



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
9 JUNE 2021**

Application Number	21/00075/OUTM
Location	Land 250M North Of 16A, Maldon Road, Burnham-On-Crouch, Essex
Proposal	Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including affordable housing: erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping.
Applicant	Mr Ian Holloway - Think Green Land Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	14.06.2021
Case Officer	Kathryn Mathews
Parish	Burnham North
Reason for Referral to the Committee / Council	Major application

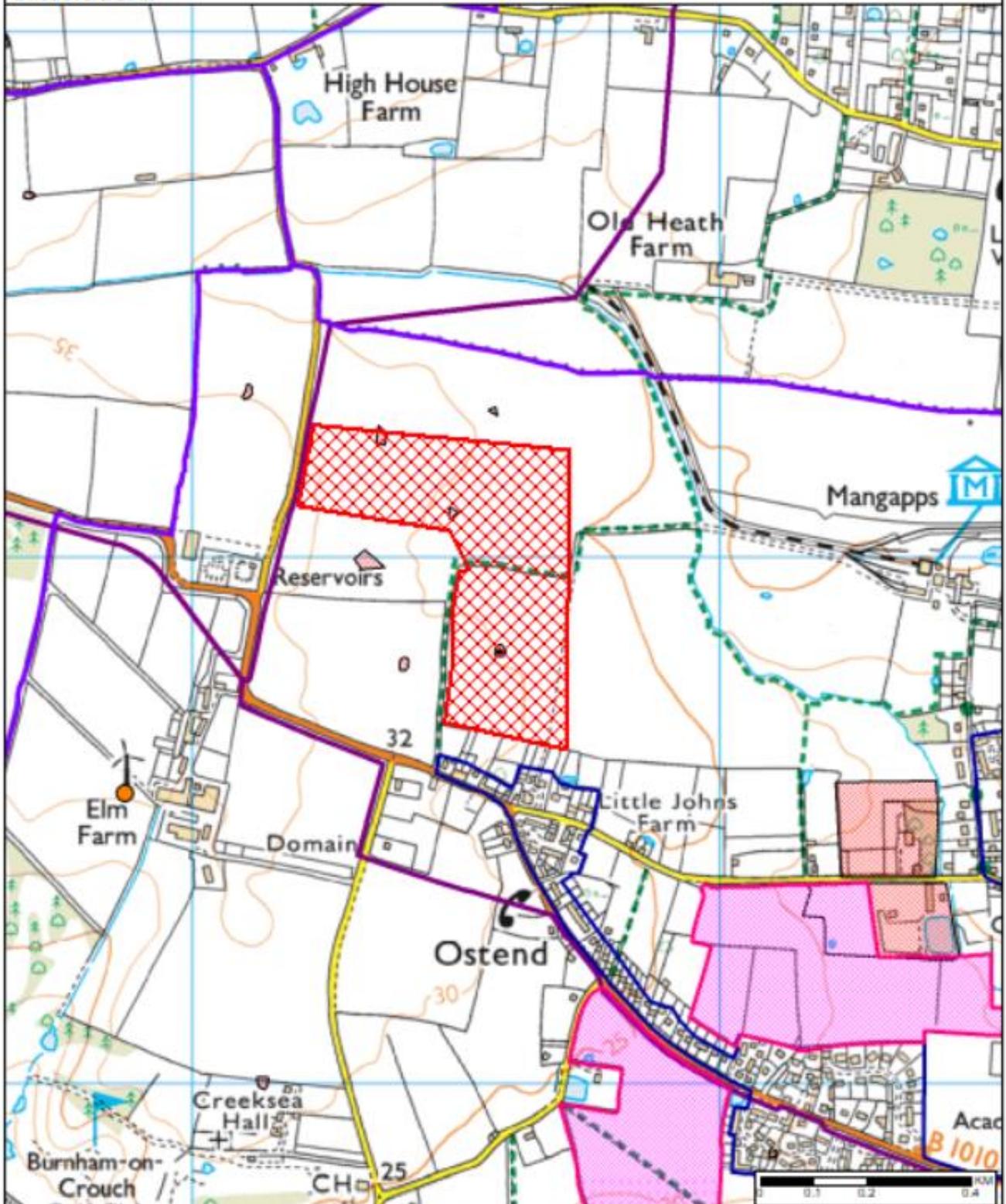
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.

Land 250m North of 16A Maldon Road, Bumham-on-Crouch
 21/00075/0/UTM



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Planning Committee
	Date:	16/04/2021
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The c.20 hectare (ha) application site is located within the countryside adjacent to but beyond any settlement boundary. Burnham-on-Crouch's settlement boundary is located around 50m to the south of the application site at its closest point.
- 3.1.2 The land is bounded to the south and west by a site to be developed as a retirement community to be known as Burnham Waters providing homes for residents over 55 (application references 18/00443/OUT approved in September 2019 and 20/00846/RES approved in October 2020). That development will consist of bungalows organised in cul-de-sac communities, with additional assisted living apartment blocks. A range of healthcare and leisure facilities will be included. This retirement community is to be constructed on land on the north side of the B1010 Maldon Road on the north-western edge of the settlement of Ostend (located to the north-west of Burnham-on-Crouch). It is understood that construction work on the approved development (site entrance, utility and service connections, show home, site offices, maintenance buildings and the first two tranches of 56 bungalows) is planned to commence in May 2021.
- 3.1.3 To the south and east of the site are a collection of existing properties fronting Maldon Road, Green Lane and Mangapp Chase. The houses along Maldon Road are particularly close to the southern boundary of the application site. Land immediately to the north and east of the site is currently in use for arable farming, with fields separated by tree lines, hedgerows, and drainage ditches. This includes Pannel's Brook, a small stream that runs adjacent to a Public Right of Way (PRoW). To the south-east is the settlement of Ostend, which includes the recently built Grangewood Park development of new homes.
- 3.1.4 There are multiple PRoWs within the landscape. PRoW 242 runs along but beyond the western boundary of the south-eastern part of the site. An east-west section of this PRoW is located within the application site and is shown to be retained between the flats and the bulk of the bungalows proposed. The footpath then runs along the eastern site boundary for a short distance before turning eastwards across neighbouring fields.
- 3.1.5 The L-shaped site slopes gently upwards from east to west. The northern boundary of the site falls from Tinkers Hole (to the west) to the site's north-eastern corner by around 5.1m. Ground levels fall from south to north across the site by around 0.9m. Along the southern boundary, the difference in ground levels east-west is around 3.2m.
- 3.1.6 The site is currently agricultural land used for arable farming (Grade 3 – good to moderate) within two fields bisected east-west by a hedge and ditch with an adjacent PRoW (no.242). The ditch is understood to be hydraulically linked to Pannel's Brook located 250m to the northeast. The site is located within Flood Zone 1 (low probability).
- 3.1.7 The majority of the site's eastern and northern boundaries are currently undefined being within an existing arable field.
- 3.1.8 There is an existing gas pipe along the northern section of the western boundary, adjacent to Tinker's Hole, with a 6m easement. There is also an existing water pipe along the southern-most section of southern boundary with an 8m easement. This

same section of the southern boundary adjoins the rear garden boundaries of residential properties fronting Maldon Road / Green Lane.

- 3.1.9 The application has been submitted in outline form with all matters of detail reserved for future determination except for the layout of the site and the means of access to the site. The proposal is described as an extension to the retirement community proposed on adjacent land. For ease, this neighbouring approved development will be referred to as Phase 1 and the development currently proposed, as Phase 2.
- 3.1.10 Means of access to the site would be from Maldon Road B1010 and the internal spine roads approved as part of Phase 1. It is stated that the spine road proposed would be able to accommodate fire and refuse vehicles. Traffic speed within the site would be restricted to 20mph.
- 3.1.11 In terms of layout, the apartment blocks would be located adjacent to the two storey buildings approved as part of Phase 1. The bungalows would be in groups of between 8 and 20. The density of the residential development proposed would be low being an average of 11dph (density per hectare) (gross) across the 20ha site. The development proposed would consist of 66no. one- bedroom units (28%), 110no. two-bedroom units (47%) and 57no. three-bedroom units (25%). The indicative accommodation schedule submitted is as follows:

Market bungalows	No.	Market apartments	No.	Totals	No.
1 bed 2P	27	1 bed 2P	32		
2 bed 4P	55	2 bed 3P	46		
3 bed 6P	30	3 bed 4P	22		
Total	112	Total	100	Total market	212

Affordable bungalows	No.	Affordable apartments	No.	Totals	No.
1 bed 2P	15	Additional independent living apartments on Phase1	5		
2 bed 3P	5	Financial contribution in lieu of 45no. on-site independent living apartments	Estimated circa £4.2M		
Total	20	Total	5 with financial contribution in lieu of 45	Total affordable (30.2%)	25 including 5 units from Phase 1 with financial contribution in lieu of 45 units

- 3.1.12 It is stated that 10% of the bungalows will be constructed for wheelchair use and the remaining dwellings will be wheelchair adaptable. Each bungalow would be provided with two, on-plot parking spaces. Plot 'boundaries' would be formed with landscaped features rather than physical fences or walls to foster a sociable community for residents. Whilst the application is outline in nature it has been indicated that each bungalow would be provided with small private terraces as well as larger, communal semi-private open spaces for each group of bungalows. All apartments would be designed to meet the requirements for Accessible and Adaptable dwellings (Building

Regulations) and provided with outdoor space (a balcony) along with communal external areas.

- 3.1.13 Details of the scale of the development, the appearance of the buildings and landscaping are matters which are reserved for future approval i.e. Reserved Matters. However, the application is accompanied by indicative details of the scale of the buildings – single storey bungalows, two-storey apartment blocks and a single storey community building. It is suggested that the appearance of the buildings would be comparable to those approved as part of Phase 1.
- 3.1.14 A Landscape Strategy has been submitted as part of the application. A margin of native tree and shrub planting is to be proposed ranging between 10m and 25m in width around the outside edge of the site which would contain a 3m wide perimeter path (around 1.55km in length) which would link with the perimeter path approved as part of Phase 1. The permissive bridleway agreed as part of Phase 1 would also be extended to the east through Phase 2.
- 3.1.15 A Management Company would be established which would retain the freehold title of all communal land (roads, footpaths, landscaping etc.). A service charge would be made to owners of the bungalows and apartments which would cover grounds maintenance, foul and surface water drainage and other utility services, the provision of refuse and recycling services etc. This would be the same Management Company to be established for Phase 1 which has been secured through the related Section 106 Agreement.
- 3.1.16 A combined heat and power system is being considered for the proposed Independent Living and Community buildings along with the inclusion of photovoltaic panels and air source heat pumps.
- 3.1.17 In terms of affordable housing, the applicant has stated that they are willing to fulfil the 30% requirement for affordable housing.
- 3.1.18 The application is accompanied by a number of supporting documents:
- Planning Statement;
 - Design and Access Statement including Refuse Strategy;
 - Appropriate Assessment;
 - Financial contribution towards RAMS (Recreational disturbance Avoidance and Mitigation Strategy);
 - Habitats Regulation Assessment Report;
 - Needs Appraisal for Older Person Accommodation;
 - Ecology Report, Great Crested Newt Approach report and Water Vole Survey Report;
 - Environmental Impact Assessment (EIA) Screening Report;
 - Five Year Housing Land Supply (Savills: December 2020);
 - Flood Risk Assessment;
 - Catchment Assessment – Surface Water Drainage Report and Richard Jackson Engineering Consultant's letter dated 27 April 2021;
 - Geo Environmental Assessment (2018);
 - Illustrative Phase 2 Accommodation Schedule;
 - Landscape and Visual Impact Assessment;
 - Tree Survey and Arboricultural Impact Assessment;

- Landscape Management and Maintenance Plan;
- Landscape Strategy;
- Rapid Health Impact Assessment;
- Transport Assessment;
- Draft Heads of Terms – S106 (Section 106) Agreement;
- Essex County Council -SuDS (Sustainable Drainage Systems) Checklist;
- Air Quality Assessment;
- Financial Viability Assessment.

3.2 **Conclusion**

- 3.2.1 The development has been assessed as being acceptable in principle, overall, taking into account the substantial benefits of the proposal which would outweigh the harm the development would cause to the character and appearance of the area and the limits on accessibility. In particular, the provision of specialist housing for the elderly (which Maldon District residents would be given priority to) would weigh heavily in favour of the development. There would also be notable economic benefits generated.
- 3.2.2 The development is not anticipated to cause material harm to the amenity of the occupiers of existing residents, highway safety or nature conservation. The development has also been found to be satisfactory in terms of flood risk and drainage. Matters relating to land contamination and archaeology could be adequately addressed through the imposition of conditions. Provision for adequate levels of parking could be made.
- 3.2.3 The applicant has agreed to enter into a Section 106 Agreement to address matters arising in relation to off-site medical provision, road junction capacity issues, off-site nature conservation impacts and affordable housing.

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
- 184-192 Conserving and enhancing the historic 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
- D3 Conservation and Heritage Assets
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- 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) (relevant even though the site lies outside the area covered by the 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) (MDDG)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)

4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.5.1 The application is accompanied by a draft list of Heads of Terms for a Section 106 Agreement as follows:

- No development on Phase 2 shall commence until the 90th dwelling on Phase 1 has been completed and is ready for occupation;
- No development on Phase 2 shall commence until the health centre, community hub / sports centre, shops, and minibus service approved as part of Phase 1 have been constructed / delivered and are operational;
- 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 to residents of the District of Maldon;
- The provision, retention and future management and maintenance of community open space and strategic landscaping;
- To create a Management Company with responsibility for future management and maintenance of the children's play area, open spaces, footways, related lighting, street furniture, signage etc and all landscaping;
- Affordable Housing: Not less than 30% of the total number of self-contained dwellings. The affordable housing tenure split shall be 80% affordable rent / 20% intermediate housing. The affordable housing to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location, design standards etc for the affordable housing element of the scheme.
- Health Care Contributions: financial contributions for health care provision if recommended by the NHS.
- Highways: Financial contribution of £25,000 for off-site highways improvements and to submit, agree and implement a Travel Plan.
- Community Facility: To provide the multi-use community building. To transfer the multi-use community building to the Management Company and retain it in perpetuity for the use of residents of the retirement community;
- Ecology: To provide a financial contribution in accordance with the RAMS scheme adopted by the Local Planning Authority (currently £127.30 per dwelling);
- Training / Education: To offer employment opportunities generated from within the site to local persons first in accordance with an agreed mechanism and to offer skills training packages for an agreed number of staff / trainees in care and maintenance occupations.

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of the application are the principle of the development, the impact of the development on the character and appearance of the area, the impact on the amenity of existing residents, highway safety / access / parking matters, the quality of life for the

occupiers of the proposed residential units and flood risk / drainage. The impacts of the development on nature conservation, land contamination, air quality and archaeology would also need to be assessed.

- 5.2 The application is accompanied by an Environmental Impact Assessment (EIA) report which concludes that the development proposed is not EIA Development. Officers have carried-out a Screening Opinion for the development and agree with that conclusion. It is considered that all of the relevant planning considerations can be adequately assessed based on the specialist reports submitted as part of the application and in consultation with the relevant Statutory Consultees without the need for an Environmental Impact Assessment, in this case.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).
- 5.3.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy.
- 5.3.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build residential properties such as those proposed.
- 5.3.4 Policy HO.1 of the Burnham-on-Crouch Neighbourhood Plan states that *"Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan"*.
- 5.3.5 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS with only 3.26 years of housing land supply. The Five Year Housing Land Supply (Savills: December 2020) document submitted as part of the application concludes that there currently is only a 4.15 years of deliverable housing land. However, the proposal has been assessed on the basis of the Council's latest published figure of 3.26 years of housing land supply.
- 5.3.6 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision taking this means:

- "(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- “(i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- “(ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Footnote 7 - This includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

5.3.7 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the Local Planning Authority (LPA) in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).

5.3.8 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. Furthermore, where the development plan is *‘absent, silent or relevant policies are out of date’*, planning permission should be granted *‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’*.

5.3.9 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.

5.3.10 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that proposals outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.3.11 Paragraph 78 of the NPPF states that:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

5.3.12 The application site is located outside of the defined settlement boundary of Burnham-on-Crouch, a town that is classified as one of the three “main settlements” within the District, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.

5.3.13 Environmental Dimension

5.3.13.1 Accessibility is a key component of the environmental dimension of sustainable development and also is the basis of criteria 2 and 5 of Policy H3. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.

5.3.13.2 The application site is on the outskirts of Burnham-on-Crouch and the proposal would be an enlargement (Phase 2) of the retirement community for which planning permission has been granted on adjoining land (Phase 1). As part of the assessment of Phase 1, it was considered that the development, although not immediately adjacent to the town centre of Burnham-on-Crouch, would provide adequate access to everyday services for the occupiers of the development. It is considered that there are insufficient grounds for a different view to now be taken as there has been no material change to the accessibility of the area. The occupiers of Phase 2 would have the same level of access to local services and facilities as those who would occupy the approved Phase 1. Furthermore, it is important to note that Phase 1 was granted at a time when the Council was able to demonstrate a 5YHLS.

5.3.13.3 As part of the Transport Assessment submitted it is noted that the site is within a short distance of Burnham-on-Crouch which has a range of facilities with transport connections to wider facilities including banks, building societies and postal services, cafes, coffee shops, take-away food services and restaurants, pharmacies, supermarkets, golf club, parks and outdoors areas and village hall. In terms of access to existing, local services and facilities for occupiers of the development proposed, reference is made to Sherlock’s Café around 115m to the east and a petrol filling station and shop around 450m to south-east, both along B1010. The occupiers of the proposed development would also have access to the facilities and services within Phase 1. The applicant states that Phase 2 would not commence until Phase 1 is ‘*significantly delivered, including all community facilities, services and buildings*’ which could be secured as part of a Section 106 Agreement.

5.3.13.4 The railway station and a Co-op food store are located around 2km to the south east of the site, along with a newsagent, post office, shops, pharmacy, public house, hot food takeaway etc. all located around the junction of the B1021 Church Road and Foundry Lane. Burnham-on-Crouch High Street is around 3km from the site. As part of the application it is suggested that a walking distance of under 2km and cycling distances of less than 5km are considered to be reasonable. As part of the approved Phase 1, a footpath would be provided on both sides of the B1010 between the entrance to Phase 1 and the existing roadside footpath so there would be a road side footpath which linked the development to the abovementioned junction. Access to employment and education facilities would not be a significant issue in this case due to the type of residential accommodation proposed.

5.3.13.5 In terms of public transport infrastructure, a request bus stop exists on both sides of the B1010 Maldon Road around 70m to the east of Phase 1 providing access to the following bus services:

- 31B/D/X (Burnham-Maldon-Chelmsford): commences 05:55 weekdays and is hourly (half hourly before 09:00) Monday to Friday with a more limited service on Saturdays and Sundays.
- 593 (Althorne-Burnham-Southminster-Mayland-Cold Norton-South Woodham Ferrers): one service mornings and afternoons during term time Monday to Fridays.
- D7 (Burnham-Althorne-Mayland-Cold Norton): one service mornings and afternoons during term time Monday to Fridays.
- 510 (Southminster-Danbury-Burnham): one service mornings and afternoons during term time Monday to Fridays, and;
- FC03 (Woodham Ferrers-Althorne-Burnham-Southminster): one service mornings and afternoons during term time Monday to Fridays.

5.3.13.6 As part of the previous approval (18/00443/OUT) a public transport contribution of £75,000 has been secured as part of the Section 106 Agreement to support improved public transport service provision and bus stops are to be provided as part of the development approved. As part of this, Essex and Suffolk DaRT (Demand Responsive Transport) CIC (Community Interest Company), which operates Dengie bus services, has agreed to service Phase 1. The Dart 5 is a dial and ride service running between Burnham and South Woodham Ferrers that operates between 06:00 and 20:00 Mondays to Fridays. Essex County Council (ECC) Highways does not consider that any further improvements to public transport provision are necessary as part of Phase 2. In addition to the improved bus service referred to above, a privately-operated minibus service is to be provided into Burnham-on-Crouch, three times a day and seven days a week which would provide greater access to the wider community for residents and also provide staff working within the site a sustainable travel option to and from their workplace. Furthermore, it is stated that 110 electric cycles and two electric buggies will be available on site for residents to use.

5.3.13.7 Based on the above, although the application site is located within the rural area, the occupiers of the site would have access to a reasonable amount of services and facilities either within the retirement community itself or within the neighbouring town of Burnham-on-Crouch to meet the day to day needs of the future occupiers without there being an over-reliance on private means of transport. Paragraph 103 of the NPPF which states that *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”*. Therefore, particularly taking in to account the planning history on the adjoining site, it is considered that the site has a reasonable level of accessibility and the occupiers of the site would not be overly reliant on the use of private vehicles, which weighs in favour of the proposal.

5.3.13.8 Policy D2 requires that all new development minimises its impact on the environment. Therefore, the provision of a combined heat and power system, photovoltaic panels on various roof spaces and air source heat pumps would also weigh in favour of the proposal.

5.3.13.9 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, nature conservation, residential

amenity, flood risk / drainage, land contamination, air quality and archaeology) are discussed below.

5.3.14 Social Dimension

5.3.14.1 In terms of the social dimensions of sustainable development, the development would contribute towards the supply of housing, particularly specialist housing, within the District.

5.3.14.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.

5.3.14.3 Policies S2 and S6 of the LDP suggest that the infrastructure of Burnham-on-Crouch is limited on the basis of which development above the identified limit of 450 dwellings would not be supported. This is also supported by the Burnham-on-Crouch Neighbourhood Plan. However, every case needs to be assessed on its own merits and no deficiencies in terms of infrastructure have been identified as part of the assessment of the proposal that could not be satisfactorily overcome through the imposition of conditions or through a Section 106 Agreement (as discussed elsewhere in this report). Therefore, without the ability to demonstrate harm, it is considered that an objection based on the exceedance of this 450 dwelling limit could not be sustained. The application has been accompanied by documents to support the number and type of residential units proposed. Furthermore, no Statutory Consultee has raised an objection to the proposal based on any perceived infrastructure constraints.

5.3.14.4 Policy I2 sets out that the aim of the Council is to improve health and wellbeing. This would be achieved by:

- 1) *Addressing health issues identified in the Maldon HNA and other plans and initiatives produced by Essex Public Health, NHS England, the Mid Essex Clinical Commissioning Group, Essex Health & Wellbeing Board or any associated or successor bodies, to deliver modern healthcare which meets the needs of the District;*
- 2) *Maximising accessibility to services, particularly for vulnerable groups, through better service integration and locating new services where access can be improved;*
- 3) *Promoting suitable types of residential developments which cater for the ageing population and support healthy and independent lives; and*
- 4) *Ensuring increased access to the District's green spaces and opportunities for higher levels of physical activities.*

5.3.14.5 Paragraph 8.24 of policy I2 clarifies the type of residential accommodation that would be encouraged by the Council, which would include housing especially suitable for older people, either because of the dwelling type (e.g. bungalows), specific design features (including 'lifetime homes') or because of adaptations to suit older people's needs, or by specialist housing for elderly people. It is considered that the proposal complies with Policy I2 in this respect.

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

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

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

These criteria are discussed in turn, below but the identified need has not been met through the limited number of planning permissions which have been granted since the LDP was adopted. Furthermore, no specialist housing for older people has been granted since the determination of Phase 1.

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

5.3.15 Clearly Identified Need? (criterion 1 of Policy H3)

5.3.15.1 As part of the Needs Appraisal For Older Persons Accommodation submitted, it is stated that there is an under-supply of 1482 homes for elderly persons in the District. Reference is also made to Maldon Council’s Specialist Housing SPD which identifies an acute need for specialist housing in the District and that the majority of older people would like to live in a bungalow (62.2%), followed by supported housing. With reference to the SHMA (2014), it is stated that this document *‘outlined at the time the need for 374 new sheltered units by 2018 (of these 254 in the affordable sector and 120 in the private sector) as well as 138 extra care units.’*

5.3.15.2 The Council’s Older Persons Housing Strategy (2013) sets out four priorities for such accommodation in a 15-year forward looking timeframe. These are:

- 1st Priority: 150 extra care homes (the most significant deficit);
- 2nd Priority: 200 sheltered homes / low levels of support homes;
- 3rd Priority: 200 retirement homes for affordable rent;
- 4th Priority: 300+ open market homes designated for older persons.

The applicant argues that the development proposed would assist in tackling deficiencies in extra care units (1st priority), affordable rent retirement homes (3rd priority) and open market homes (4th priority). Also, because of the specific design of all units as wheelchair accessible or adaptable, care packages can be offered to any dwelling on either phase such that low level support 'sheltered housing' units can be formed without adaptation / limited adaptation at any point in the future. This means that the affordable housing offer, will help to address the District's 3rd priority need for sheltered homes for affordable rent. The fact that the one proposal meets three of the four criteria weighs heavily in favour of the development.

5.3.15.3 In relation to population projections over the forecast period to 2035, key finding of the SMHA (via ONS (Office of National Statistics) predictions) relevant to this application are:

- The total population of the District will rise by 17.5%;
- The most significant growth is in the over 65 age group, with the most significant proportional growth seen in those aged over 90. This group will impact on demand for supported housing, support services and need for adaptations.

5.3.15.4 The applicant draws attention to the age profile in the District in 2018 which indicated a high proportion of residents aged 70-74 years, and a corresponding decrease in those aged 30-34 years. The projected population is expected to increase by 2020, with an ageing population. The proportion of the population aged 65+ is greater in the District at 24.94% compared to England at 18.8%. The LPA acknowledges this when considering the application.

5.3.15.5 According to the Maldon District Specialist Needs Housing SPD, in the period between 2014 and 2018, just 30 private units were developed, significantly less than the 374 required. In addition, since 2010, a residential home in the District has closed, support has been withdrawn from approximately 600 sheltered properties and the District has no independent living schemes in place. Planning permission has been granted for Phase 1 of the Burnham Waters scheme and 1 extra care unit in Bradwell-on-Sea (18/00796/FUL) (a total of 159 older person C3 units and 190 care beds (Class C2)). However, this is significantly less than the need identified which will not be met through the Strategic allocated sites in the District. Burnham-on-Crouch has been identified as one of the areas in the District where older persons housing should be focused being a main settlement. There are no other sites within the existing urban areas which could accommodate the development proposed and, therefore, the development could only be accommodated on a rural site.

5.3.15.6 Under-occupation has also been identified as an issue so increasing the availability of smaller units for the elderly would free-up some of the family sized housing stock.

5.3.15.7 Based on the above, it is considered that the development complies with criterion 1 of Policy H3 of the LDP.

5.3.16 Social and Housing Needs of Residents Met? (criterion 2) and Most Appropriate Types and Levels of Support Provided? (criterion 6)

5.3.16.1 The Rapid Health Impact Assessment submitted concludes that the proposed development would have a beneficial impact on the health of residents in most instances as the high-quality housing design would support the health of its residents, and the site layout and additional premises address climate change and promote social cohesion. The Assessment acknowledges that there is one instance in which the proposed development is anticipated to have an adverse impact. This is

due to the subject site's location that is not close to the town centre. However, following a detailed assessment, it was concluded above that the site has a reasonable level of accessibility.

5.3.16.2 Details of the design and appearance of the accommodation proposed would be the subject of a future application seeking approval of reserved matters. However, based on the site layout and documents submitted as part of the current application, it is anticipated that the properties would be designed in a way that supports the wellbeing of the future residents, provided an adequate quality of life for the occupiers of the proposed residential units and the development would be designed and managed to provide the appropriate type and level of support for the residents.

5.3.17 Impact on Capacity of Public Services? (criterion 4)

5.3.17.1 The Rapid Health Impact Assessment submitted concludes that the impact on secondary health services would be neutral but that this is likely to be linked to the extent to which existing residents in Maldon District move into the new development. However, the cascading mechanism proposed as part of S106 agreement would prioritise local residents' access to market homes which would reduce the potential for adverse impacts and a financial contribution would be made, similar to that agreed for Phase 1.

5.3.17.2 The applicant acknowledges that there is no spare capacity at the local GP to accommodate further demand but there appears to be capacity at dental practices in Burnham-on-Crouch and medical facilities are to be provided as part of Phase 1. Furthermore, the applicant is willing to make a financial contribution towards the provision of medical services off-site, if the NHS advise this is necessary. There also appears to be spare capacity at the existing village hall and new community / leisure / sports facilities are proposed as part of Phase 1. Pathways, allotments and public open space within Phases 1 and 2 would facilitate walking, cycling, recreation etc.

5.3.17.3 Based on the above, it is considered that the scheme would not have an adverse impact on public services.

5.3.18 Concentration of Similar Uses? (criterion 3)

5.3.18.1 It is noted that planning permission exists for Phase 1 of the retirement community along with a planning permission (reference 14/00356/FUL) for a development on one of the allocated sites to the south-east which would include 20 bungalows and a 50 - 60 bed care home. However, whilst the development would be for 232 residential units, as the proposal would be an extension to Phase 1 rather than a separate development. Therefore, it is not considered that the development would result in an over-concentration of similar uses to such a degree to justify planning permission being refused. Furthermore, and significantly, it must be noted that Burnham-on-Crouch is one of the three settlements in the District that the Council's SPD directs this type of accommodation to.

5.3.19 Viable in the Long-term? (criterion 7) and Supported by Relevant Statutory Agencies? (criterion 8)

5.3.19.1 The application is accompanied by a Financial Viability Assessment which has been submitted to demonstrate that the development can be delivered and maintained in perpetuity without recourse to public funding or future capital inputs beyond those self-generated by the approved Phase 1 and proposed Phase 2 developments in the short, medium and long term. This testing extends to the health care and C2 uses approved in Phase 1 of the development, to which residents in Phase 2 will have

direct access. Such an approach was considered acceptable at the time of the Phase 1 application and there is no material change in circumstances that would mean that the Council's approach should change. Furthermore, the proposed S.106 clause to ensure development is not commenced until Phase 1 is significantly occupied will ensure that the development does not come forward without a sound financial position.

5.3.19.2 The Specialist – Housing, the NHS and ECC Social Services have made no adverse comments on the proposal. In the absence of any objections from statutory agencies, it is considered that the requirements of criteria 7 and 8 of Policy H3 are met.

5.3.20 Affordable Housing

5.3.20.1 The site is located in an area identified in the approved LDP where 30% of the units would need to be affordable to comply with the requirements of Policy H1. The proposal includes the provision for at least 30% of the residential units proposed as affordable units in a mixture of on-site provision and a financial contribution in lieu of the balance of units on the basis of which, the proposal complies with Policy H1 and the Senior Specialist – Housing supports the application.

5.3.20.2 Policy H1 allows for a financial contribution being accepted from applicants in lieu of on-site provision (either in full or part) where this would better satisfy the affordable housing needs of the District. The Housing Service has advised that there is an under provision of General Needs Affordable Housing through the LDP and, whilst there is a recognised need for age restricted housing, there is a greater need in the District for General Needs Affordable Housing. Therefore, in this case, the Housing Service supports the proposal for a small number of bungalows on-site and the payment of a commuted sum in lieu of a substantial number of the affordable properties proposed which would provide a better affordable housing offer for the District as a whole. Furthermore, the applicant's offer of including an additional five Independent Living units from Phase 1 in the affordable housing offered is welcomed as this would mean that the whole of the approved Phase 1, 55-unit Independent Living block would be affordable housing. This would provide a greater benefit compared to an off-site contribution or five additional bungalows as part of Phase 2. Based on this, Strategic Housing Services advises that this application has the opportunity of not only meeting the affordable housing requirements for older people but could also assist in meeting general needs affordable housing for residents of the District. This matter should be afforded significant weight in favour of the development proposed.

5.3.20.3 The Affordable Scheme detailing tenure, cost, allocation of units would be agreed by the LPA, in consultation with the Senior Specialist – Housing, as part of compliance with the S106 Agreement which would need to be completed prior to any planning permission being granted.

5.3.20.4 The Council's adopted SPD provides a formula for calculating the figure for commuted sums. This is to ensure that the Council can robustly defend the financial contribution sort from the Developer. In this instance, to offset the need for affordable housing on site, the Council would be seeking a financial contribution in the region of £4,207,875.

5.3.21 Housing Mix

5.3.21.1 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated

SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. The proposal for 232no. residential units consisting of a mixture of one, two and three-bedroom units with at least 60% being one- or two-bedroom units, would contribute positively to the currently identified housing need and be responsive to local circumstances which would weigh in favour of the proposal.

5.3.21.2 The proposed community facility along with new green infrastructure and open spaces would also make a positive contribution towards the social dimension of sustainable development and comply with Policy E3 of the LDP.

5.3.22 Economic Dimension

5.3.22.1 With reference to the economic dimension of sustainable development, the development would result in economic benefits through the employment and business created by the construction of the development proposed. There would also be the creation of approximately 10-15 skilled and semi-skilled new jobs (within the maintenance and administrative sectors and possible additional care employment) once the development has been completed. Training opportunities and priority would also be given to local people for job vacancies which could be secured through a S106 Agreement. These economic benefits would comply with Policies E1 and E6 of the LDP and would weigh in favour of the proposal.

5.4 **Design 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 This principle has been reflected to the approved LDP. 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, with respect to density, states that all development will be design-led and will seek to optimise the use of land having regard to a list of considerations including the location and setting of the site (1), the existing character and density of the surrounding area (2) and the impacts upon the amenities of neighbouring properties (7).
- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.4.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the BOCNP.
- 5.4.7 The application site lies outside of any defined development boundary. 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 The Landscape and Visual Impact Assessment (LVIA) submitted refers to the Essex Landscape Character Assessment (2006) and identifies that the site falls within area E2 (Tillingham and Latchingdon Coastal Farmland) the key landscape characteristics of which are:
- Gently undulating arable farmland behind the coastal marshland, locally quite steep.
 - Heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay.
 - Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient planned enclosure.
 - Dutch elm disease has made elm loss noticeable in hedgerows.
 - Right-angled bends in lanes reflect ancient field pattern.
 - Settlement pattern follows underlying soils - sand and gravel formations on a ridge between Bradwell and Burnham-on-Crouch - elsewhere settlement on slopes in clay areas.
 - This is a landscape characterised by its rolling topography, by its visual links to the drained marshland and by its texture of its deciduous tree and shrubs in field boundaries.
 - Urban expansion is happening fast here, and as a consequence only certain pockets, well away from the B road network, have a moderate sense of tranquillity now.

- 5.4.9 This landscape is described as having a moderate sensitivity to change and identifies relevant key sensitivities within the study area to be:
- Distinctive long hedgerow boundaries (often containing deciduous trees and shrubs) running on parallel axes (which are sensitive to changes in land management).
 - The open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.
 - There is a strong sense of historic integrity, resulting from a historic settlement pattern of villages lining the top of the low north-south ridge between Bradwell and Burnham-on-Crouch and a distinctive historic co-axial field pattern.
- 5.4.10 The description that best suits the site itself is a high / local value assessment. This denotes: *'Reasonably attractive landscapes with some attractive features and a few intrusive elements. Variable condition of vegetation and lacking in local designations but nevertheless of value to the local area'*.
- 5.4.11 The LVIA concludes that the magnitude of the landscape change as a result of the development would be 'medium' taking into account Phase 1 and, based on the current proposals and bearing in mind the proposed mitigation, the landscape effect has been assessed as 'minor adverse' i.e. it would not quite fit into the landform and scale of the landscape and would affect an area of recognised landscape character.
- 5.4.12 It is the short distance receptors which have been identified as those most likely to be affected. Views from adjacent highways to the south and west would be slight. From users of the public footpath passing between Phases 1 and 2, the effect would be mainly moderate but there would be substantial effects on two views due to the gaps in the existing vegetation. The effect on views from the back gardens of properties fronting Maldon Road and Green Lane would also be substantial. Views from the public right of way which runs along Pannel's Brook to the north / east would be moderate / substantial. Longer distant views from Mangapps Chase to the east may experience moderate / substantial visual effects but from the north, northeast and west, due to topography and intervening vegetation, the effects would be none to slight. However, boundary planting would help to mitigate the moderate / substantial effects on view except for three viewpoints (from the rear of properties fronting Green Lane and from the PRow to the east and north-east) where receptors would still experience moderate/substantial visual effects.
- 5.4.13 As part of the Tree Survey and Arboricultural Impact Assessment submitted, 40 individual trees, 15 tree groups and 4 hedgerows were surveyed. No trees are intended to be removed to facilitate the construction of the site access or compounds, but the following will be required:
- Tree Group G5: removal of one young oak and two early mature ash trees. This will have minimal impact on wider landscape amenity. These trees are of moderate quality and have a maximum height of 8m.
 - Tree group G19: removal of two young sessile oak from this tree group with minimal impact on wider landscape amenity. These are self-seeded oak trees of moderate quality with a height of approximately 7m.
 - Hedgerow H17: Removal of approximately 18m of low-quality hedge comprising blackthorn and remnant elm. This will have minimal impact on wider landscape amenity, and it is recommended that the retained hedgerow is interplanted with a range of native species.

- Hedgerow H18: Removal of approximately 40m, in two sections, of unmanaged hedge comprising hawthorn and remnant elm. This will have minimal impact on wider landscape amenity, and it is recommended that the retained hedgerow is interplanted with a range of native species.

- 5.4.14 A Landscape Management and Maintenance Plan and Landscape Strategy have also been submitted as part of the application.
- 5.4.15 The application is in outline form with matters of landscaping, scale and appearance being reserved for future determination. However, matters relating to site layout and access are to be assessed as part of the current application.
- 5.4.16 In terms of the density of the residential development, at 11.5dph, this would be comparable to Phase 1 which will be 12dph. Whilst low, the proposed density is considered to be appropriate for this semi-rural site that would abut the countryside and given the nature of the residential accommodation proposed.
- 5.4.17 The development would extend over a significant area (c.20ha) and would, inevitably, alter the rural character and appearance of the area. However, it must be noted that any development of a scale such as this within the District would have an impact and unfortunately, Government guidance is clear that the Council has a responsibility to meet the housing needs of the District and therefore, developments of a significant scale are required to come forward.
- 5.4.18 There would be views of the development from its surroundings including from the public rights of way within and in the vicinity of the site as well as from existing residential properties. However, this would be limited as the development would be viewed as an extension to Phase 1, which it would adjoin on two sides, resulting in a compact form. It would be likely that this development on a new, separate site would be significantly more visually intrusive than what is proposed as part of this application. A separate development would also not benefit from the services and facilities that would be provided on Phase 1 and would, potentially, need to be greater in scale if such services and facilities were also to be provided on-site. Furthermore, the development would be spacious in nature consisting, predominately, by single storey buildings and the 4no. two storey apartment blocks would be located away from the site's countryside boundaries. In addition, substantial additional landscaping would enhance the existing vegetation and help to assimilate the development into its setting, particularly in the medium-longer term. It is noted that there would be a large expanse of car parking adjacent to the western boundary of the site for three of the four apartment blocks proposed which would be split into three groups, but the sections would be close together. However, it is considered that this area could be adequately landscaped in order to mitigate the visual harm this element of the proposal is likely to cause. Details of external materials, soft and hard landscaping as well as external lighting could be required by condition if planning permission were to be granted.
- 5.4.19 Therefore, whilst it is noted that the proposed development would significantly alter the nature of the application site it is considered that due to the relationship with Phase 1 and the low density of the development the impact on the character of the area, when viewed from public vistas, would be, for a development of this size and scale, minimal. Taking into account the Council's lack of a 5YHLS, and the need to deliver additional housing outside the sites allocated within the LDP, it is considered that the proposal would, in relation to design and impact on the character of the area, be acceptable.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of policy D1 of the approved LDP seeks 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.
- 5.5.2 The proposed development would be substantial in terms of its extent and would adjoin the rear boundaries of a number of residential properties which front Maldon Road and Green Lane to the south. However, the application site boundary is located around 60m from the rear elevations of these residential properties at its closest point and the buildings proposed would be a further 20m from the nearest existing residential property. Furthermore, all of the buildings closest to the site boundary would be single storey in height and all but one of the buildings would be residential in use. The non-residential building would be a community hall, the use of which could potentially cause harm to the amenity of the occupiers of local residents from noise and disturbance. However, this could be minimised to an acceptable degree through the imposition of conditions if planning permission were to be granted to limit the use of the community hall including hours of use. Details of external lighting for the development could also be required by condition.
- 5.5.3 Based on the above assessment, whilst the proposed development would be visible from a number of existing residential properties, it is considered that, subject to the imposition of conditions, the development would not have a materially adverse impact on the amenity of existing local residents or, due to the separation distances which would be provided, residents of the adjacent Phase 1 by reason of overlooking, dominance, loss of sunlight, loss of daylight, loss of outlook, visual impact and noise. As a result of the nature of the uses proposed, it is not anticipated that smell would be a concern. The issue of the impact of the development on air quality, is addressed below.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 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 encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.3 Parking Provision
- 5.6.3.1 In terms of parking provision for vehicles and bicycles, the standards as set out in the adopted Vehicle Parking Standards SPD for Maldon District Council relevant to the proposal are as follows:

Dwellinghouses (Class C3):

Minimum 1 parking space per dwelling; 1 space / 1 bed; 2 space / 2-3 bed; 3 space / 4+ bed; visitor parking - 1 per 4 dwellings; 1 per 2 dwellings where car parking is allocated

Off street parking: at least 1 home charging point per dwelling

Cycle parking: none if garages provided; otherwise, 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)

Independent living/retirement complexes/residential care home: a maximum of one 10-scooter store per development with one charging point per scooter space.

Individual dwellings designed for older people: secure, adaptable space with a suitable, conveniently located charging point (e.g. additional internal space within the home or within a garage) for a scooter.

Community Hall (Class D1 – non-residential institutions including public halls)

Minimum 1 parking space per 25sq.m.

Cycle parking: 1 space per 10sq.m.

Provision of parking for Powered Two Wheelers (PTWs) and people with disabilities as well as access for ambulances would also be required.

5.6.3.2 To comply with the adopted parking standards, the bungalows proposed would need to be provided with a total of a minimum of 231 parking spaces plus 33 visitor parking spaces and 231 cycle parking spaces plus 17 cycle parking spaces for visitors. For the individual dwellings, a secure, adaptable space with a suitable, conveniently located charging point for a scooter would be required for each dwelling.

5.6.3.3 The apartments proposed would, to comply with the adopted standards, need to be provided with a minimum of 168 parking spaces plus 25 visitor parking spaces (a total of 193 spaces) and 168 cycle parking spaces plus 13 cycle parking spaces for visitors. The provision of a 10-scooter store with one charging point per scooter space would also be required.

5.6.3.4 The community building would have a footprint of around 274sq.m. and so would require the provision of a minimum of 11 car parking spaces as a public hall and for public assembly, 28 cycle parking spaces, to comply with the adopted standards. Provision would also need to be made for parking for PTWs (one parking space) and people with disabilities as well as provision for ambulance access and exit in forward gear.

5.6.3.5 The application has been accompanied by a Transport Assessment as part of which it is stated that parking provision would exceed standards.

5.6.3.6 Whilst not included on the proposed site plan submitted, it is stated that all of the dwellings proposed would be provided with two off-street parking spaces. Home charging points could be required by condition if planning permission is required. Due to the spacious layout, there would be sufficient space to provide adequate parking for visitors and cycle parking for the dwellings proposed.

5.6.3.7 Car parking areas would be provided for the 100no. apartments in four sections, one for each of the four blocks proposed.

5.6.3.8 A total of 20 car parking spaces would be provided for the community building.

5.6.3.9 Based on the number of parking spaces proposed, no concerns are raised in relation to the provision of car parking. No specific provision is included for car parking spaces for the bungalows proposed, scooter storage, parking for PTWs, parking for people with disabilities for the community building and cycle parking. However, it would be expected that these details could be required, by condition, to form part of a subsequent application for approval of reserved matters, if planning permission were to be granted.

5.6.4 Highway Safety and Access

5.6.4.1 ECC Highways has not commented on the proposal but did not raise concerns in response to Phase 1, subject to requirements (including a right turn ghost lane in Maldon Road at the site access) secured either through the S106 Agreement or conditions. There is no reason to expect that a different response would be received in relation to the Phase 2 now proposed. In addition, following a detailed assessment, it was concluded above that the site has a reasonable level of accessibility and the occupiers of the site would not be overly reliant on the use of private cars.

5.6.4.2 Traffic modelling has been carried out on behalf of the applicant in relation to the new junction onto the B1010 proposed as well as the existing junction of B1010 (Maldon Road) and B1021 (Church Road). The Transport Assessment concludes that the impact of the development on this junction would be minor, but the applicant is also offering a financial contribution of £25,000 for improvements to this junction, if considered necessary. At this time comments regarding this matter are awaited from ECC Highways.

5.6.4.3 Waste collection would be undertaken by the private maintenance teams using electric buggies who would transfer waste to a central area for collection by the Council's contractor. A Travel Plan is also to be provided.

5.6.4.4 Based on the above, as the vehicular access from Maldon Road B1010 to the development proposed would be the same as that approved as part of Phase 1 and the internal roadways would be 20mph and privately maintained, it is not anticipated that the development would cause harm in relation to highway safety and the proposed means of access to the site would be acceptable, subject to the imposition of any conditions or planning obligations which may be recommended by ECC Highways.

5.7 Quality of Life for the Occupiers of the Proposed Residential Units

5.7.1 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 Maldon Design Guide 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 25m² for flats.

5.7.2 This would equate to the provision of at least 50sq.m. for the one and two-bedroom bungalows, 100sq.m. for the three-bedroom bungalows and a communal area totalling 2,500sq.m. for the occupiers of the 100 apartments proposed. The requirement for individual private amenity spaces of the recommended minimum sizes for each of the bungalows proposed was relaxed as part of Phase 1 as communal areas for each cul-de-sac community were proposed to help foster social integration between residents. It is proposed that amenity space for the occupiers of the bungalows proposed as part of Phase 2 is in a similar form. There is not

considered to be any planning reason as to why the Council should take an inconsistent approach to this matter. Details of the residential units and the amenity space provision would form part of any subsequent application seeking approval of reserved matters but based on the site layout and documents submitted as part of the current application, it is anticipated that an adequate quality of life for the occupiers of the proposed residential units could be provided.

5.8 Flood Risk and Drainage

5.8.1 The application site is located within Flood Zone 1 (low probability). However, due to the site area being more than 1ha, a Flood Risk Assessment (FRA) has been submitted as part of the application. An Essex County Council SuDS Checklist has also been submitted.

5.8.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.

5.8.3 The FRA only identifies potential surface water drainage issues but concludes as follows:

In the high risk (1 in 30 year) return period, some small, isolated pockets of surface water flooding can be found across the area of the site containing the west-east ditch, indicating trapped water. This is not borne out however by the topographic survey which does not indicate any localised low points.

In the medium risk (1 in 100 year) return period these same isolated pockets of trapped water are more widespread, and begin to form a flow path running from the site to the eastern ditch. Depths are shown to be below 300mm.

In the low risk (1 in 1,000 year) return period shows a worsening of the flow path described above extending to the west to Maldon Road. Depths are still shown to be below 300mm.

The flow path shown in the mapping will need to be maintained, the proposed plan shows an open and well-spaced layout, therefore the flow path will be still be able to flow during extreme events un-impeded.

If an extreme event which exceeded the capacity of the proposed drainage system were to occur such as that indicated in the low risk surface water flooding event, water would flow over the ground surface. The buildings themselves will be set at least 150mm above ground level with appropriately designed thresholds and hence the risk of water flowing into the properties will be reduced in such an event.

There is a residual risk of surface water flooding in extreme events [which]... would be managed by the site owners.

5.8.4 As a result, it will be important to ensure that surface water within the site is dealt with appropriately to ensure that there is no unacceptable risk of flooding from surface water.

- 5.8.5 The FRA advises that run-off rates would be equivalent to greenfield run-off rates divided over three proposed outfalls and that run-off would be collected from permeable hard surfaces and attenuated and stored through the proposed swales and basins. The largest detention basin would remain wet all year around, but the others would be dry for periods of time. The Catchment Assessment submitted concludes that the existing watercourse has the available capacity to convey flows for all events up to and including the 1 in 1000 year with a minimum freeboard of 0.36m.
- 5.8.6 The further information initially requested by ECC SuDS Team has been received and they have now withdrawn their objection to the proposal. Based on the documents submitted as part of the application and the consultation responses received, no objections to the proposal are raised in relation to flood risk or drainage, subject to the imposition of conditions and a review at the reserved matters application stage. It is considered that, as part of the application, it has been demonstrated that the site is not at risk of flooding, the development would not increase the risk of flooding elsewhere and foul drainage can be accommodated satisfactorily.

5.9 Nature Conservation

- 5.9.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.9.4 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.9.5 The development has the potential to impact on both on-site and off-site nature conservation interests.
- 5.9.6 In relation to on-site impacts, the Ecology Report submitted as part of the application states that the development has the potential to negatively impact a range of relatively common habitats and species, as well as some legally protected or otherwise notable ones, but for which no further surveys or mitigation are required, or for which good practice mitigation will be sufficient to safeguard them during the construction and operation of the development. In several cases, there is potential for enhancements to provide long-term positive impacts. However, the Report concludes that further survey work is required to inform the assessment of ecological impacts to great crested newts and water vole. The following is recommended:
- Avoid impacts to tree canopies and roots during construction;

- The creation of ponds will provide net gain in valuable aquatic habitats;
- General mitigation to avoid causing harm, injury or disturbance to bats during and after the construction process including a minimum of five bat boxes installed;
- Any artificial lighting designed to minimise light spill and directing away from boundaries and retained mature habitats;
- Water vole presence /likely absence surveys – two survey visits one in mid-April to end of June and one July to September;
- Avoiding vegetation clearance during March to September (peak bird nesting period);
- A minimum of 20 bird boxes in suitable locations;
- Permission sought to carry out an Habitat Suitability Index (HSI) assessment on the nearby pond to determine suitability for Great Crested Newts – the need for further surveys and mitigation would depend on results;
- A supervised, two stage, one-directional clearance for reptile habitat;
- No badger setts on site but pre-commencement badger surveys recommended, and controls implemented during construction;
- Potential for increasing the value of the developed site for invertebrates.

5.9.7 The applicant has since carried-out the water vole survey required, and evidence of water voles has been found in one of the ditches on site, but further surveys will be necessary the year prior to the commencement of construction of Phase 2 which will inform whether displacement licenses would be required in relation to the ditch crossing locations proposed. Furthermore, ecological enhancement for water voles would be achieved through appropriate planting. The applicant has advised that they are unable to carry-out the further survey relating to great crested newts as the ponds concerned are on land not within their ownership. This issue also arose as part of the consideration of Phase 1, but it is concluded that the imposition of a condition requiring a precautionary Non-Licensed Method Statement would address this matter satisfactorily. It is considered that the Council should take a consistent approach to the matter. Therefore, it is considered that, subject to the imposition of a condition requiring the mitigation set out above, the development would not have an adverse impact on the site's ecological interests.

5.9.8 With respect to off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

5.9.9 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within

MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie Special Protection Area (SPA) and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.

- 5.9.10 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.9.11 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level HRA – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.9.12 A HRA Report has been submitted by the applicant which concludes that the development, without mitigation, is likely to have a significant effect (either alone or in combination with other plans or projects) on the integrity of the International Sites (in this case, Crouch and Roach Estuaries SPA (UK9009244) and Ramsar (UK11058); Essex Estuaries SAC (UK0013960); and Blackwater Estuary SPA (UK9009245) and Ramsar (UK11007). Therefore, an Appropriate Assessment is required.
- 5.9.13 The applicant has submitted an Appropriate Assessment which includes the following conclusions:
- avoidance and mitigation measures at the project level are included which will provide specific mitigation to address any Likely Significant Effect of the project, alone, or in combination.
 - the full drainage / transport design would form part of the detailed application along with construction management but, based on information submitted, off-site impacts in relation to surface water drainage, flooding and foul drainage would be avoided.
 - in terms of air pollution, the on-site facilities to be provided and the sustainable travel options included would minimise the need for residents to travel by car off-site, thereby '*address[ing] the concerns specifically raised... in terms of air quality effecting International Sites*'.
 - with respect to recreation, there would be on-site provision for recreation – 11.1ha of soft landscaping as public open space (approximately 54.9% of the residential area) – which would accommodate cyclists, joggers / walkers and dog walkers within the site. This would be in addition to the 3.1ha of public open space as well as pedestrian and cycleways included in Phase 1 (over 5km in total).
 - the relevant financial contribution towards RAMS would be made.
- 5.9.14 On the basis of the above, the Assessment concludes that '*No standalone or in-combination adverse effects are therefore considered likely*' as a result of the development proposed.
- 5.9.15 As the proposal is for more than 100 houses (or equivalent), Natural England does provide bespoke advice. However, Natural England's general advice is that a HRA

should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £127.30 per dwelling.

- 5.9.16 To accord with Natural England's requirements, an Essex Coast RAMS HRA Record will need to be completed if planning permission is to be granted to assess if the development would constitute a 'Likely Significant Effect' to a European site in terms of increased recreational disturbance. This Assessment would need to conclude that, with mitigation, the development would not have a Likely Significant Effect on the European designated sites before planning permission was granted.
- 5.9.17 The applicant has agreed to enter into a S106 Agreement to secure the financial contribution towards RAMS required.
- 5.9.18 On the basis of the above, it is considered that the development would not have a materially adverse impact on nature conservation interests (either on- or off-site) subject to the imposition of conditions and the satisfactory completion of an Appropriate Assessment to include a financial contribution towards RAMS being secured.

5.10 Other Material Considerations

- 5.10.1 Archaeology: ECC Archaeology has advised as follows: *the site contains the site of a possible saltern or Red Hill (EHER 11303). Recent excavations on the southern half of the site have demonstrated the presence of a low density of archaeological remains scattered across the site, comprising ditches, pits, a few possible postholes and two ponds. Prehistoric features, comprising a ditch and pit both of Late Bronze Age / Early Iron Age date have been recorded in the south-east of the site. It is unclear whether these relate to settlement activity or whether any of the surrounding undated archaeological features are associated. Medieval features, comprising two ditches and a pit have been found along the southern edge of the site. These are speculated to constitute the remains of possible rural settlement and agricultural activity alongside Maldon Road, dating to the 12th-14th centuries. The pit broadly coincides with the location of a dwelling shown on late 18th-century mapping to have been located in the south-east of the site, along the roadside, and suggests that this settlement had medieval origins. To the east of the site on Land South of Green Lane recorded a Middle Iron Age enclosed settlement (EHER 49137). To the west are the cropmarks of at least three ring-ditches, probably representing a Bronze Age barrow cemetery (EHER 11369). It is evident that the area is rich in prehistoric sites the site is within an area of archaeological interest'. Therefore, if planning permission were to be granted it would be necessary to impose conditions as recommended by ECC Archaeology (Policy D3).*
- 5.10.2 The Specialist – Environmental Health has provided advice in relation to contaminated land. The Geo Environmental Assessment submitted only relates to Phase 1, but the Specialist advises that this matter could be adequately dealt with through the imposition of conditions if planning permission were to be granted (Policy D2).
- 5.10.3 In terms of the impact of the development on air quality, an Air Quality Assessment has been submitted as part of the application. Dust during construction has been

identified as an issue but the Assessment concludes that this could be mitigated so that this was 'not significant'. The Assessment also concludes that the impact of development-generated traffic would not have a significant impact on local air quality and that pollutant concentrations at representative monitoring locations in the District were below the relevant air quality objectives. The Specialist – Environmental Health has not raised concerns in relation to the impact of the development on air quality. Based on the above, the site is considered suitable for the proposed use with regard to air quality.

5.10.4 Loss of agricultural land: the development would result in the loss of the site for agricultural use. It is understood that the land is classified as Grade 3 – good to moderate and, therefore, the development would not result in the loss of the best or most versatile agricultural land (Policy D2). Furthermore, the amount of land to be lost, in the context of the District as a whole, would not be significant.

5.11 Planning Balance

5.11.1 It is important to recognise the balance between the LDP policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration

5.11.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

5.11.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate, to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.

5.11.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the harm which would arise from the proposed development.

5.11.5 The main benefits of the proposal are considered to be as follows:

- Development could be delivered within a 3 - 5 year period and the Council's currently housing land supply is significantly below the 5 year minimum required;
- Social benefits from providing 167 market homes in a variety of sizes and types specifically designed for elderly persons;
- Social benefits of providing affordable homes in a variety of sizes and types specifically designed for elderly persons;
- Social benefits of facilitating affordable housing units to meet the need of the District through the provision of a commuted sum.
- Social and economic benefits by encouraging release of existing family housing in the District;

- Social benefits to new residents from the delivery of an additional community building and outdoor recreation facilities within the development;
- Social and economic benefits from maintaining and improving the health and wellbeing of residents;
- Social, environmental and economic benefits associated with developer contributions towards transport and healthcare in the area, which in combination with developer contributions from other developments will result in wider community planning gains;
- Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials;
- Social and economic benefits of additional custom for services and facilities in Burnham-on-Crouch e.g. buses, trains, shops, the post office, restaurants and take-aways, public houses, taxis, supermarkets etc.;
- Economic benefits through the creation of additional 10 – 15 new jobs and creating training and re-skilling opportunities in the District;
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.11.6 Overall, it is considered that these benefits outweigh the limited harm the development would cause to the character and appearance of the area and the level of accessibility associated with the development. Therefore, it is considered that the development proposed would be sustainable, and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

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 13.09.2019 (subject to a Section 106 Agreement).
- **19/01203/ADV** - Erect non-Illuminated advertisement hoarding not exceeding 23 metres in length. Approved 13.01.2020
- **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 23.01.2020.

- **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. Approved 15.10.2020.
- **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. Approved 19.10.2020.
- **20/05103/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. Approved 19.11.2020.

- **20/00846/RES** - Reserved matters application for the approval of appearance, scale & 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). Approved 14.10.2020.
- **21/05003/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 24 - Broadband strategy. Approved 03.03.2021.
- **21/05037/DET** - Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale & 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)) Condition 7 - Detailed phasing plan. Condition 8 - Samples of external finishing materials. Pending consideration.

- **21/05060/DET** - Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale & 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)) Condition 20 - Root deflectors. Condition 21 - Solar panels. Pending consideration.
- **21/05064/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 12 - Surface water drainage. Condition 13 - Foul drainage. Pending consideration.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	<u>Recommends refusal:</u> the proposed dwelling, as a result of its style, design and bulk, would result in a contrived and dominant development which would cause significant and undue harm to the character and the surrounding area. The proposal is outside the development area. The proposal is contrary to policies S1, S2, S6, S8, D1, E1 and H4 of the Maldon District Council LDP. The proposal is also contrary to policies HC2 and HO8 in the BOCNDP. Also in the BOCNDP section 10.2 addresses with "How to Best Deal with the Incremental Planning Applications over and above the 450 Strategic Allocations in a relatively remote Town with Limited Road	Noted

Name of Parish / Town Council	Comment	Officer Response
	network, infrastructure and Services. The local services, Dentists, schools, doctors are all running at over capacity. This development will place further strain on Local Highways, Public transport, nursery, primary and secondary schools, NHS services. This application to be called in by District Councillor.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response	
Environment Agency	No response	
Natural England	It has been identified that this development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects. Where proposals fall within scope of the Essex Coast RAMS, the LPA must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation prior to the application being approved.	Noted – a HRA is to be completed, in consultation with Natural England.
ECC SuDS Team	No objection subject to the imposition of conditions. The following advisory comments are also provided: <ul style="list-style-type: none"> • Ordinary watercourse consent will be required. Please see the following link: https://www.essexdesignguide.co.uk/suds/further-guidance/ordinary-watercourseconsent/ • Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green / blue features effectively. The link can be found below. https://www.essex.gov.uk/protecting-environment 	Noted- the conditions are recommended below along with informatives.
Anglian Water	No response	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Services		
Essex and Suffolk Water	<p>Their records show that there is apparatus located in the proposed development. No objection subject to compliance with their requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto their Company network for revenue purposes.</p>	Noted.
ECC Archaeology	<p>It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.</p>	Noted – archaeological conditions are recommended below.
ECC Ecology	<p>The Preliminary Ecological Appraisal Report (Surface, November 2020) identifies that further surveys are necessary.</p> <p>The LPA needs to prepare a project level Habitats Regulation Assessment (HRA) Appropriate Assessment. The developer's Habitats Regulation Assessment (Surface, November 2020) and the Appropriate Assessment (Surface, December 2020) identifies that the potential sensitivities of the nearby internationally designated sites that have potential relevance to the proposal are:</p> <ul style="list-style-type: none"> • "Water quality problems associated with waste-water discharges through the aquatic connection within the Site. Flooding, and the potential to effect water quality arising from this; • Habitat fragmentation, flooding and coastal squeeze; • The potential effects resulting from recreational disturbance, such as increased dog walking and marine-based recreation; and • Strategic Growth through an increase in the number of residential dwellings" <p>Conditions should secure the "the final flood risk assessment/drainage strategy, transport statement and landscape strategy will be received during the detailed planning stage at which time, the findings of the AA will require review" to avoid adverse effects on integrity from the development alone.</p> <p>As the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS,</p>	<p>Noted – further information received from the applicant and a further response from ECC Ecology has been sought. An HRA is to be completed in consultation with Natural England.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>approximately 1.5km from the Crouch and Roach SPA and Ramsar, delivery of mitigation measures in perpetuity will therefore also be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. A proportionate financial contribution will need to be secured from the applicant under a legal agreement with a trigger for collection at Reserved Matters stage.</p> <p>The submitted AA demonstrates that adherence to onsite mitigation measures, such as the implementation of a surface drainage and foul water scheme similar to the adjacent development, sustainable travel options, and on-site public open space, "provide confidence that all efforts to minimise indirect effects such as air pollution and recreation pressure will be / have been undertaken where possible at the outline stage." Support the conclusions of the AA (Surface, December 2020) that "no standalone or in-combination adverse effects are therefore considered likely as long as the identified policies are adhered to, offsite mitigation is captured through the Essex RAMS contributions once finalised and, onsite mitigation is provided through the provision of the open space detailed within this AA." We advise the LPA that it can adopt the submitted AA and formally consult Natural England on this document. No decision should be issued until comments on its conclusion have been received by the LPA.</p>	
ECC Social Services	No response.	
NHS Property Services	No response.	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue Services	<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. The proposed development appears to meet the requirements for Fire Service access. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p>Water Supplies - additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.</p> <p>Sprinkler Systems - building owners and developers are urged to consider the installation of AWSS which can substantially reduce the risk to life and of property loss and allow design freedoms.</p>	Noted.
Essex Police Designing Out Crime	Neither support or object but notes that, except for cycle security, there does not appear to be any reference to security within the Design and Access Statement. Therefore, recommended that the developer consults Essex Police Designing Out Crime with a view to achieving a Secured by Design award.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Housing Manager	Fully supports the proposal subject to an Affordable Scheme detailing tenure, cost, allocation of units being agreed by the local planning authority through a S106 Agreement.	Noted - refer to section 5.3 of report.
Specialist – Environmental Health	The geo-environmental risk assessment submitted with this application is the same report submitted for phase 1 of the Burnham Waters development which did not include the current application site. Therefore, conditions are recommended requiring assessment of the risk.	Noted – the conditions are recommended below.
Tree Consultant	Satisfied the trees have been surveyed and their constraints plotted in accordance with BS5837:2012. The tree removals required will have a minimal impact on wider amenity, and where construction activities are required in the protective areas or adjacent this can be addressed with a tree protection method statement. Therefore, no objections subject to	Noted – a condition requiring a tree protection method statement is recommended below. Details

Name of Internal Consultee	Comment	Officer Response
	conditions. Any soft landscaping to be provided can compensate for the tree losses and help to enhance the biodiversity and long-term amenity in the landscape. Careful consideration is needed regarding the species used, suitability for long term retention in the location and taking into account the tree's attributes such as berry drop, rooting habit etc to ensure any future conflict with site usage is addressed to reduce pressure to remove the trees as they establish. Again, this can be conditioned as part of a consent.	of the planting proposed would be assessed as part of the future application for approval of landscaping as a reserved matter.
Waste Management Officer	No response.	

7.4 Representations received from Interested Parties

7.4.1 **127** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Would harm beauty of area	Refer to section 5.4 of report.
Increased congestion	Refer to section 5.6 of report.
Flood risk assessment not carried out – area suffers with surface water flooding	A Flood Risk Assessment has been carried out and submitted as part of the application.
No assessment of protected species which occupy the area	An Ecology Report has been submitted as part of the application which assesses the impact of the proposal on protected species.
NHS commented, in relation to Phase 1, that this is not a suitable place to have serious escalation of older population – too far removed from hospital services	Noted
Outside settlement area, on greenfield site on perfectly good agricultural land	Refer to sections 5.3 and 5.10 of report.
Burnham becoming very ugly, noisy and overcrowded with very dangerous roads	Noted.
Unnecessary development	Refer to section 5.3 of report.
Would erode green belt around Burnham	There is no designated Green Belt within the District of Maldon.
Should not be allowed until infrastructure on Phase 1 delivered	This could be secured as part of the Section 106 Agreement if planning permission were to be granted.
Cannot get enough doctors for the surgery in town – recruitment challenges	Noted.
Development in Burnham already far in excess of 15-year LDP and NDP targets	Refer to section 5.3 of report.
Urban sprawl	Noted.

Objection Comment	Officer Response
<p>Infrastructure constraints need to be addressed including increased local highway capacity, improved public transport provision, increased nursery, primary and secondary schools' provision, enhanced NHS medical provision, flood mitigation measures, surface water flooding alleviation, and significant increases to public open space.</p>	<p>Local highway capacity has been assessed. Public transport provision would be improved as part of Phase 1. ECC Education has not required any financial contribution towards pre-school, primary or secondary school provision. The NHS has not required any financial contribution towards medical provision. Issues relating to flooding and drainage have been assessed in Section 5.8 of report. The development includes provision of public open space.</p>
<p>Application 20/00097 was refused due to lack of need for assisted/independent living elderly accommodation</p>	<p>The planning application related to a proposal for a Class C2 (residential institution) use at Petticrows Boatyard. The application was not refused due to the lack of need for assisted / independent living elderly accommodation. The reasons for refusal related to the loss of employment land and a Protected Primary River Related Use, as it had not been satisfactorily demonstrated that there was a need for C2 use proposed in this location, as the site was outside the defined settlement boundaries where policies of restraint applied and the Council could demonstrate a five-year housing land supply, as harm would have been caused to the character and appearance of the area, as it had not been satisfactorily demonstrated that the use proposed fell within Class C2, in which case, the development made inadequate provision for affordable housing, there were concerns regarding ecological impacts, the site was located in an area of high flood risk and failed the sequential test and the exception test, the means of access was substandard, contrived and dangerous and the necessary contribution towards health care provision had not been secured.</p>
<p>Inappropriate location for affordable homes as residents need to be near their families</p>	<p>It is considered that the site is sufficiently accessible to be an appropriate location for affordable housing.</p>
<p>Many of the homes likely to be occupied by those not retired and those still with children</p>	<p>Occupation of the properties would be limited to those a minimum of 55 years of age.</p>
<p>Limited capacity of waste treatment works</p>	<p>Anglian Water Services has raised no objections to the proposal.</p>
<p>Applicant admits that the independent/assisted living element will probably not be appropriate or required and might be considered an over-</p>	<p>Consideration is being given to whether an element of off-site provision of affordable units may be preferable to wholly on-site provision.</p>

Objection Comment	Officer Response
provision in the area	
Air pollution concerns	Refer to section 5.10 of report.
Why does a retirement village need three-bedroom properties?	Phase 1 also included an element of three-bedroom properties (12.7%). Furthermore, the inclusion of a limited proportion (under 25%) of three-bedroom properties would result in a more balanced and diverse community, some of the future occupiers may prefer three bedrooms and three bedrooms could still be a downsize. Therefore, no objection is raised to the three-bedroom dwellings proposed.
Horse riders and walkers use these fields	Provision would be made for the continuation of use of the existing public rights of way and horse riders would continue to be able to use the site.
Would increase demand for school places if elderly vacate their family homes in Burnham	Noted but ECC Education has not required that a financial contribution is made.
Concern that water pressure not sufficient for fire brigade	Essex Fire Service has not raised any concerns regarding water pressure.
Existing footpath not included in proposals?	The existing public rights of way within the site have been retained in their current alignment within the development.
Would devalue property and loss of view	Possible loss of property value and views are not material planning considerations.
Garden would be impacted by the proposal	Refer to section 5.5 of report.
Noise/disturbance during construction	This would only be temporary and could be minimised through a Construction Method Statement which could be required by condition if planning permission were to be granted and the informative recommended by the Specialist – Environmental Health, added to any planning permission granted.
Loss of existing vegetation	There would be a minimal loss of existing vegetation required to facilitate the development. Refer to section 5.4 of report.
Only slight lack of 5YHLS	Noted.

Objection Comment	Officer Response
Planning application 20/00054 was refused and is comparable	That planning application related to the Mayflower Nursery, Mill Road, Mayland and proposed 19 general needs dwellings and so is not directly comparable to the development proposed. The reasons for refusal related to the site being in a sensitive rural location outside of the defined settlement boundary for Mayland where policies of restraint apply and the Council could demonstrate a five-year housing land supply, there were concerns regarding the adverse impact the development would have on the character and appearance of the area and affordable housing provision and a financial contribution towards RAMS had not been secured.
Noisy countryside activities would disturb new residents	The Specialist – Environmental Health has not raised any concerns relating to the impact of noise on the occupiers of the properties proposed.
Over concentration of elderly population	Noted – refer to section 5.3 of report.
Means of access substandard, contrived and dangerous	Refer to section 5.6 of report.
Would have an adverse impact on Mangapps Railway Museum as a tourist attraction.	Noted.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- No development on Phase 2 shall commence until the 90th dwelling on Phase 1 has been completed and is ready for occupation;
- No development on Phase 2 shall commence until the health centre, community hub/sports centre, shops, and minibus service approved as part of Phase 1 have been constructed / delivered and are operational;
- 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 to residents of the District of Maldon;
- The provision, retention and future management and maintenance of community open space and strategic landscaping;
- To create a Management Company with responsibility for future management and maintenance of the children’s play area, open spaces, footways, related lighting, street furniture, signage etc and all landscaping;
- Affordable Housing: not less than 30% of the total number of self-contained dwellings; The affordable housing tenure split shall be 80% affordable rent / 20% intermediate housing. The affordable housing to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location, design standards etc for the affordable housing element of the scheme.

- Health Care Contributions: financial contributions for health care provision if recommended by the NHS.
- Highways: financial contribution for off-site highways improvements if required by ECC Highways and to submit, agree and implement a Travel Plan.
- Community Facility: to provide the multi-use community building to an agreed specification before occupation of the 150th dwelling and to transfer the multi-use community building to the Management Company and retain it in perpetuity for the use of residents of the retirement community;
- Ecology: to provide a financial contribution in accordance with the RAMS scheme adopted by the Local Planning Authority (currently £127.30 per dwelling);
- Training / Education: to offer employment opportunities generated from within the site to local persons first in accordance with an agreed mechanism and to offer skills training packages for an agreed number of staff/trainees in care and maintenance occupations.

PROPOSED CONDITIONS

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

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 The development shall be carried-out in accordance with the following plans: Site Location Plan 6683-1101-P2; Existing Site Plan 6683-A-1102-P1; Proposed Site Plan 6683-A-1103-P1; Proposed Ground Floor Site Plans – 6683-A-1104-P1; 1105-P1; 1106-P1; 1107-P1; Tree Survey Plan 2039-WWA-XX-XX-DR-L-0700 rev.P00; Tree Protection Plan 2039-WWA-XX-XX-DR-L-0701 rev.P00; Existing site and services layout 14885/JD/1-8.
REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 As part of the application for ‘appearance’ reserved matter, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted. The details as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained in perpetuity as such thereafter.

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

- 4 The landscaping details referred to in Condition1 shall include full details and specifications of both hard and soft landscape works and shall be submitted concurrently with the other reserved matters. The 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 existing hedgerows 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 to which it relates unless otherwise first agreed in writing by the Local Planning Authority.

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

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

- 5 The details 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 to which it relates the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

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

- 6 The dwelling mix for the development hereby approved shall accord with the proposed housing mix, as follows:

- 33no. one-bedroom bungalows;
- 64no. two-bedroom bungalows;
- 35no. three-bedroom bungalows;
- 32no. one-bedroom flats
- 46no. two-bedroom flats
- 22no. three-bedroom flats

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 Policies H1 and H2 of the approved Maldon District Development Local Plan and the NPPF.

- 7 a) No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, until a Phase 1 desktop study, site walkover and preliminary risk

assessment has been submitted to and approved by the Local Planning Authority in writing. The report of the findings must include:

- (i) Identification of potential sources of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (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) Recommendations for further investigation and/or remediation as necessary.

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

- b) Where a Phase 1 study identifies the need, an intrusive investigation and risk assessment report (Phase 2 Investigation) shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place (excluding that required to carry out additional investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures). The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An updated risk assessment
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- c) Where identified as necessary in accordance with the requirements of b) above, no development shall take place, other than that required to enable remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority in writing. The measures set out in the remediation scheme shall be implemented prior to commencement of the development where possible. Where remediation measures are incorporated into the wider development and cannot be completed prior to commencement they shall be highlighted in the remediation scheme submitted for approval.

The scheme will remove unacceptable risks to human health, buildings and other property and the natural and historical environment. It 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.

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 and submitted to the Local Planning Authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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

8 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 shall include but not be limited to:

- Verification of the suitability 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 and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- If infiltration is proven not to be viable then the scheme should be limiting discharge rates to no more than the 1 in 1 year greenfield rate, calculated off of the contributing area, for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. 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 in 30 plus 40% climate change critical storm event.
- 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.

- 9 No building shall be occupied until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.
- 10 No development 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.
- 11 No building shall be occupied until 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 shall be provided. 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 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.
- 12 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 Policies D1 and T2 of Maldon District Local Development Plan.
- 13 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 facilities 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.
- 14 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 felled 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, the guidance contained in the Maldon District Design Guide SPD and the NPPF.

- 15 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to the Local Planning Authority.
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the Maldon District Local Development Plan.
- 16 No development including any site clearance or groundworks of any kind shall take place within the site until a programme of archaeological work has been completed in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation shall be informed by the results of the archaeological assessment required by condition 14. The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. The development shall be carried out in a manner that accommodates the approved programme of archaeological work. All fieldwork should be conducted by a professional recognised archaeological contractor.
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the Maldon District Local Development Plan.
- 17 No development shall take place 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 external 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.
- 18 Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the guidance as contained within the Maldon District Design Guide.
- 19 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.

- 20 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 the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.
REASON: To improve and enhance the biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 21 No development shall take place until full details of an ecological mitigation scheme (including implementation timing / phasing and maintenance) 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 Preliminary Ecological Appraisal Report (November 2020).
REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
- 22 No development shall take place until full details of 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 within the Statements.
REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
- 23 The development hereby approved shall be carried out in a manner to ensure that all the residential accommodation hereby approved comply with building regulation M4 (3) 'wheelchair user dwelling'.
REASON: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the needs of an aging population in accordance with policy H3 of the Maldon District Local Development Plan, the National Planning Policy Framework and the Maldon District Specialist Needs Housing SPD (2018).
- 24 Use of the community facility hereby approved shall be limited to 07:30 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays and Public Holidays. No customers or visitors shall be present upon the premises outside the permitted hours.
REASON: To protect the amenity of the occupiers of the existing and proposed dwellings in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
- 25 The bungalows and community facility building hereby permitted shall be no greater than single storey in height and the apartment blocks hereby permitted shall be no greater than two-storey in height.
REASON: To protect the visual amenity of the area in accordance with Policy D1 of the approved Maldon District Development Local Plan, the guidance contained in the Maldon District Design Guide SPD and the NPPF.

- 26 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.

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 Ordinary watercourse consent will be required. Please see the following link: <https://www.essexdesignguide.co.uk/suds/further-guidance/ordinary-watercourseconsent/> Also, strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green / blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- 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.