



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
10 AUGUST 2022**

Application Number	21/00702/FUL
Location	Land North Of 48 Woodrolfe Road, Tollesbury, Essex
Proposal	Create residential specialist neighbourhood for older people, consisting of 29 affordable dwellings and community hub building, with associated landscaping and infrastructure.
Applicant	Mr Rob Scott - Lewis & Scott Retirement Living Ltd
Agent	N/A
Target Decision Date	12.08.2022
Case Officer	Anna Tastsoglou
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION

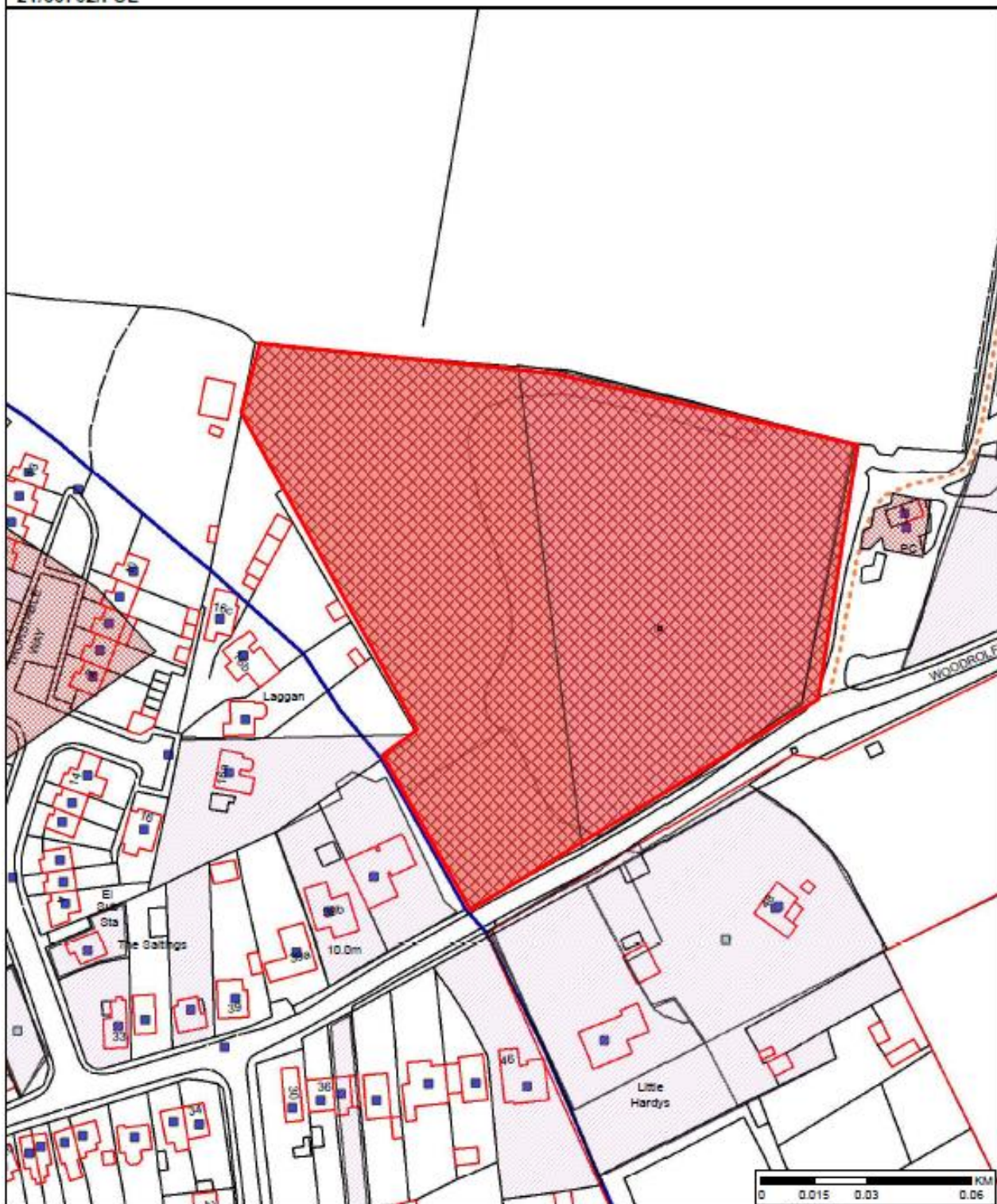
APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.


2. BACKGROUND

- 2.1 The planning application was originally presented to the North Western Area Planning Committee on 30 March 2022. The application was deferred by the Committee in order to address concerns raised by Officers and Members. It is noted that matters of concern included the principle of the proposed development and its impact on the character the character and appearance of the area.
- 2.2 Following extensive discussions with the Applicant several elements of the development have been revised as they are detailing in the updated report below.
- 2.3 The report previously presented at the North Western Area Planning Committee is attached at **APPENDIX A**.

3. SITE MAP

Please see below.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	09/03/2022
	MSA Number:	100018588
www.maldon.gov.uk		

4. UPDATE FOLLOWING DEFERRAL OF THE APPLICATION

- 4.1 As noted above several elements of the proposed development have been revised since the presentation of the development at the North Western Area Planning Committee on 30 March 2022. The revised elements of the development, as well as the main material planning consideration that need re-assessment are discussed below.

5. SUMMARY

5.1 Proposal / brief overview, including any relevant background information

- 5.1.1 The proposed development seeks permission for the erection of a residential scheme to provide sheltered accommodation for people over 60 years of age, including community hub building and associated landscaping and infrastructure. Since the deferral of the application, the following revisions have been incorporated to the proposed development:

- The number of units proposed on site has been reduced to 25, a reduction of four units from the originally proposed development (29 units).
- It is proposed that the development would provide 50% affordable housing, including eight affordable rented units (an increase of four from the original submission), 4 shared equity affordable units and 0.5 units as a commuted sum. An equity and income cap are proposed to the proposed shared ownership units. The income restriction would be up to £18,000 per annum for a single household and up to £31,350 per annum for a couple household. With regard to the equity and savings cap, it is proposed that they should not exceed twice the value of the new property.
- Following the reduction of the number of units of site the layout of the development has been amended and the density of the site has been reduced. The dwellings are more spaced out and those adjacent to the southern boundary of the site are set further back from the boundary with the public highway (minimum 8 metres back from the highway).
- The housing mix proposed has been revised as follows:
 - 11no. one-bedroom units, all affordable units, 4 shared ownership units and 7 affordable rented;
 - 8no. two-bedroom units, of which 1 affordable rented unit;
 - 6no. three-bedroom units, all market housing.
- With the exception of units 7-10 which is a two-storey block of flats, the rest of the proposed units are bungalows and chalet style dwellings. All dwellings are semi-detached, with the exception of a terrace on the western part of the site, units 23 to 25.
- The overall design of the units remains unaltered with the exception of some minor changes to the proposed units on plots 1-2, 11-12, 17-18, 19-20 and 21-22. These changes incorporated include aligned eaves heights between the main roofs and features, such as canopies, and gable projections, simplification of the roof design and reduction of the size of the dormer windows. Furthermore, the proposed semi-detached properties are now proposed to be symmetrical, with simpler and neater roof forms.

- All dwellings are proposed to be compliant with building regulations M4(ii) - accessible and adaptable dwellings, with plots 5, 6, 17 and 18 (affordable rented unit) being M4(iii) – wheelchair user dwelling.
- The Applicant also states that proposal would result in an increase in the total amount of green space (from 57% to 60.35%) resulting in net biodiversity gain greater than 10%.
- It is also noted that the Applicant would source a minimum of 50% of its costs from local and independent suppliers.
- The proposed revised scheme would provide 48 parking spaces, an increase of four from the previously proposed development.

5.2 Conclusion

- 5.2.1 The revised scheme has been submitted following lengthy discussions between the Applicant and the Local Planning Authority. The revised development has been assessed against the Council's adopted policies and relevant material planning considerations, particularly in relation to the concerns that resulted in the application being recommended for refusal.
- 5.2.2 The main amendments to the scheme are addressed in detail in section 5.1 above. The revised development still proposes residential sheltered accommodation for older persons. However, the number of units proposed on site has been reduced by four (from 29 to 25), the housing mix in terms of type and tenure of accommodation has been revised to provide a mixture of market, affordable sales and affordable rented units and further restrictions in terms of income and equity caps have been introduced.
- 5.2.3 The Council cannot demonstrate a Five Year Housing Land Supply (5YHLS) and therefore, the tilted balance is engaged. As such, when the most important policies of the plans are out of date, 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.
- 5.2.4 It is considered that the revised scheme, by reason of the reduction of the quantum of development proposed, the introduction of a mix of housing types and tenures and the suggested eligibility restrictions, would be able to provide a housing scheme that meets the local housing needs and supports mixed communities in accordance with the National Planning Policy Framework (NPPF). Following revisions, the originally proposed objections in relation to the affordable sales element of the scheme and the unidentified need for the quantum of such a specific type of development in this area are no longer raised.
- 5.2.5 Although the harm of the development on the character and appearance of the area is acknowledged, the benefits arising of the development shall be weighed against the visual harm, which has significantly been reduced from the previously proposed scheme. It is considered that the revised proposal would result in benefits that would weigh significantly in favour of the proposed development, by way of the provision of housing that meets the Council's needs and the adverse impacts of the development on the character and appearance of the area would not significantly or demonstrably outweigh those benefits. Therefore, the revised development is considered, on balance and for the reasons explained above, acceptable in terms of its impact on the character and appearance of the area.

- 5.2.6 In light of the above, Officers consider the revised development acceptable and recommend approval of the application subject to conditions and a legal agreement securing necessary planning obligations.

6. MAIN CONSIDERATIONS

6.1 Principle of Development

- 6.1.1 It is noted that one of the main concerns in relation to the development as originally proposed related to the principle of the proposed development and in particular in relation to the lack of sufficient information demonstrating that the development would constitute Affordable Housing in its entirety and that there is an identified need for this quantum and type of development in the area that cannot be met elsewhere in the District. Furthermore, Officers were not satisfied that the proposal would meet the needs of residents of the District that are not met by the market. Concerns had also been raised with regard to the tenure split of the affordable housing which did not comply with the 75 affordable rented / 25 affordable sales requirements identified by the Housing Senior Specialist.
- 6.1.2 The current proposal has been revised to reduce the quantum of development from 29 to 25 units. Furthermore, it is proposed that 50% of the development to be affordable and 50% market housing. Of the 50% affordable units (12.5 units), 8 are proposed to be affordable rented and 4 shared ownership. 0.5 units are proposed as commuted sum.
- 6.1.3 Given that the development proposes the provision of affordable housing, it is considered reasonable that an assessment as to whether the housing would constitute affordable housing in accordance with the NPPF Glossary is carried out, as it did for the original proposal.
- 6.1.4 For clarity proposes it is reiterated that there are two elements for a development to constitute affordable housing; one relates to the affordability of the buildings and the other to the affordability eligibility criteria for people that are going to be able to access the affordable units. The development should therefore be assessed against both elements.
- 6.1.5 No concerns were previously raised regarding the affordable rented element of the scheme and its compliance with the affordable housing requirements as this would have to accord with the Government's rent policy for Social rent and Affordable rent. Therefore, no objection is raised to this element of the revised development.
- 6.1.6 Within the NPPF Glossary it is stated that there are four different types of affordable housing, including those sold at a discount of at least 20% below local market value. It is also stated that *"Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households"*.
- 6.1.7 A number of concerns were previously raised in relation to the discounted sales element of the development. It was considered that it had not be demonstrated that the discount proposed reflected an accurate representation of the discount from the local market value of properties that fall within the category of housing proposed (retirement or sheltered housing).
- 6.1.8 Although the Affordable Housing Statement submitted with the revised proposal does not specify the price of the proposed affordable shared ownership units, it is stated

that this would be at 80% of the market value. It is also stated that a legal charge would be secured to the title of the property to ensure that the property would only be able to be sold at 80% of the market value in perpetuity. This can be secured through a legal agreement as well as the provision of a proper assessment of the market value of the property at the sales and re-sales time. Subject to a signed legal agreement securing the discounted sales price of the shared ownership properties, no objection is raised in that respect.

- 6.1.9 Another issue raised by officers at the time of the originally submitted application was that relating to the suggested income level, which is also a consideration when it comes to eligibility criteria for accessing affordable housing. Following discussion with the Applicant, it has been agreed that the cap to the income level of the people eligible to purchase the shared equity properties would be applied. The income cap would target the household income levels that are equal to or below the bottom 1/3 (following deduction of the percentage of those eligible to rented accommodation) of that for people living in the Maldon Rural North Sub-Area that are aged 60 and over. On the basis of that the income cap for a single household would be at £18,000 per annum and up to £31,350 per annum for couple households. It is considered that this assessment of the income cap is reasonable, and it would target those whose needs are not met by the market or affordable rented properties.
- 6.1.10 For ease of reference, it is reiterated that although an eligibility criterion in relation to equity level is not explicitly required in the NPPF, consideration should be had to the findings of the Council's Housing Needs Assessment. The Council's *"data shows that the majority of older persons households (81%) are owner occupiers, and indeed 74% are owner occupiers with no mortgage and thus may have significant equity which can be put towards the purchase of a new home"* (para. 9.12 of the Maldon District Local Housing Needs Assessment (LHNA)). It is considered that this is a material consideration as the NPPF requires affordable housing to target those whose needs are not met by the market. The revised proposal has taken into consideration the need for an income cap to ensure that the proposed shared equity units would be able to target those that cannot access market housing. The Applicant has sourced data for the Maldon Rural North Area to generate a methodology appropriate to the location. The income cap proposed would include both equity and savings of the future occupiers and it would be no more than twice the value of the new property. This is considered a reasonable equity cap as an eligibility criterion to target people whose housing need cannot be met by the market and are of 60 years of age and over. Officers have given consideration to the eligibility criteria for rented accommodation which allow people over 60 years of age to have access to savings up to £150,000.
- 6.1.11 In light of the above, and subject to a signed legal agreement securing the discounted sales of the properties, the income and equity caps and the age eligibility criterion, it is considered that the shared equity element of the development would be able to target those that cannot access the market, excluding those that are eligible for affordable rented accommodation. Furthermore, the proposed cascade mechanism to prioritise buyers from Tollesbury first, then Maldon and then the rest of Essex would secure that the development would meet the local housing needs.
- 6.1.12 With regard to the affordable housing split, it is noted that from the on-site proposed affordable units, eight will be affordable rented. This will be the 66.6% of the overall number of affordable units on site, with the remaining 33.4% proposed for affordable shared ownership. Although the proposed development would not fully comply with the required tenure mix as identified by the Housing Senior Specialist, which is 75% affordable / social rented and 25% affordable home ownership, it is noted that the development as proposed would provide a number of affordable units in excess of

the minimum policy requirement, which is 40% and as such, the overall amount of affordable rented units on site would be greater than that if the development was providing 40% affordable units (total of 7.5 affordable rented units opposed to 8 currently proposed). Furthermore, it is considered that the deviation from the required tenure mix is not significant (only 8.4%). It should be also highlighted that the revised proposal has increased the number of affordable rented units on site by four more units from the development as originally submitted to the Council for determination. Taking the above into account it is considered that proposed development would be acceptable in terms of the proposed tenure split of affordable housing and thus, an objection is no longer raised with regard to this element of the proposal.

- 6.1.13 The revised scheme proposes 50% affordable housing provision. To achieve this percentage, 12 units are proposed on site and 0.5 on a unit as commuted sum. It appears that the Applicant aims to over-provide affordable housing to add weight to be benefits of the scheme. The site is located outside the defined settlement boundaries and the proposal by reason of its location in a rural setting would result in harm on the character of the area. As the Council cannot demonstrate a 5YHLS, the tilted balance is engaged and therefore, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. On that basis, the Applicant's aim to add value to the scheme by over-provision of affordable housing is understood. However, this should be achieved by the provision of on-site affordable units as Policy H1 required, rather than commuted sums, as this could be considered manipulative to the planning system and the decision making of the application in order to achieve a favourable outcome.
- 6.1.14 According to the Planning Policy Guidance (PPG) *"Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development."*
- 6.1.15 It is considered that the provision of 12 on-site affordable planning units would be sufficient to make the development acceptable in planning terms and that the balance of the affordable housing over-provision would weigh in favour of the proposed development. The proposed additional 0.5 units of commuted sum would not be a requirement to make the development acceptable in planning terms and therefore, seeking this amount through a Section 106 (S106) agreement would not meet the abovementioned tests for planning obligations. As a result, the Officers position is that this amount is not necessary to be sought through a legal agreement.
- 6.1.16 One of the main issues raised in the Officers report presented to this Committee on 30 March 2022 was that Officers were not persuaded that the need for the quantum of development proposed of the specific type of the development previously proposed had been justified.
- 6.1.17 As noted in the previously presented report, the Council has carried out a Local Housing Needs Assessment in 2021 and the findings of the assessment regarding needs for older people housing show a high level of surplus on Sheltered housing and a demand in market housing. The applicant, to respond to the concerns previously raised regarding the need and quantum of the specific type of housing

previously proposed (primarily market discounted sales), has revised the current proposal to incorporate market housing and a 48% affordable housing provision (excluding the 0.5 units of commuted sum). The number of discounted sales units has been reduced to four from the 24 previously proposed and additionally it has been secured that the proposed housing would be able to target the people that are not able to access market housing. It is therefore considered that the revised proposal would be able to better support mixed communities, as required by the NPPF, by providing a variety of housing types, including market housing that appears to be in shortage for sheltered accommodation, a small number of affordable sales, and also affordable rented units target those in the Council's waiting housing list.

6.1.18 Although the Maldon Council's Specialist Needs Housing Supplementary Planning Document (SPD) states that *"the expectation is that the majority of this significant older persons housing shortfall will be delivered where the greatest demand is, in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from good access to public transport, shops and other key services"* it allows a level of flexibility for some specialist housing in other areas. As Tollesbury is one of the larger villages and no objection was previously raised in relation to the accessibility of the site to services, facilities and public transport and taking into account the suggested occupation restriction, it is considered that the revised development would be able to support in meeting the local needs.

6.1.19 In light of the above assessment, it is considered that the revised scheme, has overcome the previous concerns in relation to the principle of the development. In particular the concerns around the compliance of all elements of the development with the Affordable Housing criteria, the need of this quantum and type of development in this particular area and the insufficient information demonstrating that the proposal would meet the needs of residents of the District that are not met by the market.

6.2 Housing Need and Supply

6.2.1 The proposed revised development would provide the following housing mix:

- 11no. one-bedroom units, all affordable units, 4 shared ownership units and 7 affordable rented;
- 8no. two-bedroom units, of which 1 affordable rented unit;
- 6no. three-bedroom units, all market housing.

6.2.2 Although the number of three-bedroom properties has been increased by two additional units from the development as originally submitted to the Local Planning Authority, it would still remain a relatively small percentage (24%) when taking into consideration the development as a whole. Whilst it is accepted that the majority of the older population would prefer to downsize, and this is the aim of the development by providing the largest amount (76%) of small (one and two bedroom) properties, there is still expected that a small amount of the future occupiers would prefer larger properties, which would though meet special specification of accessible and adaptable homes. Furthermore, at times, a three-bedroom property could still be a sustainable downsize or people living in those properties would have a need for a carer. It is therefore considered that, whilst the mix does not weigh in favour of the proposal on balance, no objection is raised to the proposed amount of larger three-bedroom dwelling to provide a range to the housing mix.

6.3 Design and Impact on the Character of the Area

- 6.3.1 Several concerns were previously raised in relation to the impact of the development on the character and appearance of the area are a result of the quantum of development proposed, the density, the layout, grain, design, scale and mass of the development and the loss of woodland.
- 6.3.2 As stated before, the site is located outside the defined settlement boundaries of the District, adjacent to the eastern boundary of Tollesbury. The site occupies an approximate area of 1.72 hectares and it comprises primarily a pasture field with a native woodland along the western boundary. The site forms the eastern fringe of the settlement and the Inspector assessed an appeal for the erection of 18 dwellings on the same site characterised it as noticeably rural having a clear relationship with the open agricultural fields to the north and south (Appeal Reference: APP/X1545/W/19/3239910, Application reference 19/00197/RES).
- 6.3.3 Following extensive discussion with the Applicant, the number of units on site has been reduced by four (from 29 to 25 units). This has reduced the density of the proposed development on site as well as addressed some concerns in relation to the previously contrived layout of the development. The previously proposed scheme was found to result in a gross residential density of 25 dwellings per hectare and a net density of 32 dwellings per hectare. The density of the revised scheme has been reduced to a gross density of 21.6 dwellings per hectare and a net density of 27.6 dwellings per hectare. Although the resultant density would still be high for a fringe rural location, it is considered that the revised scheme is an improvement from what was originally proposed to the Local Planning Authority (LPA), as it results in a scheme of a lesser density.
- 6.3.4 In relation to the layout, the revised scheme has resulted in the removal of the originally proposed long terrace on the eastern part of the site and has resulted in the majority of the properties being semi-detached allowing the provision of gaps between them. By reducing the number of properties, a more spacious layout overall has been achieved. Furthermore, concerns were previously raised in relation to the position of the development in very close proximity to the highway (Woodrolfe Road). The revised scheme shows the dwellings being located further back from the public highway, better corresponding to the established front building line and the build pattern. Whilst units on plots 5 and 6 sit forward the neighbouring dwelling to the west (39C Woodrolfe Road), the revised scheme has significantly improved from what was originally presented to the LPA. Taking also into consideration the established landscaped boundary, which is proposed to be retained and enhanced and the topography of the site, which appear to be located on a lower ground than the neighbouring dwelling to the west, on balance, it is considered that the slight forward position of this small scaled pair of semi-detached bungalows in relation to the adjoining property would not be materially harmful to the character and appearance of the streetscene. Therefore, it is considered that the revised layout has materially improved, corresponding better to the existing built pattern, respecting and representing better the fringe location of the site and the strong relationship that it has with the surrounding rural fields.
- 6.3.5 With regard to the mass and scale of the development, it is noted that with the exception of the units on plots 7 -10, which is a two storey block of four flats, the rest of the scheme comprises bungalows and chalet style dwellings. The prevailing character of the scheme would be single storey in nature with six properties being one-and-a-half storeys in height. That taken together with the reduction of the number of units on site, the more spacious gaps between the units, the removal of the previously proposed long terrace along the eastern part of the site and the

proposed two storey block of flats, is considered sufficient to overcome the previous concerns in relation to the overall scale and mass of the proposed development. Officers consider that the revised scheme would no longer represent an unacceptable development in terms of scale and mass when taken as a whole.

- 6.3.6 Alterations have also been incorporated to the design of the proposed dwellings to address some of the concerns around the detailed design and appearance of the proposed properties. The previously proposed part two-storey, part single-storey terrace has been omitted from the proposed development and replaced with two pairs of semi-detached bungalows. This has taken away one of the main design concerns relating to the poor link and relationship of the single-storey with the two-storey element.
- 6.3.7 Other changes incorporated, included the alignment of the eaves heights between the main roofs and features, such as canopies, and gable projections, simplification of the roof design and reduction of the size of the dormer windows. Furthermore, the proposed semi-detached properties are now proposed to be symmetrical, with simpler and neater roof forms. These minor changes to the design of the dwellings have achieved a more consistent and cohesive design throughout the site and it has resolved some problematic, contrived and convoluted architectural elements of the development. Overall, it is considered that the revised design of the dwellings is acceptable in design terms and it would not result in a detrimental impact on the character and appearance of the area.
- 6.3.8 Following the above assessment, it is considered that majority of the previously raised concerns have been addressed by the proposed development. Although the density of the scheme is still considered relatively high for this fringe rural location as well as the amount of development proposed and the development would still result in loss of part of the woodland, given that the Council cannot demonstrate a 5YHLS, the tilted balance is engaged. The scheme has been revised in a way to address the concerns that Officers raised in relation to the principle of the development, proposing a development that can meet the needs of those that cannot be met by the market, as well as a mix of housing to address the local housing needs and support mixed communities as required by the NPPF. On that basis, and although the harm of the development on the character and appearance of the area is acknowledged, the benefits arising of the development shall be weighed against the visual harm, which as noted above has significantly been reduced from the previously proposed scheme. It is considered that the revised proposal would result in benefits that would weigh significantly in favour of the proposed development, by way of the provision of housing that meets Council's needs and the adverse impacts of the development on the character and appearance of the area would not significantly or demonstrably outweigh those benefits. Therefore, the revised development is considered, on balance and for the reasons explained above, acceptable in terms of its impact on the character and appearance of the area.

6.4 Developer Contributions

- 6.4.1 Along with other key principles, policy S1(11) requires decision makers to *“Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources”*.
- 6.4.2 A document with the Updated Draft Heads of Terms accompanies the application, which include the suggested developer obligation. Below are detailed the general obligation that the applicant is willing to entre to:

- The scheme will provide 8x Affordable Rented homes and 4x Shared Ownership homes, as well as a commuted sum of 0.5 of an affordable dwelling in order for the Site to achieve 50% affordable housing.
[Officer comment: As discussed in section 6.1 above, it is considered that the provision of 12 on-site affordable planning units would be sufficient to make the development acceptable in planning terms and that the balance of the affordable housing over-provision would weigh in favour of the proposed development. The proposed additional 0.5 units of commuted sum would not be a requirement to make the development acceptable in planning terms and therefore, seeking this amount through a S106 agreement would not meet the tests for planning obligations. As a result, the Officers position is that this amount is not necessary to be sought through a legal agreement.]
- To provide the multi-use community building to an agreed specification before the occupation of the 14th dwelling of the development.
[Officer comment: It is considered that the provision of the multi-purpose use building is a contribution that directly relates to scale and kind of the development which proposes to provide sheltered accommodation for an older population. The development meets the three tests of the planning obligation and therefore, this obligation is considered reasonable to be sought.]
- To transfer the Social Heart Community Building to a management community and retain it in perpetuity.
- To make the necessary contributions as requested by the NHS.
- To make the necessary Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) contribution to mitigate the recreational impacts of the development on the European nature Conservation Sites.
- To make any highway obligations including the production of a Travel Plan.
- To provide an off-site drainage strategy to improve the situation downstream at the industrial units.
[Officer comment: Given the known surface water issues on site and within the immediate area of the site and taking into account that the development would result in built form on-site and a large amount of hardstanding to provide parking and turning facilities as well as the road network within the site, it is expected that the development would result in increased surface water issues. For that reason, the suggested off-site drainage strategy contribution is considered reasonable to make the development acceptable in planning terms.]

6.4.3 Matters in relation to age, income, equity restrictions and provision of a cascade mechanism to secure propriety to local residents will also have to be secured through a S106 agreement.

6.4.4 Although it has not been included in the Draft Heads of Terms, it is considered necessary that the provision, retention, future management and maintenance of the community open space, landscaping and woodland area shall be secured through a legal agreement. A Management Company with responsibility for future management and maintenance of the open spaces, footways, related lighting, street furniture, signage and all landscaping shall be formed. This would also have to be secured through a S106 agreement.

6.4.5 As the development is recommended for approval and the Applicant is willing to enter into a legal agreement with the LPA to secure the abovementioned developer

obligations and mitigate the impact of the development, it is considered that the previous reasons for refusal have been overcome, subject to a complete and signed S106 agreement.

6.5 Pre-commencement Conditions

- 6.5.1 Three pre-commencement conditions are recommended and approval for the use of these conditions is to be agreed by the applicant's agent.
- 6.5.2 Condition requiring the submission of details of a Construction Method Statement, a Construction Management Plan, a Landscape and Ecological Management Plan, a Construction Environmental Management Plan (CEMP: Biodiversity), a Reptile Mitigation Strategy and details for tree retention and protection are considered necessary to be submitted prior to the commencement of the development. This is because even any ground works or storage of materials and machinery on site can potentially impact upon and harm existing vegetation, biodiversity and protected species, the amenity of nearby residents as well as the highway network. Archaeological investigation conditions would also be required to be submitted to and approved in writing prior to the commencement of the development. This condition goes to the heart of the permission, given it should be complied with prior to the commencement of the development, as any archaeological findings would be affected by the first phase of any works at the site.
- 6.5.3 As a result, it is considered reasonable that the abovementioned conditions are required to be addressed prior to the commencement of the development.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection subject to condition.	Comments noted and conditions are imposed.
Natural England	The comments previously made (17.09.2021) remain unchanged.	Comment noted.
Ecology Consultant	No objection subject to conditions.	Comments noted and conditions are imposed.
Essex Police Designing Out Crime	No objection raised. It is also noted that in principle the proposed development may achieve a Silver Award.	Comments noted.
Essex County Fire and Rescue Services	No objection. The Access for Fire Service is satisfactory. Advice in relation to new roads and surfaces, building regulations, water supplies and sprinkler systems are provided within their response from the Applicant's information.	Comments noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	The comments previously made remain unchanged.	Noted.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Specialist	The comments previously made (13 December 2021) remain unchanged	Noted.
Housing Specialist	<p>Strategic Housing fully supports this Application that will provide affordable housing to meet the needs of older people in the district.</p> <p>The total amount of affordable units exceeds Policy H1 requirement with a provision of 48% affordable.</p> <p>The tenure mix of the affordable as detailed in the Local Housing Needs Assessment 2021 requires a split of 75% Affordable / social rented and 25% Intermediate housing. Of the 40% Policy requirement, the Applicant is meeting the 75/25% tenure split.</p> <p>The Applicant has confirmed the affordable units will meet NDSS sizes.</p> <p>The Council will have 100% nominations to the affordable rented units for local people aged 60 and over with details of nominations / criteria of Applicants and cascade mechanism detailed in the Section 106 to the satisfaction of the Local Authority.</p> <p>The Intermediate / Shared Equity units will meet the definition/criteria set in the National Planning Policy Framework and will remain so in perpetuity as detailed in the Section 106 to the satisfaction of the Local Authority.</p>	Comments noted and discussed in the 'Principle of Development' and 'Developer Contributions' section of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>The Applicant has proposed in the Affordable Housing Statement the provision of a Commuted Sum. Policy H1 details that Commuted Sums are accepted in exceptional circumstances and on the agreement of Members.</p> <p>The Applicant is providing an affordable unit as M4 (3) Wheelchair user dwelling (Bungalow - Plot 5). All other units on the site will be built to M4 (2) which are accessible and adaptable dwellings that can be adapted in the future to meet resident's needs.</p>	

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 **Two** 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
Flooding issues	Noted and discussed in section 5.7 of the report.
Inappropriate topography for people with mobility issues	Noted and discussed in section 5.1 of the report.
Limited access to services and facilities	Noted and discussed in sections 5.1 and 5.10 of the report.
Traffic issues.	Noted and addressed in section 5.5 of the report.
Concerns regarding proximity to swage works.	Noted and addressed in sections 5.7 and 5.9 of the report.

7.3.2 **One** letter **commenting** on the application has been received and it is summarised below:

Supporting Comment	Officer Response
The development would potentially impact upon residential amenity of the nearby neighbour if not appropriate boundary treatment is in place.	It is noted that conditions securing the submission of the boundary treatment details, as well landscaping details has been imposed. The impact of the development on residential amenity is discussed within the original officer report.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- No unit shall be occupied other than by persons over 60 year of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to people that live and/or have family connection in the Parish of Tollesbury, then people that live and/or have family connection in the District of Maldon and finally people that live and/or have family connection in the County of Essex.
- Affordable housing: 48% of the development would constitute affordable housing (8x Affordable Rented homes and 4x Shared Equity homes)
- The following restrictions would apply to the proposed Shared Equity units:
 - All properties to be at a discounted rate of 80% of the market value in perpetuity
 - Income cap: Single household to be up to £18,000 per annum and Couple households to be up to £31,350 per annum.
 - Equity and savings cap to be no more than twice the new home value.
- Health Care Contributions: financial contributions for health care provision as required by the NHS.
- Ecology: to provide a financial contribution in accordance with the RAMS scheme adopted by the Local Planning Authority (currently £137.71 per dwelling).
- Highways: financial contribution for off-site highways improvements if required by Essex County Council (ECC) Highways and to submit, agree and implement a Travel Plan.
- 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;
- The multi-use community building would be provided to an agreed specification before the occupation of the 14th dwelling of the development.
- To transfer the Social Heart Community Building to a management community and retain it in perpetuity.
- To provide an off-site drainage strategy to improve the situation downstream at the industrial units.

PROPOSED CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
CSL02 REV D
Csl02 REV D
PL1_2_10000 Rev D

PL1_2_20000 Rev D
 PL1_2_14000 Rev D
 PL3_4_20000 Rev B
 PL3_4_10000 Rev C
 PL3_4_14000 Rev A
 PL5_6_10000 Rev C
 PL5_6_20000 Rev B
 PL7_10_10000 Rev B
 PL7_10_10001 Rev C
 PL7_10_20000 Rev A
 PL7_10_14000 Rev A
 PL11_12_10000 Rev D
 PL11_12_14000 Rev D
 PL11_12_20000 Rev E
 PL13_16_20200 Rev A
 PL13_16_11600 Rev B
 PL17_18_10000 Rev C
 PL17_18_20000 Rev C
 PL17_18_14000 Rev B
 PL19_20_10000 Rev C
 PL19_20_14000 Rev C
 PL19_20_20000 Rev C
 PL21_22_20000 Rev B
 PL21_22_14000 Rev A
 PL21_22_10000 Rev B
 PL23_25_14000 Rev A
 PL23_25_10000 Rev B
 SS.01 BW Rev C
 TOLLES-SPEC-001 REV J
 TOLLES-SPEC-002 REV L

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

3. The dwelling mix for the development hereby approved shall accord with the following stated housing mix:

- 11no. one-bedroom units, all affordable units (4 shared ownership units and 7 affordable rented)
- 8no. two-bedroom units (of which 1 affordable rented unit)
- 6no. three-bedroom units

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

4. The development hereby approved shall be carried out in a manner to ensure that residential accommodation on plots 5, 6, 17 and 18, hereby approved, comply with building regulation M4 (3) 'wheelchair user dwelling'. The rest of the development shall comply with building regulation M4 (2) 'accessible and adaptable dwelling'. The development hereby approved shall be retained as such in perpetuity.

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, the Maldon District Specialist Needs Housing SPD (2018) and the Maldon District Local Housing Needs Assessment (2021).

5. No development above ground level shall commence until details or samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON: In the interest of the character and appearance of the conservation area in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

6. Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposed finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area, in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

7. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan

- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

8. Prior to any works above ground level, a Landscaping Management Plan for at least five years to show how the development would improve the part of the site adjacent to the woodland area shall be submitted to and approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To secure the retention and provision of appropriate landscaping on the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

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

REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area, in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

10. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

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

11. 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:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody 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 the submitted Local Development Plan.

12. Prior to first occupation of the development hereby approved, and as shown in principle on planning drawing No. CSL02 Rev D, the principle access shall be 5.5 metres wide with junction radius and footway on each side. The details to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan.

13. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction/ access and those in the existing public highway in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan.

14. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan.

15. Prior to occupation of the development, the developer will construct a 2m wide footway on the northern side of Woodrolfe Road. The footway shall route from the proposed site access junction to the existing footway located to the east of the site as shown in DWG No. TOLLES-SPEC-001 Rev J.

REASON: To ensure the additional pedestrian traffic generated within the highway as a result of the proposed development in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan.

16. Prior to occupation of the development, the developer will construct 2no uncontrolled dropped kerb pedestrian crossings either side of the proposed development access on Woodrolfe Road as shown in principle within DWG No. TOLLES-SPEC-001 Rev J.

REASON: To ensure the additional pedestrian traffic generated within the highway as a result of the proposed development in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan.

17. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and in the interests of highway safety in accordance with policy T2 of the submitted Local Development Plan and the guidance contained in the National Planning Policy Framework.

18. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.

REASON: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

19. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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 noise 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County

Council.

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

20. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- 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.
 - A 300mm freeboard should be provided for the pond / basin above the top water level during 100yr plus 40 percent CC as per CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - Provide engineering site layout of the proposed drainage network at the site. This should include the following details: cover levels, invert levels, pipes dimensions, slopes, Pond / basin top and bottom levels as well as invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation pond/basin during 100year plus 40percent CC allowance
 - 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.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. To ensure that the system installed is sufficient to deal with surface water occurring during rainfall events and not lead to increased flood risk and pollution hazard from the site in accordance with policy D2 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.

21. No works except for demolition 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 and retained as such in perpetuity.

REASON: To ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policies D2 and D5 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.

22. Prior to the occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided with the details to be agreed by the Local Planning Authority.
REASON: To ensure that appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to and to ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policies D2 and D5 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.
23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies D2 and D5 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.
24. The dwellings hereby approved shall not be occupied until the car parking spaces and turning areas have been provided as shown on plan CSL02 Rev D. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.
REASON: To ensure appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the adopted Maldon District Vehicle Parking Standards.
25. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), Reptile Mitigation Strategy 21-1524 (Lockhart Garratt Ltd, December 2021), Reptile Mitigation Plan 4661/01/21-1565 (Lockhart Garratt Ltd, December 2021), Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021) and Water Vole Survey Report Ref: 21-0481 (Lockhart Garratt Ltd, July 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
REASON: To ensure appropriate protection to protected species and enhancement of habitats is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
26. No development shall take place until a Final Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Final Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Final Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To ensure appropriate protection to protected species in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

27. No development shall take place (including any demolition, ground works, site clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include a Water Vole Method Statement which outlines any need for a further walkover survey to re-assess the Water Vole suitability and population on site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure appropriate protection to protected species in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

28. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. This should include details of management of the existing habitats including the lowland mixed deciduous woodland on site, reptile receptor areas and ditch D1 to the south, and newly created habitats.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure appropriate protection to protected species in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

29. A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), and the Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021).

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

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

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

REASON: To ensure appropriate enhancement of habitats is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

30. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

31. Prior to the occupation of the proposed development, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

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

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

33. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

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

34. Details of 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 as such in perpetuity.

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.

35. 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.

36. No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in

writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan Maldon District Local Development Plan.

INFORMATIVES

1. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
2. The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
3. Due to the proposed internal carriageway widths and the dimensions of the proposed turning head it is unlikely that the internal estate roads will be adopted by the Highway Authority.
4. Parking arrangements have not been considered as Maldon District Council are the parking authority and retain their own standards.
5. There shall be no discharge of surface water from the development onto the Highway.
6. All highway related details shall be agreed with the Highway Authority.
7. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org
8. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
9. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.
10. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
11. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding.

Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

12. It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects, it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.
13. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
14. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
15. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
16. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch / pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
17. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
18. We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.