and recycling out in the cul-de-sacs on the designated days and staff will use buggies to transport these to the refuse areas.
- 3.3.28 In terms of landscaping, a Landscape Specification and Management Plan has been submitted along with a number of landscaping plans. The soft landscaping seeks to preserve and improve the important existing landscape and ecological features of the site, particularly the existing hedgerows to the southern, eastern and western boundaries and the tree line and ditch bisecting the site on an east-west axis as required by condition 3 of the outline permission.
- 3.3.29 A Local Equipped Area of Play (LEAP) is shown to the west of the Community Centre / Hub, with the exact details to be agreed in accordance with clause 3.8 of the signed Section 106 (S106) Agreement.
- 3.3.30 The soft landscaping also includes a Sustainable Drainage System (SuDS) to not only provide flood protection but also visual amenity and ecological opportunities. Rainwater runoff will be discharged via open grass swales where possible, or underground pipes, into a detention basin in the northeast corner, where water will then be discharged into a ditch at a managed rate. The layout of the detention basin which has been referred to as a wet lake has a slightly different layout to that approved at the outline stage but has been altered to retain the existing ditch and tree lines. This reduces the capacity of the lake and so additional storage volume has been incorporated to the south of the site, with the lake now entering the courtyard between the independent living and care home buildings.
- 3.3.31 Each bungalow is to be served by a small patio area, enclosed with ornamental shrub planting, but otherwise there are no formally defined boundaries, fences or means of enclosure. Each of the ten cul-de-sacs of bungalows or ‘mini-communities’ as referred to in the planning statement, has a central shared space laid to grass, providing space for allotments, seating, meeting spaces, visitor parking and charging points, all framed with ornamental planting. The northern boundary of the site will be defined by a new native hedgerow in a linear format.
- 3.3.32 The hard landscaping proposes a hierarchy of materials; grey tarmacadam for the spine road carriageway, buff tarmacadam for the footways and concrete block paving for the commercial area’s vehicle parking spaces. Pedestrian footpaths will be finished in recycled rubber and stone in a buff colour. The footpath / exercise trail around the outside of the development, in places accommodating a permissive bridleway, will be surfaced in loose limestone chippings.

- 3.3.33 With regards to parking, Condition 4 of the outline permission requires the provision for car parking to be in accordance with the adopted standards with the exception of the shopping parade (this will be addressed in the relevant section of the report).

### 3.4 **Conclusion**

- 3.4.1 Having taken all material planning considerations relevant to this reserved matters application into account, it is considered that the details of scale, appearance and landscaping submitted are acceptable and would not result in demonstrable harm to the character of the area. The development complies with the obligations agreed though the S106 agreement and relevant conditions of the outline permission. It is also considered that the proposal would represent a development that is in keeping with the character of the built form in the vicinity of the site in terms of layout, appearance, scale and landscaping and so has satisfactorily addressed the reason why the previous application (reference 20/00387/RES) was refused. The development would also provide good living conditions for the future occupiers. The details submitted in relation to the public open space and local equipped area of play are considered acceptable. Therefore, the details of the development as submitted as part of the reserved matters application are acceptable and accord with the aims of the development plan and the conditions and obligations imposed on the outline planning permission.

## 4. **MAIN RELEVANT POLICIES**

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

### 4.1 **National Planning Policy Framework 2019 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 2014 – 2029 approved by the Secretary of State:**

- 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 (BOCNP):**

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

**4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017)
- Maldon District Special Needs Housing SPD (2018)

- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide.

#### **4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

4.5.1 This was addressed as part of the outline permission (18/00443/OUT).

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The site benefits from outline planning permission (18/00443/OUT) that was granted to enable the erection of a retirement community at the site consisting of No.103 one, two and three-bedroom bungalows, a two-storey care home building, a 55 bedroom two-storey assisted living apartment building, a community centre consisting of sports and recreational facilities, a medical facility, shops and 8 key-worker flats. This therefore establishes the principle of residential development at the site in accordance with Policies S8, I2, E1, H1 and H3 of the Local Development Plan (LDP) and Policy HO.3 of the BOCNP.

5.1.2 Therefore, it cannot be argued that the principle of the development at this site (subject to the matters of scale, appearance and landscaping) is not acceptable and therefore it would not be reasonable to object to the density of the proposed development or the impact of development on the rural character of the area, as the urbanisation of the site is inherent in the outline planning permission that has been granted. Likewise, it would not be reasonable to object in terms of the impacts on the existing infrastructure or wider services as this was addressed at the outline stage and those matters, where necessary, are subject to the signed S106 agreement.

#### **5.2 Housing Mix**

5.2.1 The proposed housing mix accords with that which was considered and approved at the outline planning stage:

- 30 No. one-bedroom bungalows;
- 52 No. two-bedroom bungalows;
- 21 No. three-bedroom bungalows;
- 8 No. two-bedroom flats;
- A mixture of 55 one and two-bedroom independent living units.

5.2.2 87.35% of the proposed units would be single and two-bedroom units and 12.7% would be larger, three-bedroom units which meets the requirements of Policy H2 of the LDP and condition 7 of the Outline Permission. Therefore, there are no reasonable grounds to object on this basis.

### 5.3 Affordable Housing

- 5.3.1 As with the housing mix, the level of affordable housing required was agreed as part of the outline permission. As part of this application there are no changes to the level of affordable housing proposed (50 independent living units = 30.12%). On this basis there is no further comment required in relation to the provision of affordable housing.

### 5.4 Visual Impact and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

- 5.4.2 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”.*

- 5.4.3 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.

- 5.4.4 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.”
- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.4.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the Burnham-on-Crouch Neighbourhood Development Plan.
- 5.4.7 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.
- 5.4.8 Matters relating to access and layout were addressed at the outline planning stage. Matters relating to scale, appearance and landscaping are to be assessed as part of the current application. There are conditions attached to the outline planning permission which set out parameters for the development such as the storey height of the commercial units (a maximum of two), the storey height of the residential units (a maximum of one) and the floorspace of the shops (a maximum of 1,000sq.m.). The proposal the subject of the current application complies with these limitations.
- 5.4.9 As part of the consideration of the outline permission it was noted that the development would be located outside the designated settlement boundaries, albeit it would abut the Burnham-on-Crouch settlement boundary to the east. Although it was acknowledged that the development would alter the current character of the site and the surrounding area, it was considered that adequate attempts had been made to minimise the impact of the development on the countryside and for it to blend-in with the existing developed land to the east. Regard was also given to the fact that the development would meet an identified housing need of the District that had not been directly met through the allocated sites within the LDP and therefore, due to the identified amount of specialist accommodation required, it is likely that it could only 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 shortfall of this type of accommodation and for all the reasons stated above, it was concluded that 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.

5.4.10 Given that the wider visual impacts on the character of the area were considered as part of the outline permission as outlined above, it is only relevant to consider the impacts of the development on the character and appearance of the area in terms of the details of the scale and appearance of the development and the landscaping proposed.

5.4.11 As stated above, the current application is a resubmission following the refusal of the previous application seeking approval of the same reserved matters (reference 20/00387/RES). That application was refused for a single reason, as follows:

1. *The proposed development, by reason of its design, fails to reflect, and consequently would be detrimental to, the overall character and appearance of the surrounding area. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policies HO.8 and HC.2 of the Burnham-on-Crouch Neighbourhood Development plan and guidance contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).*

5.4.12 The main concern raised related to the contemporary and flat roofed design of the majority of the buildings proposed in the context of the site's surroundings and the local area. The design of the buildings the subject of the current application, whilst still including larger areas of glazing, are more traditional and include pitched, rather than, flat roofs. The currently proposed scheme has been developed as part of a series of pre-application meetings with both Officers and Members. The footprint and storey heights of the buildings proposed have been retained but with the addition of pitched roofs and amended massing. This has necessitated the height of the buildings being increased as follows:

	<b>Previously</b>	<b>Current Application Maximum</b>
Bungalows	4.2m – 5.9m	6m – 6.1m
Independent Living	7.2m (maximum 8.8m)	12.3m
Care Home	9.4m (maximum 9.9m)	14.7m
Medical Centre	6.1m	11m
Community Hub	9.7m	12.1m

5.4.13 The external materials now proposed are facing brickwork and weatherboarding rather than some of the materials previously proposed (which included contemporary coloured brickwork and areas of grey cladding). The number of bungalow types has also been reduced from 15 to 5 and incorporate only pitched roofs but with a mixture of house-types within each mini-community / group of dwellings and including dwellings on corner plots demarked and corner-turning. The Independent Living building has been designed to appear as a series of interlinked apartment blocks rather than a single block with courtyards, gardens and community spaces in between and articulated facades. A visual focal point in the form of a two-storey open bay with a turret and public clock has been incorporated into the design of the Care Home. The Community Hub has now a more traditional design including pitched roofs and articulation so that the building appears as series of connected buildings. The 'boat building shed style roof' to the swimming pool references the sail lofts within the District. The 'barn-like' site management and maintenance buildings and the terrace

of shops with accommodation at first floor remain unchanged as no objections were previously raised to these elements of the development. The Medical Centre is now designed as what is described as an 'evolved barn' finished in weatherboarding and facing brickwork, with pitched roofs.

#### 5.4.14 Appearance and Scale

5.4.14.1 It is noted that the proposed bungalows have been designed in such a way to create small communities around a central care and community area. The five types of bungalows are of traditional forms and massing with contemporary design features. The design and scale differences between the proposed bungalows offer a degree of interest to the development, but uniformity is maintained through the consistent palette of materials. Overall it is considered that the designs of the bungalows are architecturally interesting and aesthetically pleasing and, as a result of their more traditional design, would be more in-keeping with the site's surroundings and the local area than the previously proposed scheme.

5.4.14.2 The layout of the proposed bungalows is largely consistent with the approved layout, subject to minor alterations resulting from alterations to the scale and appearance of the bungalows.

5.4.14.3 In terms of the independent living flats, all three blocks will be two-storey in height, in accordance with the requirements of the outline permission and are now of traditional form and materials (unlike those the subject of the previously refused scheme) but with contemporary elements. As with the proposed bungalows, materials are used to provide detailing within the elevations of the building and to maintain a degree of consistency with the overall design ethos of the development. By breaking the bulk of the development into three separate blocks, linked by two storey walkways, the overall bulk and mass of this large building is reduced, thereby limiting its dominance on the public realm.

5.4.14.4 The proposed care home is also a large building in terms of its footprint. However, as with the independent living blocks, the architectural detailing breaks up the overall mass and appearance of the building to an acceptable degree. The longest elevation will be the northern elevation but as this would be located within the setting of other larger buildings, such as the community hub, it would not appear at odds with the surrounding landscape. The building would be traditional in form, incorporating pitched roofs, and in terms of the external materials proposed unlike the previously refused scheme. Furthermore, in accordance with the outline permission the care home does not exceed two storeys in height, ensuring that the scale of the proposal is in keeping with the other buildings within the site and development within the wider area. The care home also utilises the palette of materials proposed for the wider development, thereby ensuring that it is in keeping with the appearance of the wider site.

5.4.14.5 The proposed two storey medical building includes materials which remain consistent with those used within the wider site and is now more traditional in form incorporating pitched roofs.

5.4.14.6 The proposed mixed-use unit (shops and flats) is of traditional design including architectural features such as a covered arcade, dormer windows and fenestration

detailing. External materials would be consistent with the wider site. This element of the proposal remains unchanged from that previously proposed.

5.4.14.7 The building sits within its own setting within the site to some degree, as it is separated from the other built form to the west by tennis courts and to the southeast by landscaping. To the east of the building would be the associated SuDS feature.

5.4.14.8 Although this element of the proposal includes three levels of accommodation, at a height of 10m, it is not considered that the overall height of the building exceeds two storeys in terms of scale as the third level of accommodation is within the roofspace. Therefore, it is considered that the overall height of the building is acceptable and in accordance with the outline planning permission. Furthermore, the width and depth of the building is not considered excessive and suitably frames the proposed SuDS feature.

5.4.14.9 The impacts on the landscape are not considered to be any greater than that which was approved at outline stage as there has been no increase in the density of development, and the scale of the buildings respect the approved layout and conditions imposed as part of the outline planning permission with respect to building heights. Furthermore, the soft landscaping and 'wet lakes' soften the impact of the development, as does the lack of fencing and formal boundary treatments within the site, which will be discussed further below, but all of these elements contribute to ensuring that the development respects the rural character of the area. Likewise, the proposed palette of materials, although used in more contemporary design forms are in keeping with materials used on buildings with the wider area.

#### 5.4.15 Landscaping

5.4.15.1 In relation to soft landscaping it is noted that the proposal features a large proportion of green space and planting. The proposed planting is considered acceptable due to the amount of planting proposed. Furthermore, it is noted that the hedgerows to the southern, eastern and western boundaries and the tree line ditch bisecting the site on an east-west axis will be retained and enhanced in places.

5.4.15.2 Boundary treatments between individual plots have not been included in the scheme in favour of ornamental planting, which not only provides visual benefits to the overall appearance but also creates a greater sense of place and community.

5.4.15.3 The proposed SuDS features have been incorporated into the communal areas of the site, providing not only functional benefits but also ecological enhancement and visual amenity. They are considered positive elements of the scheme which will also soften the appearance of the development from the existing properties fronting Maldon Road to the east of the application site.

5.4.15.4 Each of the clusters of bungalows will be served by a central communal area of open space which will be both hard and soft landscaped. The siting of some of the visitor parking in the centre of these areas is considered unfortunate as it may interrupt the use of these spaces. However, the parking is considered to be suitably mitigated by the degree of planting proposed and only relates to a small part of these areas of open space. Therefore, it is not considered that their siting would materially impact on the appearance or usability of these spaces.

5.4.15.5 The siting of the proposed LEAP is to the west of the Community Hub. Whilst the exact detailing of the equipment, boundary treatments etc. have not been provided as this is to be agreed as part of the requirements of the S106 agreement, based on the submitted plans the proposed LEAP contributes positively to the overall soft landscaping scheme and provides a central soft landscaping area within the site. This will be discussed further in the relevant section below.

5.4.15.6 Following consultation with the Council's Tree Consultant it is noted that the proposed landscaping layout has the potential to develop into an amenity asset for landscape amenity and wildlife benefit, if planted out with care, consideration and future management considerations are considered from the outset. It is understood that his previous comments in relation to species have been addressed as part of the current application.

5.4.15.7 The proposed hard surfaced areas as stated above will conform to a hierarchy of materials. By limiting the areas of tarmacadam within the site to the spine road carriageway and footpaths and using block paving and chippings within other parts of the site a softer appearance is maintained. Whilst it would be preferable that all of the roads were blocked paved, it is appreciated that this is not possible where roads will need to be adopted and maintained by the Local Highway Authority. Therefore, it is considered that a reasonable compromise has been reached and softer materials have been used where reasonably practicable.

#### 5.4.16 Summary

5.4.16.1 In light of the above, it is considered that the layout is in line with the details submitted and agreed at outline stage and that the landscaping, scale and appearance of the development would be acceptable and would accord with the aims of policy D1 of the LDP, the housing design principles of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained in the Maldon District Design Guide.

5.4.16.2 The development the subject of the current application has sought to address the reason why the previous scheme (20/00387/RES) was refused. The currently proposed development is more traditional in form, design and appearance and, whilst the introduction of pitched roofs has resulted in an increase in the height of buildings, it is considered that the development has satisfactorily addressed the reason why the previous application was refused.

### 5.5 **Impact on Residential Amenity**

5.5.1 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).

5.5.2 It was established as part of the outline permission that the proposed use of the application site was acceptable in terms of residential amenity and noise. Furthermore, it was not considered that the proposed layout would result in demonstrable harm in terms of loss of light, dominance, sense of enclosure or overlooking, or that the increased use of the existing public footpath would result in

harmful impacts to neighbouring occupiers. Therefore, as part of this reserved matters application it is only necessary to consider whether the details relating to appearance, scale and landscaping would have any material impacts on residential amenity.

- 5.5.3 The property which would be most affected by the development would be 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, dominance, sense of enclosure or overlooking.
- 5.5.4 The proposed two-storey independent living block, which is the closest two -storey building to the application site boundary, is located around 100m from the southeast boundary of the site shared with no. 2 Maldon Road and as such, it is considered that this element of the development would not have any impact on the residential amenity of the occupants of no. 2 Maldon Road.
- 5.5.5 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 these neighbouring occupiers.
- 5.5.6 All other residential properties are sited further away from the proposed development than 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 the occupiers of properties located further away from the application site would be less and, thus, would also be acceptable.
- 5.5.7 A community centre, including a number of indoor and outdoor sport facilities is proposed, which would potentially generate noise. Given that this element of the development is sited well away from the nearby residential dwellings, it is considered that it is unlikely to result in 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 appropriate opening hours could be conditioned. Therefore, objection could not reasonably be raised.
- 5.5.8 The development would also introduce some shops and restaurants, the opening hours are proposed as follows:
- A1 shops 07:30 hours – 21:00 hours Monday to Saturday, 08:00 hours –18:00 hours Sundays and Bank Holidays.
  - A3 Restaurants and Cafes 07:30 hours – 23:00 hours Monday to Saturday, 08:00 hours –22:00 hours Sundays and Bank Holidays.
  - A5 Hot Food takeaways 11:00 hours – 22:00 hours Monday to Saturday, 11:00 hours –22:00 hours Sundays and Bank Holidays.

- 5.5.9 Whilst it is noted that the noise resulting from these uses would likely have an impact on the nearby future occupiers and first floor flats, the Specialist - Environmental Health has not objected to the proposed opening hours which are not considered to be ‘unsociable’ and the building is designed to include acoustic insulation between the shops, flats and nearest bungalows. Therefore, it is considered that the proposed hours of use are acceptable. Furthermore, if any extract duct or other plant system is required, full details, including noise mitigation measures, would be required by condition to ensure the impact on residential amenity is minimised.
- 5.5.10 In terms of the inter-relationship between the bungalows, whilst the recommended 25m back to back distance between properties is not always maintained, given the more communal nature of the development, which does not incorporate private amenity space, and the single storey nature of the development, which will reduce overlooking, it is not considered that the failure to achieve the 25m back to back distance would result in material harm to the amenity of future occupiers. Furthermore, a condition can be imposed removing permitted development rights to ensure that no outbuildings or extensions could be constructed which would further reduce this space.
- 5.5.11 Having regard to the above assessment it is not considered that the development will result in demonstrable harm to the amenity of either neighbouring occupiers or the future occupiers of the site.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 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.

### **5.6.2 Access, highway improvements and trip generation**

- 5.6.2.1 Access, highway improvements and trip generation were all considerations at the outline application stage. Given that there have been no material changes to these factors as part of the reserved matters submission it is not considered necessary to revisit these matters. Essex County Council (ECC) Highways has raised no objections to the proposal subject to the imposition of a condition to ensure the protection of the public right of way which is located within the site, which is recommended below.

### **5.6.3 Parking provision**

- 5.6.3.1 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 access, 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.

5.6.3.2 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, or individual assessment / justification.
- Community centre: Maximum of 1 space per 22sqm of gross floor space.
- Visitor parking: 1 visitor parking space per 4 dwellings.

5.6.3.3 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 four visitors.

5.6.3.4 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.

5.6.3.5 The application has been supported by a letter dated 19 August 2020 outlining the proposed parking provision and staffing numbers at the site.



#### 5.6.4 Bungalows

5.6.4.1 In relation to the proposed bungalows, each bungalow (one, two and three bed units) will be provided with two off street parking spaces which accord to the Council's vehicle parking standards both in terms of size and quantity. Ten of the bungalows will be served with two disabled spaces and communal visitor parking is provided within the central communal space within each 'mini-community'. There will be provision for a total of 45 visitor spaces across the ten 'mini-communities', which exceeds the requirement of 26. Therefore, it is considered that there is sufficient parking provided for each of the proposed bungalows.

5.6.4.2 In terms of cycle space provision, each bungalow is proposed to be provided with a cycle locker adjacent to the rear patio which will provide space to store three cycles. Whilst it is considered that sufficient cycle storage will be provided within the site as each bungalow would be provided with sufficient storage for the occupants and their visitors within each plot, it is noted that the design and exact detailing of the cycle parking provision has not yet been finalised. Therefore, a condition is recommended below requiring these details to be submitted for approval.

#### 5.6.5 Independent Living

5.6.5.1 The supporting information states that the Independent Living Blocks will provide one vehicle parking space per three dwelling units and one space per two members of staff. It is stated that eight members of staff will be present within the building at one time and so it has been calculated within the supporting information that there is a requirement for 23 spaces based on the parking standards for a C2 use. The proposal includes 54 parking spaces, including three communal disabled spaces. The statement also suggests that it is unlikely that the residents will own their own cars, and many will not drive. Taking in to account the nature of the use this is considered to be a reasonable assumption.

5.6.5.2 If eight of the 54 spaces were used for staff, then the remaining 48 spaces would be provided for the 55 units meaning less than one parking space per unit. Whilst it is likely that the occupiers of the Independent Living Units would have higher car ownership levels than a residential care home, it is noted that an additional 31 spaces have been provided in relation to what would be required for a C2 use. Furthermore, having regard to the services, facilities and amenities provided at the site and given the nature of the units it is likely that not every unit will require a vehicle parking space as the development provides the services and facilities required for day to day living. Furthermore, it is also noted that the development aims to promote alternative modes of transport, which would reduce the need for private car ownership. On the basis of the above assessment, it is considered that the off-street parking provision of 54 parking spaces for the Independent Living element is justified.

5.6.5.3 The above also supports the stance taken at the outline planning application stage where regard was given to a report from the Housing Department which provided information relating to 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 appeared that from those registered and willing to move to such type of accommodation, the average age is over 77 which reduces the likely vehicle ownership level.

#### 5.6.6 Care Home

5.6.6.1 The supporting information states that there would be no resident staff at the care home; instead a three-shift pattern of sixteen staff each will be operated. Furthermore, the care home will provide 70 beds. Therefore, based on the Vehicle Parking requirements 32 vehicle parking spaces should be provided.

5.6.6.2 58 vehicle parking spaces, including four disabled spaces, will be provided for the care home on a communal basis and will be located on the northern and eastern sides of the building. The over provision of spaces provides flexibility between uses, particularly during staff changeover times. Therefore, the over provision is considered a positive aspect of the scheme.

#### 5.6.7 Medical Centre

5.6.7.1 The Medical Centre is proposed to be served by fifteen parking spaces, including two disabled spaces. It is anticipated that six full-time staff will be present in the Medical Centre at anyone time and a three-shift pattern will be operated. The Medical Centre will provide nine consultation rooms and, on that basis, there is a requirement for 24 vehicle parking spaces unless there is sufficient justification for a different level of provision.

5.6.7.2 Given that the Medical Centre is primarily intended to serve the residents of the proposed retirement community and given the siting of the Medical Centre in relation to the residential elements of the site, it is considered likely that a number of residents will walk to the Medical Centre. It is also noted that the developer intends to provide communal electric bicycles within the site and the development seeks to promote healthier forms of living through walking and cycling. Cycle parking for the Medical Centre would be provided within the cycle store shared with the Independent Living Units. Furthermore, as discussed above, there is an over provision of spaces in relation to the neighbouring care home, which could provide flexible parking for the Medical Centre if required. Therefore, taking the above matters into account it is considered that the provision of fifteen spaces (one for each of the six staff members and the remaining nine, along with the cycle storage, for patients / visitors to the centre) along with the flexible use of the parking provision for the care home, is acceptable.

#### 5.6.8 Community Hub

5.6.8.1 Based on the 1,284 sqm of floor space, the community hub is required to provide one space per 22sqm of floorspace. 35 parking spaces are proposed to the east and west of the Community Hub. Given that the Community Hub is intended to principally cater for the residents of the retirement community and is situated within walking or cycling distance of most of the residential units, it is considered that the provision of 35 spaces is acceptable.

5.6.8.2 Further to the above, it is likely that people visiting the Community Hub will also visit other uses such as the shops during one trip. Therefore, it is unlikely that all uses will require the full parking capacity at any one time. This is a similar approach to that taken at other retail areas across the District. Therefore, it is considered unnecessary for all uses to provide the minimum car parking provision and if they were to do so, it

is likely that this would have a negative impact as a result of increased hardstanding and disruption to the layout of the scheme to the detriment of the character and appearance of the site. Therefore, there is no objection to the level of parking provision proposed in relation to the Community Hub.

#### 5.6.9 Shops and Apartments

5.6.9.1 Condition 4 of the Outline Planning Permission allows for the parking provision in relation to the shopping parade to not meet the requirements of the Council's adopted Vehicle Parking Standards. This was because it was noted at the time of the outline application that the shops primarily will be used by residents of the development and that the flats are to provide accommodation for workers on the site and therefore, are less likely to own a car.

5.6.9.2 As part of the application a total of eighteen spaces have been provided to serve the shops and the eight apartments above. Taking into account that the shops are in walking distance of most of the residential units, communal parking is provided in relation to the other uses across the site, in some instances an over provision has been provided and, as discussed above, visitors to the shops and other uses are likely to visit more than one use during a single trip, it is not considered that parking directly related to the shopping parade is necessary.

5.6.9.3 Further to the above, the apartments are intended to provide accommodation for those working within the site and therefore, the likelihood of the occupiers of the flats owning a car is reduced as they will be in walking distance of their place of employment. Therefore, for the reasons given it is considered that the proposed vehicle parking provision is acceptable and in accordance with the conditions imposed at the time of the outline planning application.

#### 5.6.10 Maintenance Shed, Security and Site Offices

5.6.10.1 A total of 25 spaces, including two disabled spaces have been proposed in relation to the administrative and maintenance buildings on site. Based on the Vehicle Parking Standards there is a requirement for eighteen spaces. The supported information states that the overprovision of seven spaces provides flexibility during shift change over times, particularly in relation to the Care Home and Independent Living Buildings. This is considered a sensible approach and no objection is raised to the level of parking proposed.

#### 5.6.11 Cycle Parking, Mobility Scooters and Vehicle Charging Points

5.6.11.1 In addition to what has been discussed above, the supporting information states that the locations for cycle parking is illustrative and cannot be finalised until there is some certainty of hard and soft landscaping. Furthermore, the developer is still undertaking work to refine the site's general cycling strategy in relation to the position of the electric motor vehicle charging points and electric cycle parking and the charging strategy for the site. Therefore, a condition is recommended below requiring details of cycle provision and vehicle charging points.

5.6.11.2 The adopted Vehicle Parking Standards also require the provision of one, ten-scooter store per independent living unit or care home. A store will be provided within the

Independent Living block providing space to park ten scooters. However, no detail has been provided in relation to the care home or other uses which are likely to be used by older people. Nevertheless, this can be addressed through the imposition of a condition requiring these details to be provided. Therefore, there is no objection raised in this regard.

## **5.7 Flood Risk, Sustainable Urban Drainage Strategy and Foul Drainage**

5.7.1 Condition 12 of the outline permission requires a detailed surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority (LPA). The condition requires that the drainage scheme is implemented prior to the first occupation of the development. As this detail is not required at the Reserved Matters stage it is not a consideration as part of this application.

5.7.2 Notwithstanding the above, it is noted that some detail relating to the surface water drainage scheme has been submitted and is outlined in section 3.1 above. The scheme includes the provision of 'wet lakes'. This was the method was outlined at outline stage. The Lead Local Flood Authority (LLFA) did not object to the application in relation to surface water drainage subject to relevant conditions and these have been imposed on the outline planning permission and drainage details will be considered under a separate application. It is not reasonable or necessary to impose further conditions at this stage.

5.7.3 Likewise, it is considered that matters relating to foul drainage have been suitably addressed as part of the outline permission and associated conditions.

## **5.8 Impact on Ecology, Trees and Biodiversity**

5.8.1 Various conditions relating to biodiversity and ecology were included on the outline permission (Condition 8 investigation and risk assessment for site clearance, Condition 24 lighting, Condition 25 ecological enhancements, Condition 26 ecological mitigation scheme and Condition 27 non-licensed method statement for amphibians and reptiles). As these matters will be addressed as part of a discharge of conditions application there is no requirement to address them further as part of this application. Nevertheless, given that the landscaping details have been provided it is considered necessary to provide further comment in relation to impacts of the proposed landscaping on ecology.

5.8.2 The application has been supported by Landscape Layout Plans, Planting Plans and a Landscape Specification and Management Plan (Wynne Williams Associates, December 2019). The Council's Ecological Consultant assessed these plans as part of the previous application and advised that they were satisfied with the details submitted. They stated that suitable native species have been identified for planting and suitable management and sourcing has been proposed. Furthermore, the inclusion of a Water Vole mitigation island and appropriate wetland planting to be further informed by the project's ecologist is a welcomed addition to the scheme. Therefore, there is no objection to the scheme in terms of ecological impacts subject to the information to be submitted as a separate discharge of conditions application.

5.8.3 The Council's Tree Consultant has also been consulted on the scheme and advised, in response to the previous application, that the landscape scheme provides a good

species mix, which is acceptable to provide both amenity and ecological benefit. However, concerns were raised in relation to:

- Plan reference ending 0301 shows an avenue of Sorbus Aria. These will need to be set back as to not cause a slip hazard as a result of berry dropping. If they are planted correctly their crown spread will offer amenity, habitat and food source for wildlife with minimum management. Therefore, subject to appropriate management and the siting of these species they are considered a positive addition to the site.
- The above also applies where Sorbus and Crataegus are shown close to pavements, seating areas and parking bays on plans ref ending 0302, 0303, 0306, 0307.
- Root deflectors or other provisions will need to be installed where trees with large growth potentials such as Hornbeam shown on plan ref ending 0304 and 0305 are shown to be planted in small spaces adjacent to parking bays. Without these measures root growth could cause kerb or surface displacement, likely resulting in the removal of the tree.
- Overall the species mix is acceptable and the placement of trees in relation to shadowing has been addressed.

5.8.4 As part of the current application, it is stated that these issues have been addressed in the details submitted. Therefore, subject to the Tree Consultant confirming this is the case, it is considered that the proposed planting has the potential to develop into an amenity asset for landscape amenity and wildlife benefit.

## 5.9 **Ecology regarding development within the Zone of Influence (ZOI) for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS)**

5.9.1 As this was addressed as part of the outline permission and the S106 Agreement, there is no requirement to re-visit this issue at this stage.

## 5.10 **Other Material Considerations**

### 5.10.1 Archaeology

5.10.1.1 No designated assets are located within or the immediate vicinity of the application site. However, relevant conditions were imposed on the outline permission to address archaeological concerns and were subsequently discharged under application 19/05192/DET.

### 5.10.2 Waste management

5.10.2.1 Condition 23 of the Outline Permission requires states that:

*'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).'*

5.10.2.2 The submitted planning statement states that the approach to refuse and recycling collection and storage has not been altered from that submitted at the outline application stage. It is not intended that refuse vehicles will enter the individual

residential cul-de-sac communities for residential amenity reasons and to remove the potential conflict between vulnerable persons and large refuse vehicles. Therefore, the spine road has been designed to accommodate refuse vehicles and emergency vehicles, with refuse points located at the entrance to each cul-de-sac and adjacent to each of the community buildings, care home and independent living block.

5.10.2.3 Plan 6765-S-1105-P1 - Site Plan – Refuse Plan shows the siting of the dedicated refuse points mentioned above. Residents of the bungalows will be required to place refuse and recycling out in the cul-de-sacs on designated days and staff of the site's management company will use electric buggies and trailers to transport these to the dedicated refuse points. From these points a commercial contractor and the District Council's refuse operator would collect the refuse. A contract with a commercial waste management company will be entered into to collect waste from the independent living building, the care home, community centre, medical centre, shops and apartments from collection points depicted on plan 6765-S-1105-P1.

5.10.2.4 Drawing 191450-003 Site Layout – Swept Paths has also been submitted to demonstrate that the spine road and various junctions onto it are capable of accommodating turning movements by a refuse collection vehicle and that each of the refuse storage points is accessible and serviceable. The drawing also demonstrates that the trucks could access the individual communities, but this is not the attention of the developer due to the safety concerns highlighted above.

5.10.2.5 Although no comments have been received from the Waste Officer, given that the application suitably demonstrates that waste vehicles can be sufficiently and safely accommodated within the site and there was no objection raised as part of the outline permission in relation to the proposed refuse strategy it is considered that the submitted detail is sufficient to comply with condition 23 of the outline permission.

### 5.10.3 Local Equipped Area of Play (LEAP)

5.10.3.1 Public open space will be provided in the form of a LEAP to the west of the Community Centre and spine road through the site, and amongst the proposed bungalows. The Green Infrastructure Strategy for Maldon states at table 2.1 of the Green Infrastructure Strategy, the following are required for a LEAP:

- Located within a walking time of five minutes from home;
- Five play types, including safer surface;
- Fencing complete with two pedestrian gates;
- Minimum activity zone of 400sqm;
- Seating, litter bins and a notice should be provided.

5.10.3.2 The siting and proposed area of the LEAP are included in landscaping plan 1925-WWA-XX-XX-DR-L-0101 PL01, which shows that the proposed area is not less than 400sqm in size. Whilst details relating to the exact specification of the LEAP have not been submitted as this is to be agreed under clause 3.8 of the signed S106 agreement as part of the outline permission, given that landscaping is a matter for consideration as part of this application it is considered relevant to consider the siting of the LEAP. The dwelling located furthest from the LEAP within the southwest of the site would be located approximately 340m from the proposed LEAP, which is considered to be within a five-minute walking distance. Furthermore, from the plans

submitted it would appear that the LEAP is to be suitably landscaped with trees planted around its' perimeter. For these reasons, there is no objection to the siting of the proposed LEAP and further details will come forward in due course as required by the S106 agreement.

#### 5.10.4 External lighting

5.10.4.1 External lighting was addressed at the outline application stage as a condition was imposed (No. 22) requiring that, prior to the commencement of works, details of the external lighting strategy are submitted to and approved by the Local Planning Authority. Therefore, this detail will be dealt with as part of a discharge of conditions application.

#### 5.10.5 Permitted Development Rights

5.10.5.1 It is noted that given the limited size of the plots and their relationship with neighbouring occupiers, any alterations / extensions to the dwellings or erection and installation of fencing and hardstanding may result in an unacceptable appearance of the proposed development. Furthermore, the living conditions of the future occupiers could be adversely affected by rear extensions or outbuildings if they reduced the back to back distances between dwellings. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for Schedule 2, Part 1 classes A, B, C, D, E, F and H and Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is also reasonable and necessary to impose a condition requiring that one master antenna is installed on the roof of each Independent Living block, rather than separate satellite dishes and antenna for each flat, to protect the character and appearance of the area.

### 6. ANY RELEVANT SITE HISTORY

- **18/00443/OUT** - 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. key 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. Approved Subject to S106.
- **19/01203/ADV** - Erect non-Illuminated advertisement hoarding not exceeding 23 metres in length. Approved.
- **19/05192/DET** - Compliance with conditions notification OUT/MAL/18/00443 (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. key 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) Condition 21 - Written scheme of investigation of archaeology - Conditions cleared.

- **20/00343/CLA** - Compliance with legal agreement for approved planning permission OUT/MAL/18/00443 – Pending consideration.
- **20/00387/RES** - Reserved matters application for the approval of appearance, landscaping and scale on approved planning application OUT/MAL/18/00443 (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. key 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) – Refused 10.06.2020.
- **20/05094/DET** - Compliance with conditions notification 18/00443/OUT (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. key 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. Condition 14 - Construction Method Statement. Condition 25 - Ecological enhancements. Condition 26 - Ecological mitigation scheme. Condition 27 - Non-licenced method statements for Amphibians and Reptiles - Pending Consideration.
- **20/05101/DET** - Compliance with conditions notification 18/00443/OUT (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. key 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) Condition 8 - Risk assessment - Pending consideration.

- **20/05130/DET** - Compliance with conditions notification 18/00443/OUT (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. key 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) Condition 20 - Arboricultural method statement - Pending consideration.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	No response.	

### 7.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex Police – Designing out Crime	Essex Police strongly encourage the developers, to seek and achieve a SBD (Secured By Design) award on all phases of the development. This would produce a robust benefit along with delivering additional contributions towards community reliance.	Noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Archaeology	<p>No response but, in relation to the previous application, responded as follows:</p> <p>Three areas have been identified as requiring open-area excavation, which has as yet not been undertaken, and this will need to be completed before any development can take place in those areas.</p>	Addressed at section 5.10
Cadent Gas	No comment received.	Noted
Essex County Council Fire and Rescue	<p>No response but, in relation to the previous application, responded as follows:</p> <ul style="list-style-type: none"> <li>• The access meets the requirements in ADB B5.</li> <li>• Additional water supplies for fire fighting may be necessary.</li> <li>• Sprinkler systems are recommended.</li> </ul>	Noted
Lead Local Flood Authority – Sustainable drainage (SuDS)	<p>No response but, in relation to the previous application, responded as follows:</p> <p>No comments to make as the application relates to landscaping, appearance and scale and does not relate to surface water drainage which is covered by condition 12.</p>	Noted
Natural England	<p>No response but, in relation to the previous application, responded as follows:</p> <p>No further comments in relation to the Outline Permission. The proposed amendments are unlikely to have a significant different impact on the natural environment than originally proposed</p>	Noted and addressed at section 5.8
Essex County Council - Ecology	<p>No response but, in relation to the previous application, responded as follows:</p> <p>No objection subject to the discharge of conditions of 18/00443/OUT relating to ecology.</p>	Addressed at section 5.8

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex Wildlife Trust	No response received	Noted
Local Highway Authority	No objection subject to a condition requiring the maintenance of the public right of way over public footpath no 1.	Noted - the condition is recommended below.

### 7.3 **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No response but, in relation to the previous application, had no comments to make.	Noted
Tree Consultant	<p>No response but, in relation to the previous application, responded as follows:</p> <ul style="list-style-type: none"> <li>Plan ref ending 0301 shows an avenue of Sorbus Aria. These will need to be set back as to not cause a slip hazard as a result of berry dropping. If they are planted correctly their crown spread will offer amenity, habitat and food source for wildlife with minimum management. Therefore, subject to appropriate management and the siting of these species they are considered a positive addition to the site.</li> <li>The above also applies where Sorbus and Crataegus are shown close to pavements, seating areas and parking bays on plans ref ending 0302, 0303,306, 0307.</li> <li>Root deflectors or other provisions will need to be installed where trees with large growth potentials such as Hornbeam shown on plan ref ending 0304 and 0305 are shown to be planted in small spaces adjacent to parking bays. Without these measures</li> </ul>	The applicant states that these issues have been addressed as part of this revised application but confirmation of this from the Tree Consultant is awaited.

Name of Internal Consultee	Comment	Officer Response
	<p>root growth could cause kerb or surface displacement, likely resulting in the removal of the tree.</p> <ul style="list-style-type: none"> <li>Overall the species mix is acceptable and the placement of trees in relation to shadowing has been addressed.</li> </ul> <p>Overall the proposed landscaping has the potential to develop into amenity assets for landscape amenity and wildlife benefits, if planted out with care, consideration and future management requirements are taken into account from the start. Therefore, a suitably worded condition should be imposed.</p>	
Conservation Officer	No response but, in relation to the previous application, advised that the development will not affect the setting or significance of any heritage assets.	Noted

#### 7.4 **Representations received from Interested Parties** (*summarised*)

7.4.1 No letters of representation were received.

### 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 6765-S-1101-P1 – Site Location Plan;
  - 6765-S-1102-P2 - Proposed Site Plan - Ground Floor;
  - 6765-S-1103-P2 - Proposed Site Plan - Roof Plan;
  - 6765-S-1104-P2 - Layout Mix Plan;
  - 6765-S-1105-P1 - Site Plan – Refuse Plan;
  - 6765-S-1110-P2 - Proposed Site Plan Q1-4;
  - 6765-S-1111-P1 - Proposed Site Plan Q2-4;

- 6765-S-1112-P2 - Proposed Site Plan Q3-4;
- 6765-S-1113-P1 - Proposed Site Plan Q4-4;
- 6765-S-1120-P1 - Ground Floor Site Plan Independent Living
- 6765-S-1121-P1 - Ground Floor Site Plan - Shops & Northern Lake;
- 6765-S-1122-P1 - Ground Floor Site Plan - Care Home;
- 6765-S-1123-P1 - Ground Floor Site Plan - Community Hub;
- 6765-S-1124-P1 - Ground Floor Site Plan – Site Office;
- 6765-B-1201-P1 – Bungalow Type 1-A-P Floor and Roof Plans & 3D Views;
- 6765-B-1202-P1 – Bungalow Type 1-B-P Floor and Roof Plans & 3D Views;
- 6765-B-1203-P1 – Bungalow Type 2-A-P Floor and Roof Plans & 3D Views;
- 6765-B-1204-P1 – Bungalow Type 2-B-P Floor and Roof Plans & 3D Views;
- 6765-B-1205-P1 – Bungalow Type 3-A-P Floor and Roof Plans & 3D Views;
- 6765-B-1301-P1 – Bungalow Type 1-A-P Elevations;
- 6765-B-1302-P1 – Bungalow Type 1-B-P Elevations;
- 6765-B-1303-P1 – Bungalow Type 2-A-P Elevations;
- 6765-B-1304-P1 – Bungalow Type 3-B-P Elevations;
- 6765-B-1305-P1 – Bungalow Type 3-A-P Elevations;
- 6765-CH-1201-P1 – Care Home – Proposed Ground Floor Plan;
- 6765-CH-1202-P1 – Care Home – Proposed First Floor Plan;
- 6765-CH-1203-P1 – Care Home – Proposed Roof Plan;
- 6765-CH-1301-P1 – Care Home – Proposed Elevations 1-3;
- 6765-CH-1302-P1 – Care Home – Proposed Elevations 2-3;
- 6765-CH-1303-P1 – Care Home – Proposed Elevations 3-3;
- 6765-CH-1304-P1 – Care Home – Proposed Elevation Treatment;
- 6765-CO-1201-P1 - Community Hub – Proposed Floor Plans;
- 6765-CO-1301-P1 - Community Hub – Proposed Elevations 1-2;
- 6765-CO-1302-P1 - Community Hub – Proposed Elevations 2-2;
- 6765-IL-1201-P1 – Independent Living – Proposed Ground Floor Plan;
- 6765-IL-1202-P1 – Independent Living – Proposed First Floor Plan;
- 6765-IL-1203-P1 – Independent Living – Proposed Roof Plan;
- 6765-IL-1301-P1 – IL-Block 1 Elevations (1 & 2);
- 6765-IL-1302-P1 – IL-Block 1 Elevations (3 & 4);
- 6765-IL-1303-P1 – IL-Block 2 Elevations (1 & 2);
- 6765-IL-1304-P1 – IL-Block 2 Elevations (3 & 4);
- 6765-IL-1305-P1 – IL-Block 3 Elevations (1 & 2);
- 6765-IL-1306-P1 – IL-Block 3 Elevations (3 & 4);

- 6765-IL-1307-P1 – IL-Blocks 1, 2, 3 Street Elevations;
  - 6765-M-1201-P1 – Medical Centre – Proposed Floor Plans;
  - 6765-M-1301-P1 – Medical Centre – Proposed Elevations;
  - 6765-O-1201-P1 - Site Office – Plans and Elevations;
  - 6765-O-1202-P1 - Maintenance Shed – Floor Plans;
  - 6765-O-1203-P1 – Security Office – Plans and Elevations;
  - 6765-O-1302-P1 – Maintenance Shed - Proposed Elevations;
  - 461 P01 Rev H – Shops and Apartments Plans and Elevations;
  - 461 P02 Rev F – Shops and Apartments Site Plan;
  
  - 191450-003 Site Layout Swept Paths.
  
  - 1925\_WWA\_XX-RP\_L-0601 – Landscape Specification and Management Plan;
  - 1925\_WWA\_XX-XX-DR-L-0100 – Landscape Masterplan PL05;
  - 1925\_WWA\_XX-XX-DR-L-0101 – NW Landscape Layout Plan PL01;
  - 1925\_WWA\_XX-XX-DR-L-0102 – N Landscape Layout Plan PL03;
  - 1925\_WWA\_XX-XX-DR-L-0103 – NE Landscape Layout Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0104 – W Landscape Layout Plan PL02;
  - 1925\_WWA\_XX-XX-DR\_L-0105 – Central Landscape Layout Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0106 – E Landscape Layout Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0107 – SW Landscape Layout Plan PL01;
  - 1925\_WWA\_XX-XX-DR-L-0108 – S Landscape Layout Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0109 – SE Landscape Layout Plan PL01;
  - 1925\_WWA\_XX-XX-DR-L-0111 –Landscape Reference Plan;
  - 1925\_WWA\_XX-XX-DR-L-0300 – NW Planting Plan PL01;
  - 1925\_WWA\_XX-XX-DR-L-0301 – N Planting Plan PL03;
  - 1925\_WWA\_XX-XX-DR-L-0302 – NE Planting Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0303 – W Planting Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0304 – Central Planting Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0305 – E Planting Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0306 – SW Planting Plan PL01;
  - 1925\_WWA\_XX-XX-DR-L-0307 – S Planting Plan PL02;
  - 1925\_WWA\_XX-XX-DR-L-0308 – SE Planting Plan PL02;
- REASON To ensure that the development is carried out in accordance with the details as approved.

3. The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

Market housing:

- 30 No. one-bedroom bungalows
- 52 No. two-bedroom bungalows
- 21 No. three-bedroom bungalows
- 8 No. two-bedroom flats
- A mixture of 5 No. one and two-bedroom independent living units

Affordable housing:

- A mixture of 50 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.

4. The boundary treatments for the development hereby permitted shall be carried out in accordance with the details and with materials as shown on plans listed below prior to the occupation of any of the dwellings and shall be retained as approved thereafter:

- 1925\_WWA\_XX-RP\_L-0601 – Landscape Specification and Management Plan;
- 1925\_WWA\_XX-XX-DR-L-0100 – Landscape Masterplan PL05;
- 1925\_WWA\_XX-XX-DR-L-0101 – NW Landscape Layout Plan;
- 1925\_WWA\_XX-XX-DR-L-0102 – N Landscape Layout Plan PL03;
- 1925\_WWA\_XX-XX-DR-L-0103 – NE Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0104 – W Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR\_L-0105 – Central Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0106 – E Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0107 – SW Landscape Layout Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0108 – S Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0109 – SE Landscape Layout Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0111 –Landscape Reference Plan;
- 1925\_WWA\_XX-XX-DR-L-0300 – NW Planting Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0301 – N Planting Plan PL03;
- 1925\_WWA\_XX-XX-DR-L-0302 – NE Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0303 – W Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0304 – Central Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0305 – E Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0306 – SW Planting Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0307 – S Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0308 – SE Planting Plan PL02;

REASON To protect the amenity of the neighbouring residential properties and the character of the area in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan

5. The hard and soft landscape works shall be carried out in accordance with the details contained within approved plans listed below, prior to the occupation of any of the dwellings or prior to the first use of the buildings hereby approved within the relevant phase of development:

- 1925\_WWA\_XX-RP\_L-0601 – Landscape Specification and Management Plan;
- 1925\_WWA\_XX-XX-DR-L-0100 – Landscape Masterplan PL05;
- 1925\_WWA\_XX-XX-DR-L-0101 – NW Landscape Layout Plan;
- 1925\_WWA\_XX-XX-DR-L-0102 – N Landscape Layout Plan PL03;
- 1925\_WWA\_XX-XX-DR-L-0103 – NE Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0104 – W Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR\_L-0105 – Central Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0106 – E Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0107 – SW Landscape Layout Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0108 – S Landscape Layout Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0109 – SE Landscape Layout Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0111 –Landscape Reference Plan;
- 1925\_WWA\_XX-XX-DR-L-0300 – NW Planting Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0301 – N Planting Plan PL03;
- 1925\_WWA\_XX-XX-DR-L-0302 – NE Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0303 – W Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0304 – Central Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0305 – E Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0306 – SW Planting Plan PL01;
- 1925\_WWA\_XX-XX-DR-L-0307 – S Planting Plan PL02;
- 1925\_WWA\_XX-XX-DR-L-0308 – SE Planting Plan PL02;

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 replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.

6. The development shall be undertaken in accordance with the terms and specifications contained within the Landscape Specification and Management



Plan (Wynnee Williams Associates, December 2019), which is attached to and forms part of this permission.

REASON To ensure appropriate protection to protected species and appropriate levels of soft landscaping is provided in accordance with the guidance of the National Planning Policy Framework and Policies S1, D1 and N2 of the Maldon District Local Development Plan.

7. Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the phasing schedule as approved.

REASON To ensure that development is completed in accordance with an agreed phasing of development having regard to the provisions and guidance of the National Planning Policy Framework, and the Approved Maldon District Local Development Plan policies D1 and N2.

8. No development above ground level relating to each individual phase of the development, to be agreed as part of condition 7, shall take place until samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

9. Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

10. Prior to the occupation of the dwellings or buildings hereby permitted relating to each individual phase of the development, to be agreed under the terms of condition 7, the vehicle parking relating to that phase shall be hard surfaced, sealed and marked out in parking bays in accordance with the plans and details hereby approved. The vehicle parking areas shall be retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking

is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

11. The uses hereby permitted shall only be undertaken between the following hours:
- A1 shops 07:30 hours – 21:00 hours Monday to Saturday, 08:00 hours – 18:00 hours Sundays and Bank Holidays
  - A3 Restaurants and Cafes - 07:30 hours – 23:00 hours Monday to Saturday, 08:00 hours – 22:00 hours Sundays and Bank Holidays
  - A5 Hot Food takeaways 11:00 hours – 22:00 hours Monday to Saturday, 11:00 hours – 22:00 hours Sundays and Bank Holidays
  - Community Centre - 07:30 hours – 23:00 hours Monday to Saturday, 08:00 hours – 22:00 hours Sundays and Bank Holidays

No customers or visitors shall be present upon the premises outside the permitted hours.

REASON In the interests of neighbouring amenity in accordance with Policies S1, D1 and D2 of the approved Local Development Plan.

12. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the maintenance building hereby approved.  
REASON In the interests of neighbouring amenity and visual amenity in accordance with Policies S1 and D1 of the approved Local Development Plan.
13. No repairs or maintenance works relating to the maintenance building shall be undertaken outside of the building.  
REASON In the interests of neighbouring amenity in accordance with Policies S1, D1 and D2 of the approved Local Development Plan.
14. The maintenance building shall be used for purposes ancillary to the wider retirement community hereby approved and for no other purpose.  
REASON In the interests of neighbouring amenity in accordance with Policies S1, D1 and D2 of the approved Local Development Plan.
15. Prior to the first occupation of the dwellings or the first use of the buildings hereby approved relating to each individual phase of the development, to be agreed under the terms of condition 7, the detail relating to waste management contained within the submitted Planning Statement (19<sup>th</sup> August 2020) and the refuse points as shown on plans 6765-S-1105-P1 and 191450-003 shall be fully implemented and retained.  
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.
16. Details of the number, location and design of cycle parking spaces, vehicle charging points and mobility scooter storage shall be submitted to and agreed in writing by the local planning authority. The cycle parking spaces, vehicle charging points and mobility scooter storage shall be provided in accordance

with the approved details before the associated phase of the development, subject to condition 7, is occupied and retained as such thereafter.

REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018) and to ensure that provision for sustainable modes of transport are provided in accordance with Policies S1 and T2 of the approved Local Development Plan.

17. The public's rights and ease of passage over public footpath no 1 (Burnham-on-Crouch) shall be maintained free and unobstructed at all times. Any works, maintenance or improvements to the footpath shall be pre-agreed with the Highway Authority, Essex County Council.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies D4, N3 T1, and T2 of the approved Maldon District Local Development Plan.

18. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the three blocks making up the Independent Living Unit to serve the 55 units. No individual satellite dishes or antenna shall be provided per flat.

REASON In order to protect the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan.

19. No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the Local Planning Authority. Any measures required by the Local Planning Authority to reduce noise from the plant or equipment shall be completed prior to the plant being operational and retained as such at all times thereafter.

REASON To ensure the appropriate use of the site and to protect nearby residential amenities in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan, the provisions and guidance of the National Planning Policy Framework.

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