



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
10 SEPTEMBER 2018**

Application Number	FUL/MAL/18/00796
Location	Redwood Park, Downhall Road, Bradwell-On-Sea, Essex
Proposal	Creation of 1No. extra care unit
Applicant	Creation of 1No. extra care unit
Agent	Mr Neil Jennings - Neil Jennings Architect
Target Decision Date	17.09.2018
Case Officer	Anna Tastsoglou
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Member Call In The application has been called-in by Cllr Dewick on the grounds of public interest

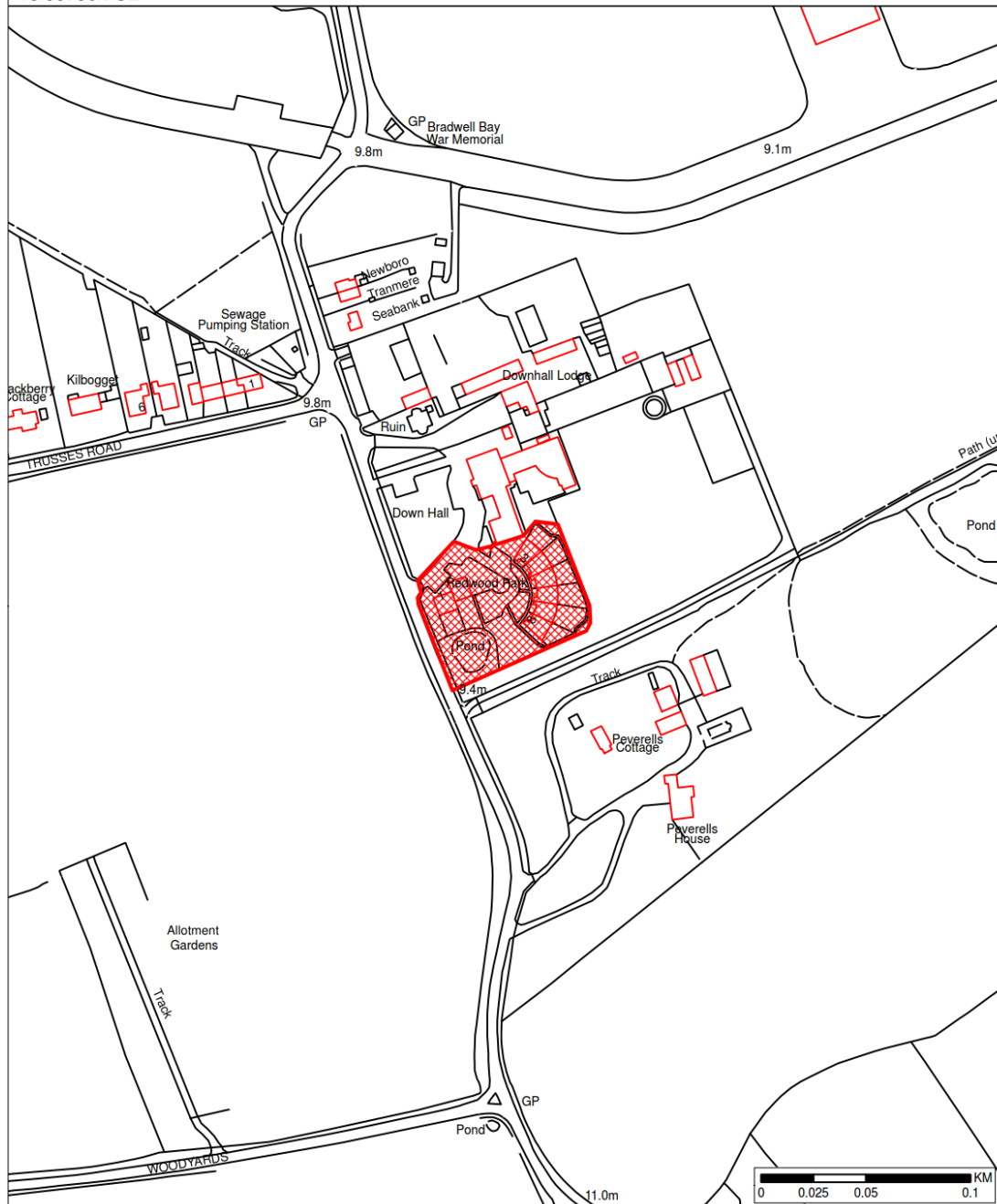
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

SE Committee
18/00796/FUL



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 29/08/2018

MSA Number: 100018588

3. Summary

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the east of High Street, north of Bradwell Village within a small cluster of buildings between the main village and Bradwell Waterside. The site lies outside the defined settlement boundary of Bradwell Village and it comprises of Redwood Park. The wider site (including the application site and the land that is shown within the applicant's control) contains a rest home, which has been extended to the south under the terms of application FUL/MAL/13/00751 to provide six extra care units, and a detached 'gate house,' which is single storey building to the frontage of the site that contains two extra care units. The application site hosts a central communal area and off-street parking spaces and a number of mature trees. A pond is located on the southeast corner of the application site. Down Hall sits to the north of the site. Access to the site is gained off of High Street.
- 3.1.2 The surrounding area is sparsely developed, with the majority of the properties being located to the northwest of the site along Trusses Road. The application site is located in between open fields to the east and west. A public footpath runs along the southern boundary of the application site.

Description of proposal

- 3.1.3 Planning permission is sought to erect a detached bungalow to be used as an extra care unit, with two associated off-street parking spaces and an amenity area.
- 3.1.4 The proposed bungalow would be almost rectangular in shape with a front projecting entrance porch. The development would have a double gable roof running in an east-west direction. The porch to the front would have a gabled roof and it would be set lower than the ridge height of the main roof.
- 3.1.5 The proposed dwelling would measure 8.6m wide and 9.7m deep. The porch would project a further 2.1m beyond the front (north) elevation. The height to the eaves would be 2.3m, while the maximum height would be 4.8m.
- 3.1.6 Internally the dwelling would accommodate a kitchen/diner, a living room, two bedrooms and a bathroom.
- 3.1.7 The dwelling would have an amenity area of approximately 200sqm.
- 3.1.8 Materials to be used to the external elevations would include clay plain tiles and slate, white upvc windows and the external walls would be finished in facing brickwork. Porous gravel would be used for the driveways and parking spaces.

3.1.9 The application is accompanied by a Design and Access Statement, which states that the application for the proposed extra care units derives from the substantial need for accommodation for the elderly population. A Tree Report and an Archaeological Survey (January 2014) have been submitted with the application.

3.1.10 It should be noted that an application to erect two no. two storey dwellings in the same location was previously refused for the following reason:

- *The proposed development, by virtue of the scale, layout and appearance of the proposed development, would poorly integrate with the existing buildings at the site and detract from the character and appearance of the site, the streetscene and the rural surrounding area in general. The proposal is therefore unacceptable and contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan, the Maldon District Design Guide and the National Planning Policy Framework.*

3.1.11 The current application constitutes a resubmission and the following amendments have been incorporated into the previously refused application:

- The number of dwellings has been reduced by one.
- The development would be single storey rather than two storey, with a maximum height being reduced by 2.5m.

The overall design of the dwelling has been amended.

3.2 Conclusion

3.2.1 The proposed development has been assessed against all material planning consideration and in this instance; it is considered that the principle of increasing the existing use of the site to provide additional extra-care accommodation can be found acceptable. Following amendments, the previously raised concerns, in relation to the adverse impact that the previous proposal would have had on the character and appearance of the area and the countryside, have been overcome. No objection is raised in relation to the impact of the development on residential amenity and ecology or the parking provision. Therefore, the development, subject to appropriate conditions, is considered acceptable and in accordance with the aims of the development plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Approved Maldon District Local Development Plan (July 2017)

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H3 Accommodation for ‘Specialist’ Needs
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1` Principle of Development

- 5.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF’s emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).
- 5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined

settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

- 5.1.3 The site is located outside the defined settlement boundary of Bradwell-on-Sea Village, within a remote location in terms of facilities and within an area characterised by sporadic development.
- 5.1.4 Although the countryside should be protected for its landscape, natural resources, ecological value and intrinsic character, where it can be demonstrated that the countryside would not be adversely impacted upon, policy S8 allows some development exceptions. Mixed use development proposals that enable the delivery of a new Community Hospital or a similar healthcare facility in accordance with Policy I2, is one of the development exceptions. In this case it is considered that the proposed use would represent an expansion of the existing care use of the site rather than a new use and as such it is considered that the principle of expanding the use can be supported, subject to the following considerations.
- 5.1.5 The aims of policy I2 are for the District to improve health and wellbeing. One way to achieve that is through promotion of suitable types of residential developments which cater for the aging population and support healthy and independent lives. Although the proposal is not a mixed use development it is suggested by the applicant that it would contribute towards the purposes of policy I2, as it is proposed to erect accommodation for the elderly population. It is noted though that the impact on the character of the area should be assessed as well as the compliance of the development with policy H3 which illustrates the requirements to support such type of development. The impact on the character of the area is further assessed below in section 5.3 of the report. The identified need for accommodation for specialist needs which is proposed to be addressed through policy H3 derives from evidence contained in the Older Persons Housing Strategy (2010) and Strategic Housing Market Assessment (SHMA) (2012) considered in support of the Local Plan.
- 5.1.6 Policy H3 states that “*Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and / or allocated will be supported where:*
- 1) There is a clearly identified need that cannot be addressed elsewhere in the District;*
 - 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;*
 - 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;*
 - 4) It will not detrimentally impact on the capacity of public services, including health and social care;*
 - 5) It is in close proximity to everyday services, preferably connected by safe and suitable walking / cycling routes or public transport appropriate for the intended occupier;*

- 6) *It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;*
- 7) *It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and*
- 8) *The scheme is supported by the relevant statutory agencies.*

5.1.7 Assessing the submission against the above requirements the following comments are made:

- 1) It is acknowledged that there is a changing demographic locally and nationally which is resulting in a population that is generally older. Within Maldon District, a housing need for older people has been identified and it is therefore considered appropriate to support development proposals that would help to address this need, subject to all other considerations. In this instance it is considered that the application site is a logical place to locate such development as the use would be served by the facilities of the wider site and would form part of the wider care/housing facility in this location. As an expansion to an existing facility rather than a new stand-alone development, it is considered that this is an appropriate location to address the identified need.
- 2) In addition to policy H3, it is noted that policy T2 relates more directly to accessibility, by requiring all new development proposals to *'provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate'*. In addition, paragraph 35 of the NPPF sets out that *'developments should be located and designed where practical to...give priority to pedestrian and cycle movements, and have access to high quality public transport facilities'*.

Although the site is relatively isolated (with no footpath connections) and has limited access to local facilities, which in themselves are limited due to the nature and scale of Bradwell-on-Sea Village, it is considered that the proposed development should be viewed as the expansion of an existing facility and it is therefore sustainable to some degree as it would be able to utilise the facilities at the site.

Whilst it is noted that the site is located away from the village centre and other facilities, it is noted that a bus stop is located outside the application site which provides limited services to and from the main town centres of Burnham-on-Crouch and Maldon, where the main facilities, including health facilities, are provided. Therefore, on balance, it is considered that no objection should be raised to this proposal on those grounds. This is consistent with the findings in a recent appeal decision at Bradwell Marina.

- 3) Although a care home and a limited number of extra care accommodation (8 in total) exist at the site, it is not considered that one additional extra care unit would

result in overconcentration of such uses that would have a detrimental impact on the character or function of the area.

- 4) The proposed development would evidently increase the need for health and social care. It is suggested that the future occupiers would be able to use the existing services provided on site. There would be some efficiency deriving from the proposal in this regard.

The nearest, medical centre to the application site is in Tillingham, which is approximately 3.5 miles away from the application site and its capacity for additional patients has not been confirmed. However, it is considered that the additional impact from one extra care unit would be limited and should not represent a reason for the refusal of the application.

- 5) This requirement is mainly covered under the assessment of requirement 2.
- 6) No details in relation to the design or management of the proposed use have been submitted. However, it is expected that the residents would be able to utilise the existing care facilities at the site.
- 7) No information regarding revenue funding to ensure the long term sustainability and financial viability of the scheme has been provided to the Local Planning Authority (LPA). However, it is to be assumed that the proposal would not have been advanced if there was not a reasonable prospect of the development being viable. Officers have no reason to believe that it would not be and therefore this should not be a reason for the refusal of the application.
- 8) No information or support from the relevant statutory agencies, such as those who may be expected to commission such services or provide ancillary services such as care and support to the intended residents, has been submitted to the LPA. However, it is considered that the addition of one extra care unit at the existing site would not cause an increased burden to any statutory agency to an extent that would justify the refusal of the application. The NHS England Midlands and East Department has been consulted and raised no objection to the proposed development.

5.1.8 On the basis of the above assessment, noting that the proposal constitutes the expansion of an existing facility rather than a new stand-alone facility, it is considered that the proposal can be found acceptable and it is considered that the benefits of providing additional accommodation to meet the needs of the ageing population outweighs the minor disadvantages of the proposal that are identified above.

5.1.9 It is noted that the application form indicates that the use would fall within Use Class C3. It is therefore considered that it would be appropriate to impose a condition on any permission to ensure that the proposed development would be used as extra-care accommodation rather than as conventional open-market housing which would be

contrary to the policies of the development plan and the NPPF. It would also be reasonable to require details of how the proposed development would comply with Part M4(3) of the Building Regulations as it is likely that the occupants of the building would be more reliant on the proposed dwellings achieving a 'life-time' design solution than conventional housing. In this instance it is considered necessary and reasonable to be satisfied that the proposed accommodation would be fit for purpose.

- 5.1.10 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (September 2017), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.28 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.11 Although the Council can demonstrate housing supply in excess of five years, taking into account that the development would contribute towards meeting the identified housing need for older population, no objection is considered reasonable to be raised in principle of the proposed development.
- 5.1.12 Other material consideration relating to the impact of the development on the character of the sparsely developed countryside, the living conditions of the future and neighbouring occupiers, highways issues and ecology are assessed below.

5.2 Housing Mix

- 5.2.1 The proposal would provide one two bedroom dwelling which would also contribute towards the identified need for housing for the elder population. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide one, two bedroom dwelling would, albeit limited, contribute towards the identified need from smaller houses.

5.3 Design and Impact on the Character of the Area

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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”.

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- 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.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 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.

- 5.3.6 The site is located outside the defined settlement boundaries within a small cluster of properties between the main village of Bradwell and Bradwell Waterside, where development is sporadic and surrounded by open fields. However, it is acknowledged that the site has already been developed in the past providing a total of eight extra care units and it is considered that the increase of one additional small scale dwelling would not result in intensification of the built form on the site.
- 5.3.7 The area where the extra care unit is proposed to be built currently forms part of the communal open areas of Redwood Park, with a number of mature trees, which currently contribute to the character of the area. The overall character of the area is largely open and undeveloped, with limited and sparse development, mainly towards the northwest of the application site. However, given that the development is sited within the envelope of a build-up area (Redwood Park) and its scale has been significantly reduced from the previously refused application, on balance, it is not considered that the impact on the intrinsic character and beauty of the countryside would be detrimental.
- 5.3.8 The proposed development would introduce a single storey dwelling, which would be of similar scale and height with the existing dwellings to the northwest corner of the application site at the entrance of Redwood Park. The development would also be of similar design to these dwellings with double gable roof and front projecting porch. Sufficient fenestration would be incorporated to all elevations to add architectural interest to the development. Furthermore, similar finishing materials would be used to the external elevations. It is therefore considered that the development would be in keeping with the character, scale and design of its surroundings.
- 5.3.9 With regard to matters pertaining to the orientation and position of the development within the application site, it is noted that although the development would be readily visible from the public realm, it would be set back from the highway and well behind the existing development to the northwest of the application site. The development has been significantly reduced in scale, mass and height and it would no longer appear visually obtrusive or result in diminution of the rural character and appearance of the locality.
- 5.3.10 In light of the above, it is considered that, on balance, the development would be of an acceptable design and scale, which would blend in with the existing built form and would not detrimentally impact on the appearance of the area or the character of the countryside.

5.4 Impact on Residential Amenity

- 5.4.1 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 MDDG (2017).
- 5.4.2 The proposed development would result in increased levels of activity, by reason of the increased number of houses on site. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.
- 5.4.3 The proposed development would be sited 2.4m away from the neighbouring property to the east and with the exception of the porch; it would not project beyond its front elevation. A 5.5m separation distance would be maintained between the porch and the curved residential dwellings to the east. To the rear the development would not project beyond the rear elevation of the existing development to the east. The adjacent dwelling to the east has no windows installed on its west elevation and thus, the development would not result loss of light to neighbouring habitable rooms.
- 5.4.4 Two windows are proposed to be installed on the east elevation of the proposed dwelling. These are a bathroom window and a secondary window to the second bedroom. Whilst these windows could have been conditioned to be glassed in obscure glass, in this particular instance it is considered unnecessary as there are no windows in the west elevation of the neighbouring property and as such, the development would not result in overlooking.
- 5.4.5 The nearest property to the northwest is sited 22.5m away from the proposed development and thus, no objection is raised regarding overshadowing, sense of enclosure or domination. The proposal is to erect a bungalow and as such, windows would be installed at ground level only. For these reasons, the development would not result in a material increase in overlooking.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 To access the site, it is proposed to use an existing access off of High Street and therefore, no objection is raised, in that respect. The Highways Authority has been consulted and raised no objection to the proposed development in terms of highway safety or impact on the highway network.
- 5.5.4 In terms of parking provision, two off-street parking spaces are proposed to be provided for the proposed dwellings and therefore, the development would be compliant with the Council's Vehicle Parking Standards.
- 5.5.5 No provision for cycle parking has been shown on the submitted plans. However, this will be secured by condition.
- 5.5.6 Public footpath no. 3 runs south of the southern boundary of the application site. The Public's rights and ease of passage over footpath no.3 in Bradwell-on-Sea shall be maintained free and unobstructed at all times. This would be secured by condition.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed development would be compliant with the abovementioned requirement and, therefore, the outdoor requirements of the future occupiers would be met.
- 5.6.3 Overall, the dwelling proposed would have sufficient space to provide a good level of accommodation and also windows would serve all habitable rooms to provide adequate light, outlook and ventilation.
- 5.6.4 The provision of landscaping would be required in order to soften the appearance of the development, taking also into consideration the loss of the existing landscaping and mature trees. A good level of landscaping including provision of replacement trees would be secured by condition.

5.7 Ecology

- 5.7.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

5.7.2 Policy N2 of the LDP which states that “*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.*”

5.7.3 A phase 1 ecological assessment was originally submitted as part of the previous application for the erection of four additional bedrooms and a terrace of six and a pair of linked extra care units (FUL/MAL/13/00751). This survey identified no evidence of protected species, given the existing use of the site as a care home and taking into consideration the distance of the site to national and local nature conservation sites.

5.7.4 Whilst a long time has passed from this ecological assessment and a new ecological survey should have been submitted with the application, taking into consideration that since this assessment the site is in more intensive use, due to the erection of additional bedrooms and extra care units, it is considered unlikely that protected or priority species would be present on site. However, in order to make sure that environment and wildlife are protected in accordance with the policy requirements, a condition can be imposed for a walkover ecological survey to be carried out prior to the commencement of the development

5.8 Other Matters

Archaeology

5.8.1 As part of application FUL/MAL/13/00751, an Archaeological trial-trenching evaluation was undertaken in January 2014. The evaluation concluded that there were negligible archaeological findings on the site. Given that the trial-trenching were undertaken to assess whether there are findings within the whole previous application site, which includes the current application site, it is considered no further assessment would be required to be undertaken as part of the current application.

Trees

5.8.2 The area where the development is proposed to be erected is currently grassed over including a number of trees, which, except for one, will have to be removed. For that reason the application is accompanied by a tree survey and a tree protection plan, which concludes that the trees that would have to be removed are either of low quality or dead. There is only one tree that falls under category B and indicated as T1 in the tree protection plan submitted, is to be retained. The Tree Officer has been consulted and concurred with the information regarding the existing condition of the trees provided in the survey.

5.8.3 The survey also states that the building will sit in the root protection area of T1. In

order to protect damage during excavation and construction, investigation works are proposed to be undertaken in advance, which will then inform the foundation design. The Council's Tree Consultant has confirmed that the development will encompass the root protection area; although the existing buildings already cover it too. It is noted that the tree appears to be in decline and terraventing or a similar technique used to inject nutrients into the soil, could be used to reinvigorate the tree. Should permission be granted, the use of the abovementioned technique to reinvigorate the tree together with details of the foundation design could have been dealt with by condition. Although not of high quality, the site contains a number of trees and therefore, a condition for replacement trees would be required to be imposed.

- 5.8.4 On the basis of the above and the response received by the Tree Consultant, it is considered that mitigation techniques could be implemented to overcome any adverse impacts on the health of T1 (category B) tree. Replacement trees could be also planted to overcome the loss of the existing vegetation. Thus, the development, subject to conditions would not be detrimental in terms of loss of amenity value due to the loss of the trees.

Listed building

- 5.8.5 The main building at the wider site (land within the applicant's control) is not listed. A former conservatory at Down Hall is the risk register and was formerly listed. However, that building has collapsed and deteriorated to a point that it is no longer recognisable as a conservatory and has been de-listed. For these reasons, noting the comments of the Inspector for appeal FUL/MAL/15/00706 in relation to a new dwelling on adjacent land, which would have had with a similar relationship to the heritage asset, and having regard to all of the other extensions that have been approved and built at the site, it is considered that the harm to the setting of the non-designated heritage assets should not be a reason for the refusal of the application.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/18/00043** - Creation of 2No. extra care units. Planning permission refused.
- **FUL/MAL/15/00706** - Construction of single storey dwelling. Planning permission refused.
- **FUL/MAL/13/00751** - Extension to provide recreation room, office area and four additional bedrooms, a terrace of six and a pair of linked extra care units. Planning permission granted.
- **FUL/MAL/07/00785** - Two storey extension to existing care home. Planning permission granted.
- **FUL/MAL/88/00094** - Extension. Planning permission granted.
- **FUL/MAL/84/00114** - C/u to rest home. Planning permission granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Object to the proposed development, as it would be overcrowded, it will impact on the amenities of the local residents and their access to the green area and pond.	The issues raised are addressed within the main body of the Officer's Report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority(ECC)	No objection, subject to the protection of a free and unobstructed passage over footpath no.3 to the south of the site.	Comments noted
National Health Service Property Services (NHS)	Due to the low number of dwellings no objection is raised to this development and no mitigation requirement.	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Conditions about surface and foul water drainage shall be applied.	Comments noted.
Tree Consultant	No objection subject to conditions in relation to the use of techniques to reinvigorate T1 tree, submission of details of the foundation design and	Comments noted and discussed in paragraphs 5.8.2-5.8.4 of the report

Name of Internal Consultee	Comment	Officer Response
	also a condition in relation to securing the provision of replacement trees.	

7.4 Representations received from Interested Parties

- 7.4.1 A letter was received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns are raised regarding the disturbance and inconvenience during construction.	Although the neighbouring comments are taken into consideration, it is not expected that the impact on the neighbouring occupiers would be that detrimental to warrant refusal of the application, due to the expected short construction period. A condition requesting the submission of a Construction Method Statement is imposed. Any unacceptable nuisance during construction would need to be raised with the Council's Environmental Health Team.
The development may result in obstruction of access to emergency vehicles.	A condition for a construction method statement would be imposed in that respect.
Access to the green and pond and its wildlife would be restricted by the development.	Whilst it is accepted that part of the existing landscaping would be lost, no trees of significant value would be lost and also access to the pond would remain unobstructed.
Loss of view of the fields.	Loss of view is not a material planning consideration.

8. **PROPOSED CONDITIONS**

- 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).
- The development hereby permitted shall be carried out in complete accordance with approved drawings 1711/01A; 1711/02; 1711/03D; 1711/04D and Tree Protection Plan Rev A.

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

3. No development shall take place until details or 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: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. The tree identified for retention on the approved plan drawing number Tree Protection Plan Rev A which is attached to and forms part of this permission shall be protected during the course of the development. The tree shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.

REASON: To ensure that the tree is adequately protected during and after the building works and in the interest of visual amenity in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide.

6. 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
- Measures to control the emission of dust, noise and dirt during construction

Hours and days of construction operations.

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 adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

7. Prior to the occupation of the development hereby approved details of both hard and soft landscape works, including replacement trees, to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: 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.

8. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be 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. The scheme shall ensure that for a minimum:

1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1

greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

It is advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be 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 Local Development Plan (2017).

10. Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 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.

11. The public's rights and ease of passage over footpath no.3 in Bradwell-on-Sea shall be maintained free and unobstructed at all times.

REASON: To ensure that public rights of way remain free and unobstructed in accordance with policy the national Planning policy Framework and policies N3 and D4 of the Maldon District Local Development Plan.

12. Prior to the first occupation of the development hereby approved, details of the cycle store shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle store shall be provided prior to the first occupation of the dwelling hereby approved.

REASON: To ensure the provision of adequate cycle parking in a visually appropriate manner in accordance with the approved plans and policies S1 and T1 of the Maldon District Local Development Plan.

13. The extra care residential unit hereby approved shall be occupied only by:
- persons of 55 years or over who are dependent on the receipt for care for not less than 6 hours per week;
 - persons living as part of a single household with such a person or persons;
 - persons who were living as part of a single household with such a person or persons who have since died.

REASON: To ensure the development is retained as extra care unit for which there is an identified need within the district as highlighted within policy H3 of the Maldon District Local Development Plan and the Strategic Housing Market Assessment and to prevent the development of general needs housing in an unsustainable location in accordance with policies for sustainable development in the National Planning Policy Framework.

14. Prior to the commencement of the development details of the implementation of a walkover ecological survey by a qualified ecologist and their findings shall be submitted to and approved in writing by the local planning authority. If any protected species are found at the site a scheme of ecological protection and mitigation shall be submitted to and approved in writing prior to the commencement of the development. The development shall then be implemented in accordance with the approved details.

REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

INFORMATIVES

1. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
2. 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.⁴

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

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

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