



**MINUTES of
COUNCIL (EXTRAORDINARY)
31 JANUARY 2019**

PRESENT

Vice-Chairman Councillor N R Pudney
(in the chair)

Councillors Mrs B F Acevedo, Miss A M Beale, B S Beale MBE,
R G Boyce MBE, Mrs P A Channer, CC, R P F Dewick,
P G L Elliott, A S Fluker, Mrs B D Harker, B E Harker,
M S Heard, M W Helm, J V Keyes, Miss M R Lewis,
R Pratt, CC, S J Savage, Mrs N G F Shaughnessy,
Rev. A E J Shrimpton, A K M St. Joseph and
Mrs M E Thompson

794. CHAIRMAN'S NOTICES

The Chairman referred to the list of notices on the back of the agenda.

795. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Bass, E L Bamford, I E Dobson, M F L Durham CC, Mrs H E Elliott, M R Pearlman, D M Sismey and Miss S White.

796. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as an Essex County Councillor as Essex County Council were a consultee on matters of planning applications regarding highways, access and any other matter pertaining to it.

Councillor R Pratt disclosed a non-pecuniary interest as a Member of Essex County Council were a consultee on matters of planning applications regarding highways, access and any other matter pertaining to it.

797. OUT/MAL/18/00443 - LAND NORTH WEST OF 2 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

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

It was noted from the Members' Update that a further 13 letters of objection and four letters of support had been received. Further information had been submitted by the applicant and this was summarised.

Following the Officers' presentation the Group Manager - Planning Services, provided Members with some information regarding determining planning applications including legal guidance and the need to give reasonable and appropriate weight to all material considerations.

The Group Manager - Planning Services informed Members that the Council had received communication from the Secretary of State that afternoon advising that he had received a request from a third party to consider calling in this application for determination. The Secretary of State was currently undertaking a review of the application to determine whether he would be calling it in. Officers therefore suggested that the recommendation set out in the report be amended to 'approve subject to consideration of the Secretary of State on whether to call the application in and the conditions and completion of a Section 106 agreement as detailed in section 17 of the report.

Mrs Smalley, a supporter, Councillor Wendy Stamp on behalf of Burnham-on-Crouch Town Council and Mr Rowe, the Agent then addressed the Committee.

In response to a number of questions raised the following information and clarifications were provided by Officers:

- Members were advised that the Council had been working with Essex County Council (not specifically in relation to this application) regarding housing levels.
- Condition 6 contained a typographical error and should read "...dwellings hereby approved shall *not exceed* single storey in height".
- Bus stops / shelters would be covered as part of the highway obligations detailed in the proposed Section 106 agreement;
- Independent living arrangements would be in partnership with a housing association and without involvement of Essex County Council this would mean that the District Council would get 100% nomination rights to those units.
- Members were reminded that the Council's recently adopted Supplementary Planning Document accepted that a retirement village was acceptable.
- Settlement boundaries were a material consideration.

Councillor Rev. A E J Shrimpton disclosed an interest in this item as he was in the age group that qualified for this development.

A lengthy debate ensued and a number of Members spoke both in favour and against the application providing a number of reasons in support of their views to which further information was provided by Officers.

Councillor Mrs B F Acevedo referred to the Members' Update and noted that the applicant was "willing to continue permitting the access of horse riders to the proposed new perimeter path of the site". Councillor Mrs Acevedo proposed that if Members were mindful to approve the application that this be conditioned and added to the Section 106 agreement. This proposal was duly seconded.

Councillor A S Fluker supported the proposal and highlighted a number of reasons for this and that Officers were satisfied that it met policy within the Local Development Plan. Councillor Fluker proposed that the application be approved as per the Officers' recommendation, subject to the amendment to the wording of condition 6, the proposal from Councillor Mrs Acevedo and the consideration of the Secretary of State. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor Fluker requested a recorded vote. The Chairman put the proposition in the name of Councillor Fluker and the voting was as follows:

For the recommendation:

Councillors Mrs B F Acevedo, Miss A M Beale, B S Beale, R P F Dewick, A S Fluker, Mrs B D Harker, B E Harker, M W Helm, J V Keyes, A K M St. Joseph, S J Savage, Rev. A E J Shrimpton and Mrs M E Thompson

Against the recommendation:

Councillor R G Boyce, Mrs P A Channer, P G L Elliott, M S Heard, Miss M R Lewis, R Pratt, and Mrs N G F Shaughnessy

Abstention:

Councillor N R Pudney.

RESOLVED that this application be **APPROVED** subject to the consideration of the Secretary of State on whether to call the application in, the completion of a Section 106 agreement and conditions as set out below:

Heads of Terms for Section 106 Agreement:

General Obligations

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

Affordable Housing Obligations

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

Health Care Contributions

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

Highways Obligations

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

Community Facilities

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

Ecology

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

Training / Education Obligations

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

AND subject to the following conditions:

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

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

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to

and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

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

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

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

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

8 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local

Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by qualified persons and a written report of the findings must be produced. The report of the findings must include:

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

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

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

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

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

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

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

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

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

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Provision of suitable 'urban creep' allowance.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 13 No building shall be occupied until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
- 15 Prior to occupation of the development, the proposed site access shall be constructed in accordance with the plans shown in principle in drawing 183866/A/01 Revision A.
- 16 Prior to occupation of the development and as shown in drawing 183866/A/01 Revision A, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions on the B1010 Maldon Road, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 17 Prior to occupation of the development and as shown in Drawing 183866/A/01 Revision A, the developer shall provide minimum 2 metre width pedestrian footways to the north and south of the B1010 Maldon Road linked by a pedestrian island, dropped kerbs and tactile paving. Dropped kerbs and tactile paving shall also be provided on both sides of the B1010 Maldon Road in the vicinity of 16 Maldon Road.
- 18 Notwithstanding drawing 6524-1102-PL3 (Site Plan – Overall Layout), access to the development from Tinkers Hole shall be limited to emergency vehicles and non-motorised modes of transport only.
- 19 Cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 20 Prior to the occupation of the development an Arboricultural Method Statement and Arboricultural Supervision Schedule shall be submitted to and approved in writing by the Local Planning Authority. No other trees shall be removed or fell unless otherwise agreed in writing by the Local Planning Authority.
- 21 No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the Local

- Planning Authority. No development shall take place other than in accordance with the Written Scheme of Investigation.
- 22 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
- 23 Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
- 24 A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
- 25 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.
- 26 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Extended Phase 1 Habitat Survey, dated 29 March 2018. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 27 No development shall commence until full details of a Non-Licensed Method Statements for Amphibians and Reptiles has been submitted to and approved in writing by the Local Planning Authority. The Non-Licensed Method Statements shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the statement, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 28 As part of the reserved matters details of the opening hours of the shopping parade including A1/A3 and A5 uses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be then implemented in accordance with the approved details and be retained as such thereafter.
- 29 The development hereby approved shall be carried out in a manner to ensure that all proposed residential accommodation, including the proposed bungalows and Independent Living/ Extra Care element, hereby approved comply with building regulation M4 (3) 'wheelchair user dwelling'.
- 30 The internal floor area of the proposed parade of shops, including storage and welfare areas, shall not exceed 1,000sqm in total.

There being no further items of business the Chairman closed the meeting at 8.51 pm.

N R PUDNEY
CHAIRMAN

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