



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 FEBRUARY 2022**

Application Number	22/01024/OUTM
Location	Land north of Mangapps Railway Museum, Southminster Road, Burnham-on-Crouch, Essex
Proposal	Outline planning application with all matters reserved except for layout and access for the Construction 250 No. Dwellings and 54No. Units of Keyworker/NHS Accommodation. Erect Shops, Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure including Swales and Detention Basins. Extend Footpath to South Along B1021 Southminster Road, Form Open Spaces and Lay Out Hard and Soft Landscaping.
Applicant	Caliber Homes Limited
Agent	The Planning and Design Bureau Ltd
Target Decision Date	20.02.2023
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application

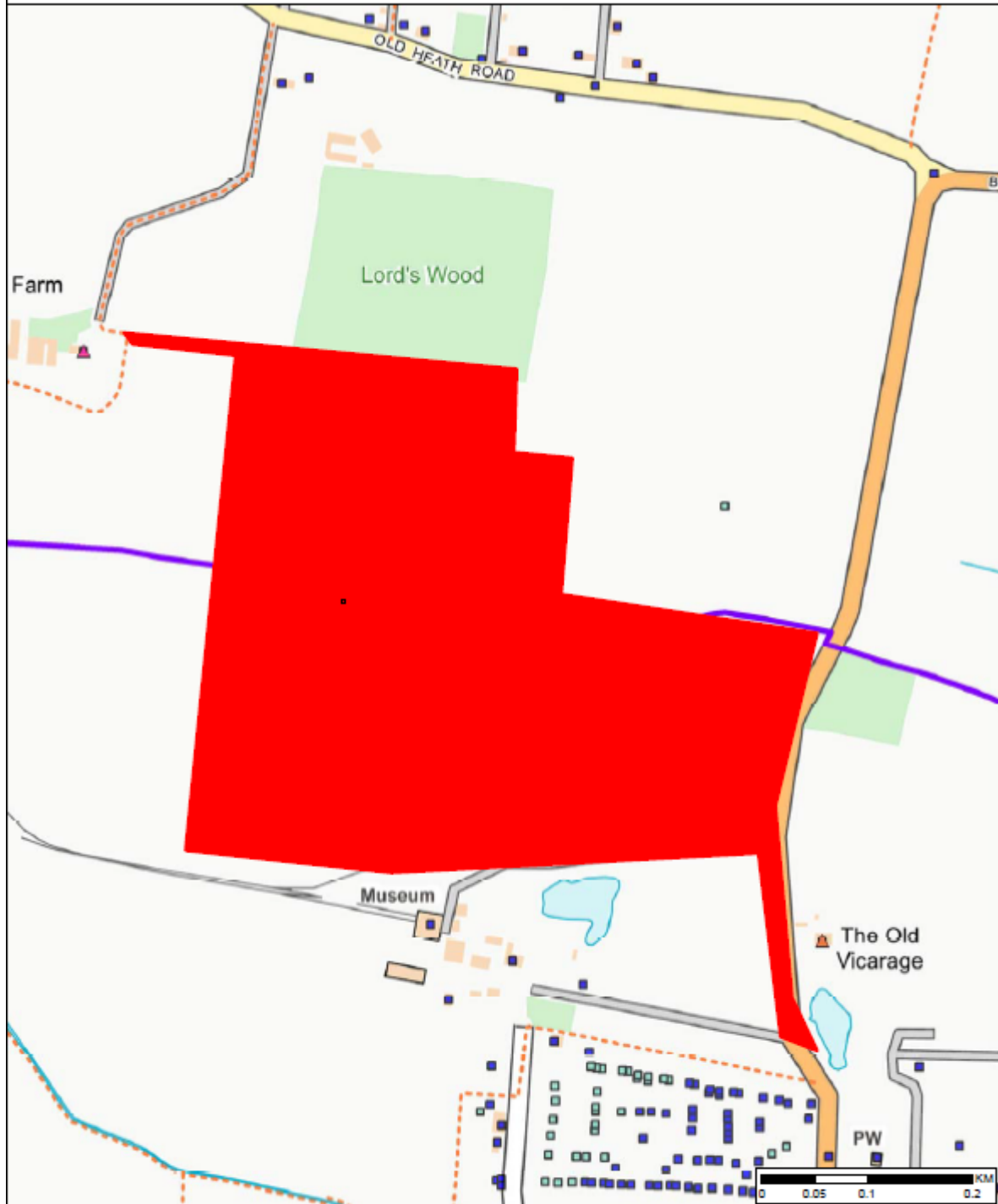
1. RECOMMENDATION

Delegate to the Director of Service Delivery to **APPROVE** planning permission 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, subject to no objections being received.

2. SITE MAP

Please see below.

Land North Of Mangapps Railway Museum - Southminster Road - Burnham on Crouch
22/01024/OUTM



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Maldon District Council 100018588 2014

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Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: District Committee

Date: 24/01/2023

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site (18.15ha) is located to the west of Southminster Road (B1021), to the north of the settlement boundary for Stoney Hills and is in open countryside. The settlement boundary for Stoney Hills is located approximately 200 metres south of the access to the site, and the settlement boundary for Burnham-on-Crouch is located approximately 500 metres to the south / southwest.
- 3.1.2 Mangapps Railway Museum is located to the south, and beyond the Museum, is Cemetery Chapel, a residential development of up to 80 dwellings, which is near completion (planning references 14/00845/OUT and 18/01077/RES). To the north is a historic field and Lords Woods. The site is bound to the west by open countryside, and Pannel's Brook runs from the west and south west of the site. To the south east of the site, beyond Southminster Road, is the grade II listed 'The Old Vicarage' (list UID: 1337647). The character of the site is rural.
- 3.1.3 There are multiple Public Rights of Way (PRoW) serving the wider landscape (including PRoW 259_54 and 242_2).
- 3.1.4 The site is of a rough 'L' shape and slopes from the northwest to the south and east and comprises of agricultural fields and hedgerow's are present at parts of the site's boundaries. The site is entirely within Flood Zone 1.
- 3.1.5 The application has been submitted in outline form with all matters of detail reserved for future determination, except for means of access to the site. The proposal is for a housing development for the Construction of 250no. dwellings and 54no. units of keyworker/National Health Service (NHS) accommodation dwellings. The proposal also seeks to erect shops, lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and attenuation basins. The proposal also seeks to extend the footpath to the south along the B1021 Southminster Road, and will form open spaces and lay out hard and soft landscaping.
- 3.1.6 The primary means of access to the site would be from the B1021 Southminster Road. However, the proposal also seeks to link to the PRoW to the north west of the site. The PRoW extends both south and north, and is uninterrupted, linking to the settlement of Burnham-on-Crouch.
- 3.1.7 In terms of layout, the indicative plans show the green infrastructure at both the centre and border of the site. The central green area seeks to demonstrate a permeable open space, with picnic areas and walks between the street grain, plus the wooded perimeter walk; which all provide public amenity space. The Design and Access Statement (DAS) submitted to support the proposal envisages that different housing types would be placed at each corner to ensure ease of navigation and a sense of place.
- 3.1.8 The development proposed would consist of 140no. market houses, 16no. market flats / maisonettes, 94no. social, affordable or intermediate rent houses and 54no. NHS / key worker homes. This would provide for 40.91% of affordable homes (37.6% excluding the NHS / key worker provision). The indicative accommodation schedule submitted is as follows:

Market housing type	No.	Market flats / maisonettes	No.		
1 bed	0	1 bed	10		
2 bed	20	2 bed	3		
3 bed	64	3 bed	3		
4+bed	56	4+ bed	0		
TOTAL	140	TOTAL	16	TOTAL MARKET	156

Housing type	Affordable housing no.	NHS / key worker homes no.
1 bed	10	54
2 bed	65	
3 bed	15	
4+bed	4	
TOTAL	94	54

- 3.1.9 The Design and Access Statement acknowledges that over 80% of the proposed units will be M4(2) compliant accessible and adaptable lifetime homes. Footpaths will link the site facilities and are designed to be accessible to all through the proposal of suitable widths, surface choices and dropped kerbs. This will allow for wheelchair access. Signposting would indicate key site features and recreational opportunities, such as walking routes. The site is to be designed with natural surveillance in mind, and an 'eyes on the street' perception of surveillance.
- 3.1.10 The Planning Statement submitted to support the proposal states that a net density of development of 18 dwellings per hectare is proposed, which falls to 14.6 dwellings per hectare when the public open space is included in the calculation.
- 3.1.11 The indicative plans indicate that parking is generally located to the side of dwellings, with private amenity space to the rear. Footpaths are buffered from primary roads through the inclusion of grass verges. Pedestrian spaces have been designed so that cars cannot pass directly in front of these spaces, aiming to create a safer and more environmentally friendly environment.
- 3.1.12 Dense hedgerow planting is proposed to the periphery of the site, and this will be made up of a number of different species. A woodland area is also proposed at the periphery. 2no. swales are proposed to reduce the risk of flooding and to provide habitat opportunities. The Statement confirms that every residential unit will be provided with access to an Electric Vehicle charging point and each home will be fitted with a Mechanical Ventilation Heat Recovery Unit and an Air Source Heat Pump. Solar panels are also proposed. All units will be fitted with water restriction taps, in an attempt to conserve water. 13no. dwellings will be built to Passivhaus standards, ensuring efficient natural heating.
- 3.1.13 Details of the scale of the development, the appearance of the buildings, layout and landscaping are matters which are reserved for future approval i.e. Reserved Matters.
- 3.1.14 Draft Heads of Terms have been submitted to support the proposal, and include obligations regarding private open space, public open space, affordable housing, health care contributions, education contributions, highways obligations and ecology.

3.1.15 The application is accompanied by a number of supporting documents:

- Planning Statement (The Planning & Design Bureau Ltd, July 2022)
- Design and Access and Sustainability Statement (SKA Architects Limited, June 2022)
- Transport Assessment (Cottee Transport Planning, August 2022)
- Framework Residential Travel Plan (Cottee Transport Planning, August 2022)
- Phase 1 Desk Study Report (Richard Jackson Engineering Consultants, August 2022)
- Archaeology and Heritage Statement (BWB Consulting Ltd)
- Site Specific Flood Risk Assessment ((Richard Jackson Engineering Consultants, August 2022)
- Landscape and Visual Appraisal (Wynne-Williams Associates Ltd, September 2022)
- Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates Ltd, September 2022)
- Ecological Impact Assessment (BWB Consulting Ltd, June 2022)
- Habitats Regulations Assessment (BWB Consulting Ltd, July 2022)
- Health Impact Assessment (Lichfields, July 2022)
- Air Quality Assessment (BWB Consulting Ltd, July 2022)
- Draft Heads of Terms – S106 Agreement,
- Topographical Survey, 6 drawings 8550-1 – 8550-6

3.1.16 In support of the proposal, the Planning Statement acknowledges the shortfall of affordable homes within the District. The proposal would provide for 94 affordable homes and 14 (equivalent) NHS / key worker homes. It is also to include dwellings constructed to M4(2) standards, which would provide housing suitable for elderly persons. The development has been designed with a focus on the environment and the dwellings proposed would enable residents to remain in their own homes for longer and live independently. Existing footpaths can be extended, to ensure the development is accessible by foot to the nearest settlements.

3.1.17 It is worth noting at the time of the original submission the application 'layout' was not a future consideration. However, layout is no longer a matter for consideration under this application.

3.2 Conclusion

3.2.1 Having taken all material planning considerations into account, it is considered that the development would significantly contribute towards the Council's identified need for both market and affordable housing provision. Although it is acknowledged that the development would be located outside any settlement boundary, there are a number of factors that weigh substantially in favour of the development. Most important of all, the proposed development would address the significant shortfall of affordable homes within the District, which is one of the main aims of the Local Development Plan (LDP), as set out in policies H1, H3, S8. In particular, the volume of affordable housing proposed (which would assist in meeting the under provision provided through the LDP) would weigh heavily in favour of the development. Going through the balance exercise, it is considered that in terms of the principle of the development, overall, the development is found to be acceptable, 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. There would also be notable economic benefits generated.

3.2.2 Although it is acknowledged that the development would alter the current character of the site and the surrounding area, it is considered that substantial attempts have

been made by the applicant to mitigate the impact of the development on the countryside and be sympathetic to the setting. It should also be taken into account the fact that the development would help to meet an identified need of affordable housing for the District that has not been met through the allocated sites within the LDP. Therefore, due to the identified shortfall in this type of accommodation, it is only likely to be able to be provided outside the settlement boundaries, particularly if an over provision is provided. In addition, the proposal would contribute towards the provision of much needed small sized family accommodation. Given the current shortfall of such type of accommodation and for all the reasons stated above, the development would bring benefits to the District that would outweigh any potential harm that the development would have on the character and beauty of the countryside and the locality more widely.

- 3.2.3 The development is not anticipated to cause material harm to the amenity of the occupiers of existing residents, highway safety or nature conservation. It is also anticipated that the development is likely 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.
- 3.2.4 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 and nature conservation impacts as well as other necessary obligations relating to affordable housing, phasing matters, public open space, employment and accessibility.
- 3.2.5 On the basis of all the above, it is considered that the benefits arising from the proposed development would materially outweigh any potential harm caused. Therefore, on the basis of the planning balance exercise, the development would accord with the sustainability aims as set out in the National Planning Policy Framework (NPPF) and the LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change

- 174-188 Conserving and enhancing the natural environment.

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- S6 Burnham-on-Crouch Strategic Growth
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- 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)
- Essex coast recreation Disturbance Avoidance Mitigation Strategy (RAMS)

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 Principle of Development

Housing

- 5.2.1** 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 LDP.
- 5.2.2** 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.
- 5.2.3** 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 general residential properties but does allow (m) development which complies with other policies of the LDP. Policy I2 states that suitable types of residential development which cater for the ageing population and support healthy and independent lives will be provided. Policy H3 also supports the provision of housing for 'specialist' needs.
- 5.2.4** 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 3.66 years of housing land supply.
- 5.2.5** Where a Local Planning Authority (LPA) 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 LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.2.6 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 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).
- 5.2.7 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*'.
- 5.2.8 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.
- 5.2.9 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.
- 5.2.10 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'.*
- 5.2.11 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.

- 5.2.12 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.
- 5.2.13 The application site is on the outskirts of Burnham-on-Crouch and currently is not connected to Burnham-on-Crouch via a footpath. This would result in the use of sustainable transport methods, including walking and cycling, being unattractive to the occupiers of the proposed development. However, as part of the application it is proposed to provide a footpath that would connect the site to the existing public footpaths. It is considered, taking in to account the limited length of the proposed footpath and the scale of the development, that the provision of the footpath would be proportionate to the development and something that can be reasonably required as part of the application and delivered through a S.106 agreement.
- 5.2.14 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 outdoor areas and a village hall. In terms of access to more local services and facilities for occupiers of the development proposed, the application includes the provision of a small number of on-site retail opportunities. These are considered to go towards supporting the sustainable nature of the site and to discourage the use of the private motor vehicle.
- 5.2.15 The railway station and a Co-op food store are located within walking distance 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 1km further from the site which is considered to be a reasonable distance for walking and cycling. As noted above, a footpath providing a safe and suitable cycle and walking route to Burnham-on-Crouch is proposed. It is therefore considered that the development, although not immediately adjacent to the town centre of Burnham-on-Crouch, would maximise the connectivity with the town centre and due to the provision of local shops, would provide access to everyday services.
- 5.2.16 Responses from the general public bring in to question the ability to deliver the footpath due to land ownership issues. However, it is an accepted point of planning law that landownership is not a material consideration in the determination of a planning application. More importantly though it is considered that a 'Grampian condition' (a negatively worded condition) could be imposed upon any grant of planning permission to ensure that the footpath is delivered prior to the occupation of the development. This is considered to be in line with best practice and case law and therefore, any concerns regarding the ability to deliver the footpath would not form a reasonable reason for refusal.
- 5.2.17 In terms of public transport infrastructure, a bus stop exists on both sides of the B1021 around a five minute walk to the south of the access to the proposed site. The bus stop's provide access to the following bus services:
- 31 (Burnham Chelmsford): commences 05:48 weekdays and varies between 25 minutes and hourly Monday to Friday with a more limited service on Saturdays and Sundays.
 - 331 (Burnham Chelmsford): one service in the mornings (09:00) and a number of services in the afternoon and evening (last bus 19:30) during term time Monday to Fridays. Hourly between 10:00 and 17:00 on Saturdays.

- 5.2.18 As part of the application, a public transport contribution of £25,000 has been offered, which can be secured as part of the Section 106 Agreement, to go towards highway improvements or to support improved public transport service provision. Furthermore, additional bus stops are to be provided, within the site, as part of the development approved.
- 5.2.19 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 application site 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 105 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, 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.
- 5.2.20 It is also worth noting that whilst the development at ‘Land west of Cemetery Chapel’ (reference 14/00845/OUT) was allowed at appeal the Council considered that the site was sustainable. It is not considered that the relatively limited distance between the access to the two site, subject to the delivery of the footpath, would result in a different conclusion for this site.
- 5.2.21 It is noted that, previously three individual applications, of comparable size to this application, to deliver a retirement community, including phase two at appeal, were considered to comply with Policy S1 in that, development in this area (in general) is not inappropriate given its proximity to Burnham-on-Crouch. The material considerations, such as distance to facilities for day to day living in Burnham-on-Crouch, access to public transport and attractiveness for pedestrians are considered to be directly comparable and these decisions are considered to be a material consideration when determining this application. Particularly when considering that future occupiers of this site are likely to be more mobile and able to use sustainable transport options rather than the occupiers of the retirement community.
- 5.2.22 Furthermore, it is also noted that the Council has made several decisions recently to allow housing outside of defined settlement boundaries within the countryside. These decisions include 22/00482/OUT for 18 houses outside of the defined settlement of Woodham Mortimer and 21/00628/FUL for a dwelling outside of the defined settlement boundary of Mayland. In both of these instances, the sites were more remote from access to facilities than the application site in question and the Council considered the sites to be sustainable and acceptable for development.
- 5.2.23 Notwithstanding the above, it is acknowledged that the site is not adjacent to or within a settlement boundary or Garden Suburb. However, as discussed below the benefits of the development in terms of the contribution to the 5YHLS and affordable housing provision, significantly outweigh any minor harm in relation to the accessibility of the site and the character of the area.
- 5.2.24 In light of the above, when considering the sustainability credentials of the site, it is considered that the provision of residential housing within this location would be acceptable in principle.

Retail

- 5.2.25 The development would also involve a small retail element. Policy E2 states that *“retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of centre or out-of-centre sites be considered. To a limited extent, there is the potential to locate new retail space, in the form of Local Centres, to support that garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2”*. Therefore, given that the site is located outside the town centre areas and it is not a designated garden suburb, its need and impact on the existing retail areas and town centres of Burnham-on-Crouch should be assessed.
- 5.2.26 The proposed shops are intended to be operated solely as ancillary facilities to the residential development and their main purpose is to reduce out commuting from the site for day-to-day items. (i.e. bread and milk, newspaper etc.). It is noted that the intention is to provide a low level commercial element within the development to assist the proposal and not to create an out of town retail centre or to attract a significant number of customers from outside the site. It has been confirmed that the parade of shops would be a maximum of 990sqm, which is less than the 1,000sqm threshold for a local retail impact assessment.
- 5.2.27 Therefore, it is acknowledged that the proposed retail element would most likely be aimed at the residents of the new development rather than draw customers outside the site or the District. The aim is to provide day to day goods in support of the future occupiers and in order to reduce the need for traveling to the town centre. On that basis, it is considered that there is no other place sequentially that could better accommodate this element of the development, considering the need it is proposed to meet. Whilst it is noted that the number and size of the units has not been provided by the Applicant it is worth noting that the size proposed is comparable to that included within Phase 1 of the retirement community. As part of the Reserved Matters eight units were provided; this is considered to be an appropriate point of comparison and guide to the potential retail delivery as part of this application.
- 5.2.28 Taking also into account the scale and limited number of shops proposed, it is not considered that the proposed retail units would detrimentally impact on the vitality or viability of the existing town centre shopping area.

5.3 Housing Need and Supply

- 5.3.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning application. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, 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 the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.3.2 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.

- 5.3.3 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.3.4 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Market Housing

Dwelling size	LHNA requirement	Proposed
1 bedroom	Up to 10%	7%
2 bedrooms	25-35%	15%
3 bedrooms	40-50%	43%
4+ bedrooms	15-25%	35%

- 5.3.5 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District's housing stock provides for a wide range of housing needs and offers choice.
- 5.3.6 As part of the application an indicative housing mix has been provided, the mix suggested would not provide the number of 2 bedroom homes required through the LHNA and would provide a larger number of 4+ bedroom homes than required. Whilst it is accepted that the Council cannot demonstrate a 5YHLS it is a key component of the Planning system, including guidance contained within the NPPF, that the right type of housing is delivered for the community. It is therefore, considered reasonable to impose a condition on the granting of any planning permission that the housing mix delivered through any subsequent Reserved Matters application meets the housing mix required through the LHNA.
- 5.3.7 It is important that an appropriate mix of housing is delivered so that people at different stages of their life cycle and with differing physical abilities or living arrangements can find a home which meets their personal needs. Maldon has an ageing population and there is a need to ensure the right housing products for older residents. The Council acknowledges the importance that older people place on their independence. Therefore, the Council will primarily seek to assist local residents to remain in their homes. This includes through building accessible homes. The Council has unfortunately not delivered on the housing provision for older people required through the LDP. Whilst the Council has taken a proactive approach to resolving this shortfall through the granting of planning permission for two retirement communities in the District this has not met the level of older person housing required. Furthermore, it is considered that not all people 55+ will wish to live in retirement communities and it is therefore considered appropriate to impose conditions requiring that a number of properties are provided in for people 55 and over, that they are accessible and that some of these properties are in the form of bungalows. Furthermore, it is considered appropriate to require a number of 'bungalows' to be provided as part of the development, that are not age restricted, to ensure mixed communities. The provision of these properties are likely to be attractive to individuals with impaired physical mobility. This can be ensured through the imposition of a condition.

- 5.3.8 Over 80% of the proposed units will be M4(2) compliant lifetime homes standards. M4(2) requires reasonable provision to be made for people to gain access to a dwelling and to be able to use its facilities. The provision must be sufficient to *“meet the needs of occupiers with differing needs, including some older or disable people and to allow adaption of the dwellings to meet the changing needs of the occupants over time”*. This is considered to meet the needs of the residents of the District and to facilitate mixed communities; this weighs in favour of the development and can be secured by planning condition.

5.4 Affordable Housing

- 5.4.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. 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.
- 5.4.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day to day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.4.3 The NPPF Annex 2 defines Affordable Housing as *“housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”*. Historically, affordable housing used to include homes for ‘keyworkers’ and this included roles such as police, teachers, doctors and nurses. The definition has more recently been altered to essential local workers; this requires some form of evidence to show that there is a need for housing for certain workers. More recently the planning sector has interpreted this guidance more widely and there have been a number of approvals that have embraced this term to include roles like lorry drivers and supermarket workers.
- 5.4.4 The proposed development would provide a maximum of 304 dwellings. The site is located in an area where policy would require the provision of 91.2 affordable units (30%) as part of the application. However, the scheme would include the provision of 94 traditional affordable units (37.6%) and a number of units to house NHS staff, which would also fall within the definition of affordable housing. The scheme would result in a total provision of 40.91% affordable homes. This is a significant and demonstrable uplift in affordable housing units which is a material consideration of significant weight when determining this application.
- 5.4.5 As part of the application, it is proposed to include 54 units, of the affordable housing offer, specifically for NHS workers. This will be provided in the form of 6 no. 2 bedroom dwellings and eight blocks containing six bedrooms and shared facilities at ground floor. Each bedroom would have an en-suite.
- 5.4.6 The NHS have confirmed that a *“lack of suitable affordable housing for healthcare workers is an issue in the recruitment of healthcare workers in mid and south Essex.”* They have also stated that a separate and more detailed response to this element of the planning application will be provided in a standalone submission.

- 5.4.7 Whilst the comments from the NHS are noted and it is understood that there is a need across south Essex. At this time a current identified need for accommodation for NHS workers to be located specifically in the Maldon District has not been demonstrated. However, it is clear the NHS has identified a significant general demand across south Essex and the term 'essential local workers' does not necessarily require the workers to be required in the District. This approach would be consistent with the previous approach to 'keyworkers' where the accommodation was available to people that worked and/or lived outside of the District. Therefore, the requirements for an identified need for this type of accommodation would nevertheless amount to a significant wider public benefit in accordance with the NPPF requirements. Whilst not identical in nature this approach is similar to that evidence played to the Planning Inspector when determining the appeal at The Friary. The Inspector, when determining this appeal attributed weight to the delivery of independent living accommodation even though there was no identified need for specialist housing that cannot be addressed elsewhere in the district of Maldon even though that was a requirement of the Council's adopted policy.
- 5.4.8 The LDP acknowledges that there is *"a significant shortage in availability of affordable housing in the District"*. This has been reaffirmed by the LHNA. Policy H1 does not have a uniform basis for the percentage required in affordable housing units across the District due to the variations in viability e.g. land cost, site constraints and house prices. The Council predominately sought to deliver the housing needed for the District, over the lifetime of the Local Plan, through large scale allocated sites. Unfortunately, a number of these sites were granted planning permission before the current local plan was adopted, so provided a lower percentage of affordable units than would have been required through the current policy and expected to be delivered onsite. This has resulted in an evidenced shortfall of affordable housing units coming forward; this is an identified risk to the Council. More recently, the LHNA has identified an ongoing need to provide 174 affordable housing units per annum.
- 5.4.9 Considering that nearly all of the sites allocated through the LDP benefit from planning permission it is considered necessary for the Council to support development outside of the LDP allocated sites if it is to meet the shortfall in affordable housing provision across the lifetime of the plan. The provision of additional affordable housing within an application site, which is in close proximity to an existing settlement boundary at the top of the settlement hierarchy, would be preferable from other sites further encroaching onto the countryside or adjacent to smaller villages where the needs of the future occupiers would be unlikely to be able to be met. This further weighs in favour of the development.
- 5.4.10 The provision of 148 affordable housing units, over 50% higher than what policy would require, is considered to be a material consideration that weighs significantly in favour of the current application. The units would be secured through a S106 agreement and the Council's Allocations Policy would ensure that the houses would meet the need of the residents of the District.
- 5.4.11 It is considered appropriate, through the S106 agreement, to require that the NHS housing is to be used for general affordable housing provision if there is no longer a need for housing specifically for the NHS rather than allowing it to return to market housing, as the provision of the additional affordable housing is a material consideration that has supported the assessment of this application.
- 5.4.12 Policy H1 states that *"Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council's policies having*

regard to the SHMA, the Council's adopted Affordable Housing Guide, and the Council's Housing Strategy. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site."

- 5.4.13 The proposed affordable housing would be provided in full, on-site, therefore, complying with Policy H1 of the LDP. 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.
- 5.4.14 The proposed development would exceed the level of affordable housing required through the LDP; all of the affordable housing units would be provided on site in a sustainable location appropriate for this level of affordable housing. The development is therefore considered to be in accordance with Policy H1.

5.5 Design and Impact on the Character of the Area

- 5.5.1 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.

- 5.5.2 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".

- 5.5.3 This principle has been reflected in 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.
- 5.5.4 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).

- 5.5.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.5.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the Burnham-on-Crouch Neighbourhood Plan (BoCNP).
- 5.5.7 The proposed development would be erected on a green field site that is approximately 18 hectares and it would involve the erection of total of 304 dwellings and a small retail area. Other associated highway works, vehicular access, pedestrian accesses, drainage works, amenity areas and open communal space are also proposed.
- 5.5.8 As noted above, the site is located outside the defined settlement boundary and it is mainly surrounded by open countryside, with the exception of the existing residential development to the southeast.
- 5.5.9 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.
- 5.5.10 A Landscape and Visual Impact Assessment (LVIA), Landscape Strategy, and Tree Survey have been submitted as part of the application.
- 5.5.11 With reference to the Essex Landscape Character Assessment (2006), 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.

- 5.5.12 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.
- 5.5.13 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.
- 5.5.14 In terms of density, the proposal is to be developed on an average density of 16.7 dwellings per hectare. It is noted that this density would be lower than the density of the development to the south (reference OUT/MAL/14/00845), which was calculated at 21 dwellings per hectare. The site, although not an allocated site, it is relatively close to the settlement boundary and given the nature and amount of the development proposed it would have been unlikely that a proposal such as this would be able to be located within the boundaries of the settlement. The proposed density is considered to be appropriate for a semi-rural site that would act as a gradual buffer to the countryside beyond the site. Having acknowledged all the above, it is considered that the density of the proposed development, in comparison to each location and nearby developed area would be acceptable.
- 5.5.15 The development would extend over a significant area 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. The simple fact that a development materially alters the appearance of a site does not automatically demonstrate harm and there is a requirement to consider the benefits of the application against the harm of the development.
- 5.5.16 There would be views of the development from its surroundings and it would not be read as part of the existing urban area or built form. However, the development would be spacious in nature and appear as a semi-rural form of development that would offer some level of transition to the countryside beyond. In addition, landscaping would help to assimilate the development into its setting, particularly in the medium-longer term. Details of soft and hard landscaping as well as external lighting could be required by condition if planning permission were to be granted. External materials, is a consideration for the Reserved Matters stage.
- 5.5.17 It is considered that the level of development is significant and notwithstanding the proposed soft landscaping and the semi-rural appearance and nature of the development the proposed development would significantly alter the nature of the application site which is currently an agricultural field. This though must be considered alongside the Council's inability to demonstrate a 5YHLS and that the 'tilted balance' is engaged.

- 5.5.18 Whilst the proposal would demonstrably and irrevocably alter the landscape from agricultural open countryside, it is not considered that the site, in itself, is of any specific merit. The site is considered to be an unremarkable, but pleasant, area of typical arable countryside, typical of the landscape character area E2 Tillingham and Latchingdon Coastal Farmland'. The visual and landscape effects of the proposal would be localised to the application site and nearby surroundings and the proposal has minimised the effects as much as could reasonably be expected. It must be acknowledged that there will be similar or worse harm when allowing development of a field for housing.
- 5.5.19 Taking into account the Council's lack of a 5YHLS, the significant need for affordable housing 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. It can be concluded that the development would bring benefits to the District that would outweigh any potential harm that the development would have to the character and beauty of the countryside and the locality more widely.
- 5.5.20 The Applicant has proposed the provision of three storey high development in the centre of the site. Whilst this is not objected to in principle, depending on the specific design of the buildings, concern is raised to the idea of a development that provided traditional roof styles above three floors of accommodation. It is therefore, considered appropriate to impose a condition that would limit the overall height of the structures delivered onsite.
- 5.5.21 Although it is accepted that the area around the site is characterised by dispersed and sporadic development and the proposal would alter the character of the current character of the area, it is considered that the decision of whether the development is acceptable should be based on a planning balance exercise, where weight should be given to the fact that the proposed development would meet an identified need for both housing and also significantly, and importantly, affordable housing (above that required through LDP policy). Consideration should also be had to the fact that all possible attempts to minimise the impact of the development on the character and beauty of the countryside have been considered. Therefore, it is not considered that the harm to the character and appearance can reasonably be considered to significantly outweigh the benefits of the development.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policies D1 and H4 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.
- 5.6.2 The proposed development would increase the levels of activity at the site, when compared with its current use as arable land. Although it is accepted that the development would result in increased levels of activity and resultant increased noise levels, due to the location of the site, which mainly neighbours the open countryside, the proposal would have a limited impact on the residential amenity of neighbouring residential occupiers. Furthermore, due to the nature of the proposed development, which is predominantly residential, it is considered that it would result in uses that are compatible with existing residential properties in the wider area. Therefore, the proposed development would not cause harm to the amenity of existing residents by reason of noise or disturbance.

- 5.6.3 The proposed development would be substantial in terms of its extent. However, the application site boundary is located a significant distance from any residential properties and the buildings proposed would be even further away from the nearest existing residential property. Therefore, the proposed development would not cause harm to the amenity of existing residents by reason of overlooking, overshadowing or domination.
- 5.6.4 The development would also introduce some retail element to the area, the opening hours of which should be restricted by condition to minimise the impact of the development on future occupiers of the site. If any extract duct or other plant system would be required to be installed full details of that and noise mitigation measure would be required to be submitted and approved in writing by the LPA to ensure the impact on residential amenity is minimised. This is consistent with the consultation response received by the Council's Environmental Health Team.

5.7 Access, Parking and Highway Safety

- 5.7.1 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.

Parking Provision

- 5.7.2 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.
- 5.7.3 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)

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.

Retail / food and drink units:

1 space per 14sqm for food and convenience shops, 1 space per 20sqm for all other A1 uses and 1 space per 5sqm for food and drink units outside the town centre.

- 5.7.4 The submitted Transport Assessment advised that the development would be policy compliant in terms of car parking provision, cycle parking and electric vehicles. Provision of visitor parking would be in excess of the minimum requirement (66 visitor parking spaces are proposed) and therefore, no objection is raised in terms of off-street parking provision or cycle and mobility scooter parking provision. This matter

would be further assessed at the reserved matters stage, when full details of the scale of the development would be submitted. The provision of adequate off-street parking provision would be secured through the imposition of a condition for the development to comply with the details submitted.

Highway Safety and Access

- 5.7.5 A new vehicular access would be formed onto Southminster Road the submission is supported by a Transport Assessment. At this time no comments have been received from the Highway Authority in relation to the proposed access and any impact on highway safety. The consultation response by the Highway Authority has not been received by the Council. It is considered that the application should be delegated to the Director of Service Delivery subject to no objection being received by the Highways Authority.

Highway improvement

- 5.7.6 In terms of highway improvements, it is noted that a £25,000 developer contribution has been made for off-site highways improvements to the B1010/B1021 junction/or for public transport improvements in the vicinity of the site. Furthermore, a footway is also proposed to be provided which will connect the site to the existing footpath. Two new bus stops are also proposed to be located within the site to serve the occupiers of the new dwellings. The abovementioned highway contributions would be secured by a S106 agreement The consultation response by the Highways Authority has not been received by the Council. It is considered that the application should be delegated to the Director of Service Delivery subject to no objection being received by the Highways Authority.

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

- 5.8.1 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.
- 5.8.2 This would equate to the provision of at least 50sq.m. for the one and two-bedroom dwellings, 100sq.m. for the three-bedroom or larger dwellings. 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.
- 5.8.3 It is noted that the site is in close proximity to Mangapps Railway Museum which is a noise generating source that could have potential to impact negatively upon the occupiers of the adjoining residents. This was a concern of such weight to the Council when determining the planning permission for the site to the south of Mangapps Railway Museum (reference 14/00845/OUT) it formed a reason for refusal. The similarities between the two sites, in relation to Mangapps Railway Museum, means that the determination of planning application 14/00845/OUT and the subsequent appeal decision are a material consideration of substantial weight in determining this application.

- 5.8.4 Whilst the noise from the Railway Museum originally formed part of the first reason for refusal, in relation to noise and disturbance, it was a matter that the Council did not defend at the Public Inquiry. This was because the Council's expert witness considered noise generated by the Museum could be dealt with through a detailed design and layout of the site and habitable rooms to minimise exposure to noise below levels likely to affect human health. The planning system is heavily based on the need for consistency in the decision-making process, and it is considered that taking a different approach to what was taken at a very similar site would be unreasonable.

5.9 Flood Risk and Drainage

- 5.9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. 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.
- 5.9.2 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.
- 5.9.3 A development such as this, due to the provision of built form and hard standing would result in issues in relation to flooding on and off the site if mitigation was not included. This is a standard matter and consideration for the planning process and an FRA has been submitted as part of the application process. The FRA includes consideration of matters such as Surface Water Management and Foul Water Drainage.
- 5.9.4 The Lead Flood Authority (ECC) has reviewed the submitted drainage details and raise no objection to the proposed development. Anglian Water has also been consulted and have raised no objection subject to conditions. It is therefore considered that the development would not pose a threat in terms of flooding to the future occupiers of the site or result in flooding elsewhere. No objection is therefore raised in terms of flood risk or similar matters subject to the imposition of appropriate conditions.

5.10 Nature Conservation

- 5.10.1 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.
- 5.10.2 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).
- 5.10.3 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.

- 5.10.4 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.
- 5.10.5 The development has the potential to impact on both on-site and off-site nature conservation interests. In relation to on-site impacts, an Ecological Impact Assessment has been submitted as part of the application. The Report concludes that, subject to mitigation, there would be no demonstrable harm to any protected species. However, this matter is further assessed in the accompanied Habitat Regulations Assessment (HRA) report (prepared by the LPA, which is the competent authority).
- 5.10.6 The Council Ecology consultant has raised objection to the proposed development partially on the removal of several trees and a lack of clarity regarding whether a Preliminary Roost Assessment of these trees has been undertaken. Furthermore, it was opined that the layout did not provide sufficiently attractive walking loops and public open green space to discourage future occupiers from travelling to coastal habitat sites and the associated recreational impacts. However, more recently the Applicant has removed 'layout' from a consideration as part of this planning application. It is considered that these matters will now be assessed and considered as part of the subsequent Reserved Matters application these objections have therefore, fallen away.
- 5.10.7 Concerns have also been raised in relation to the level of information on Priority farmland bird species, such as Skylarks, within the submission. The development is proposed in an agricultural field and will result in the loss of this habitat. Therefore, any that farmland bird species, if present onsite, will be displaced. It is considered reasonable that a surveys to identify the farmland bird communities/species present within and around the site should be undertaken and if necessary that a bespoke Farmland Bird Mitigation Strategy should be produced and submitted prior to determination of this application to ensure that any impacts to farmland birds, such as Skylark, are fully mitigated and compensated. Whilst guidance contained with Circular 06/2005 regarding having ecology matters resolved prior to the granting of planning permission it is noted that the guidance does acknowledge in some instances a condition may be acceptable. Taking into account that the site is an agricultural field in a predominately agricultural area it is considered that, on the balance of probability, that whilst there are likely to be some use of the site by farmland bird species their presence will not result in the development not being able to come forward. Furthermore, as the application is outline in nature a condition can be imposed requiring the details to be submitted and agreed prior to the submission of any subsequent reserved matters applications.
- 5.10.8 It should also be noted that the planning system relies on a consistency in the decision making process. The imposition of a condition in respect of Farmland Bird Mitigation Strategy is relatively consistent with the approach taken by the Council when dealing with the three phases of development at 'Burnham Waters' which is in close proximity to the application site. Furthermore, it must be noted that the Planning Inspector, when allowing 'Phase 2' at appeal, considered this approach acceptable.

- 5.10.9 Notwithstanding the above, the Ecological Impact Assessment highlights the need for mitigation. It is considered that, subject to the imposition of a condition requiring the mitigation recommended, the development would not have an adverse impact on the site's ecological interests.
- 5.10.10 In terms of the impact of the development on habitats, it is noted that the proposed development of the site would be an opportunity to enhance the ecological value of the agricultural field.
- 5.10.11 With respect to off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zol) 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. NE advise that MDC must undertake a HRA to secure any necessary mitigation and record this decision within the planning documentation.
- 5.10.12 NE 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 Special Protection Area (SPA) and Ramsar site, Dengie 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.
- 5.10.13 NE 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 Multiple 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.
- 5.10.14 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.15 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.
- 5.10.16 The applicant has submitted an Appropriate Assessment which concludes that no standalone or in-combination adverse effects are considered likely as a result of the development proposed.

- 5.10.17 As the proposal is for more than 100 houses (or equivalent), NE does provide bespoke advice. NE had not commented on the proposal at the time of writing this report. However, NE'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 £137.71 per dwelling.
- 5.10.18 To accord with NE'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.
- 5.10.19 The applicant has agreed to enter into a S106 Agreement to secure the financial contribution towards RAMS required.
- 5.10.20 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.

5.11 Historic Environment

- 5.11.1 The proposed development has the potential to have an impact on the setting of Old Heath Farm which is included in the List of Local Heritage Assets in Southminster (2019) and is therefore, a non-designated heritage asset for the purposes of paragraph 203 of the NPPF.
- 5.11.2 The Council's Conservation and Heritage Specialist concluded that "*bearing in mind the position of the proposed development, its distance from the locally listed building and the intervening vegetation, the degree of harm caused to the heritage asset's significance would be limited.... a low level of public benefit would be sufficient to outweigh the limited harm identified.*" Taking into account the delivery of housing at a time that the Council is unable to demonstrate a 5YHLS and the over provision of affordable housing it is considered that the benefits of the development outweigh the harm to Old Heath Farm.

5.12 Developer Contribution

- 5.12.1 A document with the Draft Heads of Terms accompanies the application, which include the suggested developer obligation.
- 5.12.2 The obligation that the applicant is willing to enter into includes:
- the provision of a public open space as discussed above in the relevant section
 - the provision of a future management and maintenance of the open space and landscaping
 - the creation of a Management Company with responsibility for future management and maintenance of the open spaces, footways, related lighting, street furniture, signage and all landscaping.

- Health care contributions in accordance with the NHS request. To provide developer contributions for education, including for secondary school transport.
- Highways obligations would include an agreed scheme of works to footpath and public transport infrastructure, contribution towards the off-site highway improvements and the implementation of a Travel Plan.

5.12.3 The developer contribution in relation to affordable housing is discussed above in the relevant section of the report

5.12.4 The mitigation of the impact of the development on the Essex Coast is assessed above in the relevant section of the report.

5.12.5 The abovementioned developer contributions and obligations shall be secured through a S106 agreement. Should Members approve this application, this shall only be subject to a S106 agreement, which shall first be discussed and finalised with the Council.

5.13 Other Material Considerations

Archaeology

5.13.1 ECC Archaeology has advised that the site is within an area of archaeological potential. Therefore, if planning permission were to be granted it would be necessary to impose conditions as recommended by ECC Archaeology (Policy D3).

Contaminated land

5.13.2 A Phase One desktop study has been submitted as part of the application. The Council's Environmental Health Service has considered the report alongside the supporting documentation and consider the proposal acceptable subject to the imposition of conditions.

5.13.3 In terms of the impact of the development on air quality, an Air Quality Assessment has been submitted as part of the application. 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.

5.13.4 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.

Local Area for Play

5.13.5 It is noted that the proposed development would provide a Local Area for Play (LAP). The location of the LAP has not been identified in the submitted plans. However, the provision of a LEP is included in the submitted Draft Heads of Terms, which will constitute the basis for the discussion of the S106 legal agreement. The details of the proposed LEP would be agreed through a legal agreement and should be part of a future reserve matters application.

Trees

- 5.13.6 The site is mainly arable land. The site contains a number of hedgerows and trees including a dense mixed-species woodland. The majority of the trees on site are located in relatively close proximity to the boundaries of the site. The application is supported by an arboricultural assessment. An arboricultural method statement has been submitted as part of the arboricultural assessment,
- 5.13.7 The proposed indicative plan would support the retention of the majority of the boundary trees and hedges alongside a wide buffer of landscape planting. The proposed access will require the removal of part of the existing hedgerow and tree group along Southminster Road. With regard to protection measures of the existing trees, details of tree protection barriers have been included in the Arboricultural Report. The Council's Tree Consultant has provided a response and has suggested a condition requiring a soft landscaping scheme to be submitted, It should be ensured that the species are indicative of the surrounding landscape, provide seasonal amenity and habitat for wildlife. It is important that thought is given to ensure that tree species have sufficient space to develop into landscape features without potentially impacting on the properties in the future. This condition is considered to meet the six tests and has been imposed.
- 5.13.8 However, the arboricultural report states that a good quality group will need to be removed to facilitate the temporary road construction. The removal of the trees close to the road will have a notable impact on the character of the area. The Council's Tree Consultant states that *"because removal is likely to have a significant, detrimental impact on landscape amenity, as well as likely ecological implications. The tree survey should be carried out prior to a scheme being designed and then the constraints of the significant trees worked around"*. Whilst it is noted that the Council's Tree Consultant does not support the application at this stage it must be noted that the application is outline in nature. It is considered that a condition can be imposed requiring details to be agreed that would mitigate the harm highlighted by the Council's Tree Consultant.
- 5.13.9 Furthermore, the Council's Tree Consultant has confirmed that subject to conditions relating to the submission of an arboricultural impact assessment and tree protection method statement no objection is raised to the development.

Employment – skills, training and education

- 5.13.10 The development would create a relatively small number of new jobs the proposed retail element. In accordance with the guidance of the NPPF which aims to support sustainable economic growth, Policy E1 of the LDP clearly sets out its needs for employment generating development, defining that an additional 2,000 net additional jobs should be created in the District by 2029. Therefore, the proposed development although not a formal form of employment that would be derived from a use falling within Class B of the use Class Order, would provide a small level of employment opportunities requiring a variety of level of skills. Although it is proposed that the jobs are first advertised at local level whenever vacancies arise, so that the development would support towards meeting the local employment need, this has not been secured through the S106 agreement and is not considered necessarily, by Officers, to make the development acceptable. However, should Members be minded to approve the application giving some weight to this matter, this requirement could be required through the S106 agreement. The development would therefore contribute towards the Council's need for employment generating development and the provision of employment opportunities.

- 5.13.11 It is also proposed to create training and skilling opportunities to support the career progression of the potential retail staff. The applicant is willing to enter into an agreement with the Local Planning Authority in order to provide the proposed training. Policy E6 states that *“the Council will work with its partners to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. In particular the Council will (2) support a range of programmes and initiatives and identify funding requirements accordingly”*. On that basis and subject to securing the proposed trainings through a S106 agreement, the development would also accord with the aims of policy E6.

Mangapps Railway Museum

- 5.13.12 A number of responses have been received in relation to the Mangapps Railway Museum and the impact of the development. It must be noted that there is no right of a view across someone else's land and it is not considered that a reason for refusal based on the impact on the Mangapps Railway Museum could be successfully defended at appeal particularly taking in to account the relatively recent development to the south of the Railway Museum.

5.14 Planning Balance

- 5.14.1 It is important to recognise the balance between the Local Plan 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 5-year housing land supply. 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.
- 5.14.2 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 an economic, social and environmental objective as set out in the NPPF.
- 5.14.3 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.
- 5.14.4 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 (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.14.5 The main benefits of the proposal are considered to be as follows:
- Social benefits from providing market homes in a variety of sizes and types including specifically designed for elderly persons;
 - Social benefits of providing affordable homes in a variety of sizes and types.
 - Social benefits of providing affordable homes above the policy requirement.
 - Social and economic benefits by encouraging churn of existing housing in the District;

- 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;
- Economic benefits through creating new jobs opportunities in the District at the retail element of the proposal;
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.14.6 With regard to the 3 tests of sustainability, in economic terms, there would be some support for local trade at the time of construction; this benefit would be similar for any development of this scale. Whilst the occupiers of the proposed dwellings would bring ongoing local expenditure by new residents, which may provide some support to existing services in Burnham on Crouch and the wider area. There are some economic benefits to the area but these are not considered to be a particularly large material consideration in favour of the development.

5.14.7 In relation to environmental sustainability, as stated within preceding sections of this report, the site is considered to be in a sustainable location, which would weigh in favour of the scheme. It is considered that the development would have some harmful impact on the character and appearance of the area due to the provision of built form on an agricultural field. This would weigh against the proposed development.

5.14.8 In social terms, development should assist in supporting a strong, vibrant and healthy community. The proposal would result in the provision of a significant number of dwellings, including an overprovision of affordable housing (47%) . Due to the fact that the Council cannot demonstrate a 5YHLS, and that there is a high need for affordable housing, it is considered that the provision of this quantum of development and the over provision of affordable housing, would be a significant benefit in terms of the housing supply and meeting the identified shortfall in affordable housing units. The development would also make a positive contribution to the national objective to boost the supply of homes. This weighs in favour of the development, particularly given the significant shortfall in the Council's housing land supply. The proposed new homes would vary in their size, including a mix of 1, 2 and 3 bedroom units, as well as accommodation solely for older people for which the Council has an identified need and which would meet the objectives of the Framework to deliver housing for different groups of the community. The homes would be in a reasonably sustainable location, as a bus service operates in close proximity to the application site and the site is within an appropriate distance to use sustainable transport to reach the settlement of Burnham-on-Crouch.

5.14.9 The most important policies are deemed to be out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

5.14.10 The only harm identified from the proposed development (subject to relevant details being approved at reserved matters stage, the imposition of conditions and/or relevant obligations being secured through the Section 106 Agreement) relates to the character and appearance of the area. However, whilst the proposed development will have a significant impact on the character and appearance of the application site the harm would be relatively localised, and it not considered that the harm significantly outweighs the benefits of granting planning permission. As such the presumption in favour of sustainable development applies and paragraph 11d) of the

Framework states that planning permission should be granted. This is a material consideration of sufficient weight that planning permission should be granted notwithstanding the conflict with the development plan.

- 5.14.11 Therefore, it is considered that the development proposed would be sustainable in the 'tilted balance', 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**

- No relevant planning history.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Outside the development area, No safe means of access. Contrary to Policy S8 – Countryside should be protected. Contrary to Policy S1 and D1 and also 7 and 11 from NPPF. Concerns regarding traffic, infrastructure and education. It is unsustainable.	Noted. Discussed in assessment of the application.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority	Not received at the time of writing the report.	
Environment Agency	Not received at the time of writing the report.	
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). As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the recreational impacts	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore 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.</p> <p>We therefore advise that you consider whether this proposal falls within scope of the Essex Coast RAMS. Where it does, you must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation and record this decision within your planning documentation. We have previously provided you with a suggested HRA Record template and associated guidance to help with this process where recreational disturbance to European sites is the sole HRA issue as appears to be the case in this instance (our ref: 244199, dated 16th August 2018, template and guidance shown within APPENDIX 1 of this letter); the use of this template is not mandatory but we provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>“Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.</p>	
ECC SuDS Team	<p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.</p>	<p>Noted. Conditions proposed as part of the recommendation</p>
Anglian Water Services	<p>The foul drainage from this development is in the catchment of Burnham On Crouch Thames Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.</p> <p>Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.</p> <p>We therefore request a condition requiring an on-site drainage strategy.</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is</p>	<p>Noted. Conditions proposed as part of the recommendation</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.</p> <p>We have no objection subject to conditions.</p>	
Essex and Suffolk Water	Not received at the time of writing the report.	
ECC Archaeology	<p>The proposed development site has the potential to impact on archaeological remains. An archaeological desk-based assessment has been submitted with the planning application. The archaeological DBA assesses the archaeological potential as moderate for the prehistoric and Roman periods. The medieval period has been assessed as being of low potential and the post medieval as high for field-boundaries.</p> <p>Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent. This is in line with advice given in the National Planning Policy Framework.</p>	Noted and discussed in section 5.14 above.
ECC Ecology	<p>The Proposed Site Layout - Drawing No. 736-P02 (Skarchitechts) as well as, the Tree Survey and AIA (Wynne-williams Associates, September 2022) indicates the removal of several trees along the eastern, boundary where the access road is proposed, and alongside the Southminster Road. However, it is unclear whether the Ecological Impact Assessment (BWB, July 2022) has undertaken a Preliminary Roost Assessment of these trees to be removed.</p> <p>However, it is unclear whether the Ecological Impact Assessment (BWB, July 2022) has undertaken a Preliminary Roost Assessment of these trees to be removed. We that the Ecological Impact Assessment (BWB, July 2022) describes that a “<i>a number of semi-mature and mature trees were present around the Site boundaries, which could provide features suitable for roosting bats</i>”, but it is</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>unclear as to what level of roosting potential they represent (“negligible”, “low”, “moderate”, or “High”) and their exact location. Therefore, the LPA does not have certainty of the likely impacts to bats, European Protected Species. Further information therefore should be submitted prior to determination outlining the level of roosting potential along with the results of any appropriate survey effort, where necessary.</p>	
NHS Property Services	<p>The health and wellbeing section of the planning statement and the health impact assessment, explains that the proposed site design - in particular public open space, walking and cycling routes, play and picnic areas - encourages physical activity and that the buildings proposed are well designed and will meet M4(2) and M4(3) standards. Development layouts that encourage physical activity and social interaction and housing designs that are accessible and adaptable are welcomed.</p> <p>The planning statement also confirms that the applicant will make developer contributions to address health care matters as required. It is important that the impacts of developments on healthcare capacity is mitigated and so this commitment is welcomed.</p> <p>The proposed development includes 54no. units of keyworker housing/NHS accommodation and the planning statement explains that these units will be transferred to a Registered Provider and will be retained as affordable housing for key workers in perpetuity. A lack of suitable affordable housing for healthcare workers is an issue in the recruitment of healthcare workers in mid and south Essex. A response to this element of the planning application will be provided in a separate letter.</p> <p>The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 730 new residents and subsequently increase demand upon existing constrained services.</p> <p>Additional population growth in the area resulting from new development would add to</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>the deficit and so would be unsustainable if unmitigated.</p> <p>The population likely to be generated from the proposed development, the primary care floorspace needed to support this additional population and the costs of doing so. Using the accepted standards set out below the table, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £150,800.</p> <p>The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.</p> <p>The ICS therefore requests that the sum of £150,800 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Burnham Surgery.</p>	
ECC Education	Not received at the time of writing the report.	
Essex Police Designing Out Crime	<p>Maldon's Core Strategy, states that a high priority is placed on doing all they can to reduce crime. It further states that one of Maldon's key objectives is to reduce the fear of crime. The NPPF also supports the need to create safe and secure environments. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security.</p> <p>Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.</p>	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. A SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Strategic Housing Services	<p>The Application 22/01024/OUT is proposing an Outline Application with all matters reserved except for layout and access for the construction 250 No. dwellings and 54 No units of Keyworker/NHS accommodation. Erect shops, layout estate roads, footpaths, vehicle parking and surface drainage infrastructure including swales and detention basins. Extend footpath to south along B1021 Southminster Road, form open spaces and layout hard and soft landscaping. The Local Development Plan 2014 – 2029 identifies and Affordable Housing requirement of 30%.</p> <p>The Local Housing Needs Assessment 2021 (LHNA) identifies a tenure mix of 75% Affordable/Social Rented and 25% Intermediate Affordable Housing (First Homes). The breakdown of sizes of Market and Affordable units is as follows –</p> <p>"Market 1 bed - Up to 10% 2 bed - 25-35% 3 bed - 40-50% 4 bed+ - 15-25% Affordable Ownership 1 bed - 15-25% 2 bed - 35-45% 3 bed - 25-35% 4 bed+ - 5-15% Affordable Rented 1 bed - 30-40% 2 bed - 30-40% 3 bed - 20-30% 4 bed+ - Up to 10%"</p>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>Also stipulated = "The Council should consider requiring all dwellings in all tenures to meet the M4(2) standards as a starting point - which are similar to the Lifetime Homes Standards - and at least 10% of homes meeting Part M4(3) – wheelchair user dwellings (with a higher percentage for affordable housing)." and with regards to sizes of units .</p> <p>The Local Housing Needs Assessment 2021 (LHNA) identifies the need for older persons housing. The projected shortfall for age-restricted housing, housing with support and housing with care including the current shortfall would be 1,428 by 2040. Applying this against the demographic projections for general housing, which is 6,160 in the period to 2040, the need for older people housing equates to 23.2% of all housing need. The need for older persons affordable rented accommodation is 260 units by 2040. The LHNA states the high demand for affordable rented bungalows. Strategic Housing Services would welcome further discussion with the Applicant regarding the requirements of older persons housing to meet this identified need.</p> <p>The Affordable units would need to be developed to Nationally Designed Space Standards.</p> <p>The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy/Local Housing Allowance level and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.</p> <p>The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.</p> <p>The Applicant has stated in the Planning Statement that "The Keyworker units will be offered solely at affordable rent and will be transferred to a Registered Provider and retained as affordable housing for Keyworkers in perpetuity". This will be detailed in and confirmed as part of the Section 106 with the additional clause that in the possible future</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>event of reduced demand for the accommodation by Keyworkers, this will revert to Affordable Rented accommodation. The 94 Affordable rented homes not including the Keyworker accommodation is 37.% of the 250 traditional residential units proposed which exceeds the 30% Policy H1 minimum requirements identified in the Local Development Plan.</p> <p>Strategic Housing supports the principle of the Keyworker accommodation which meets the definition criteria of Affordable Housing in the National Planning Policy Framework subject to further appropriate evidence of need.</p> <p>Strategic Housing would welcome further discussion with the Applicant regarding the tenure/size of the Affordable properties proposed.</p> <p>Strategic Housing Services fully supports the Application which exceeds Policy H1 Affordable Housing requirements identified in the Local Development Plan 2014 -2029 which will provide additional affordable housing to meet the housing needs of the district.</p>	
Specialist – Environmental Health	<p>Air Quality An air quality impact assessment has been carried out by BWB which concludes that impacts from operation on both existing receptors and receptors of the proposed development will be negligible.</p> <p>The construction dust assessment suggests potential impacts that can be mitigated through implementation of a dust management plan which forms part of a wider construction environmental management plan and can be secured by condition.</p> <p>Contaminated Land A phase one desktop study was carried out. The preliminary conceptual site model concludes that risk from asbestos, TPH, PAH & heavy metals are low or very low and that the risk from ground gas is moderate and recommends intrusive site investigation to confirm ground conditions.</p> <p>Noise No noise impact assessment is included with the application. There are unlikely to be significant adverse impacts from existing</p>	Noted. Conditions proposed as part of the recommendation.

Name of Internal Consultee	Comment	Officer Response
	<p>traffic, commercial or industrial sources on the proposed development and the development itself is unlikely to give rise to adverse impacts on existing noise sensitive receptors.</p> <p>Until the final proposed uses are known, and detailed designs submitted, the likelihood of adverse impacts from noise and vibration cannot realistically be considered. I would therefore recommend a condition which requires assessment of plant and machinery noise prior to occupation of the units.</p>	
Tree Consultant	<p>Response 1</p> <p>The arboricultural report states to facilitate the development of the site at least 40m of G12, a good quality group will need to be removed to facilitate the temporary road construction, it goes onto to say at stage 4 95m will need to be cleared. It also says that to facilitate a new footpath T12 - T14 and groups G14 - G17 will be lost. with the removal of individual trees. The report identifies most of the larger trees protected on the edges, but these are set back from the public highway and wider public views, it is the trees positioned on the edges close to the road shown to be removed that will have a notable impact of the setting of the area.</p> <p>As this is outline, I think the design and construction process needs to be reviewed to work around these trees and groups, because removal is likely to have a significant, detrimental impact on landscape amenity, as well as likely ecological implications.</p> <p>New landscaping will need to be carefully considered to provide suitable tree and shrub species to provide seasonal amenity as well as benefit for wildlife, but also ensure they have the space to develop in relation to their growth potential, especially trees. The use of trees that have a growth potential to become large, landscape features should be included in the scheme, not just small ornamental species.</p> <p>Response 2</p> <p>I do not object to you conditioning an arboricultural impact assessment and tree protection method statement on this site. I would like to see them consider properly how they will work around trees and not just look to remove features such as hedgerows for</p>	<p>Noted. Conditions proposed as part of the recommendation.</p>

Name of Internal Consultee	Comment	Officer Response
	temporary access or permanent features. The amenity and constraints need to be suitably assessed and designed around. I think this is achievable and complemented with suitable soft landscaping can help compensate for any vegetation removal required.	
Heritage and Conservation	The scheme would have an indirect affect upon Old Heath Farm, Southminster by eroding its wider rural setting. This non-designated heritage asset is one of considerable local architectural and historic interest, and is included on the <i>List of Local Heritage Assets in Southminster</i> (2019). Bearing in mind the position of the proposed development, its distance from the locally listed building and the intervening vegetation, the degree of harm caused to the heritage asset's significance would be limited. While such harm must be taken into account, the conservation of non-designated heritage assets does not carry 'great weight' in the planning process. The decision maker must give the harm I have identified to heritage assets appropriate weight in the planning balance, in accordance with paragraph 203 of the NPPF. It is not for me to undertake that planning balance, but a low level of public benefit would be sufficient to outweigh the limited harm identified.	Noted.

7.4 Representations received from Interested Parties

7.4.1 **48** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
The view from the historic train ride would be ruined	Discussed in section 5.14 above.
The development would overshadow the quaint railway museum and could result in the loss of the railway and museum	Discussed in section 5.14 above.
The loss of countryside being concreted over	Discussed in section 5.5 above.
Increase of vandalism on the railway	It is not considered that this is a material consideration to the determination of this planning application.
No safe access (located on a 60mph road)	The proposed development would provide a footpath which would connect to the existing footpath.
No footpaths/cycle paths	The proposed development would provide a footpath which would connect to the existing

Objecting Comment	Officer Response
	footpath.
Insufficient infrastructure improvements to cope the increased traffic	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Increase in traffic delays	Subject to appropriate infrastructure improvements it is considered that there would be no demonstrable harm.
Increased pollution/poor air quality	The Council's Environmental Health Service considered that there is no demonstrable harm in respect to this.
No employment opportunities so commuting will be necessary	Site is considered to be in a sustainable location.
Loss of agricultural land	Not considered to be of agricultural land of high standard and therefore, not a material consideration of demonstrable weight.
Negative effect on tourism	Discussed in section 5.14 above.
Loss of greenfield site	Discussed in section 5.5 above.
No sewage connection	Conditions suggested below.
There is a provision for key NHS workers, but the closest hospital is Maldon.	Noted.
Lack of public transport	The site is considered to be a sustainable site.
Local schools are oversubscribed	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Limited leisure facilities	Noted.
Effect on local wildlife	This is considered to be acceptable and the harm can be mitigated through the imposition of appropriate conditions.
No attempt to offset the carbon footprint	Not required as part of the planning process at this time.
Doctors surgeries are over subscribed	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Outside the residential development of Burnham	Discussed in section 5.2 above.
Closing the gap between Burnham and Southminster	Discussed in section 5.5 above.
Detrimental affect on the rural character of north Burnham	Discussed in section 5.5 above.
Increased noise levels	Discussed in section 5.14 above.
Loss of trees/hedgerows will have a detrimental affect on the landscape as stated by the tree officer	Discussed in section 5.14 above.
Dramatically change the character of the area	Discussed in section 5.5 above.
Loss of local amenity for dog walkers/ramblers/horse riders	The application is not public land and therefore, this is not a protected use.
The size of the development would create an urban spawl	Discussed in section 5.5 above.
Limited emergency services in close proximity	Noted.

Objecting Comment	Officer Response
The existing rail service from Burnham struggles to cope and is non-existent at times	Noted.
<p>There are a number of errors in the supporting documents</p> <ul style="list-style-type: none"> • The TA says there is an existing footway – this is not true • It also states Southminster Road has sufficiently low traffic flows for on street cycling – not true this is a dangerous road to cycle on • It states the there is train every 40 mins – this is usually 1 an hour Mon-Fri • There is no PRow to the west of the site 	This is not considered to prejudice the determination of the application.
Contrary to policies D1, H4, N2, S1, S2, S3, S6, S8, T1 & T2 of the LDP	Discussed in the main assessment of the application.
Contrary to the NPPF	Discussed in the main assessment of the application.
The applicant argues that the LDP can be discarded in favor of the 'tilted balance' as the LPA cannot demonstrate a 5YHLS	Discussed in the main assessment of the application.
Burnham & Southminster have been subject to overdevelopment since 2017	Discussed in the main assessment of the application.
No access to public transport	
Against the Burnham Neighbourhood Plan	Discussed in the main assessment of the application.
The site is in a remote location away from the main town of Burnham	Discussed in section 5.2 above.
Old Heath Road & Green Lane will have more usage and they are insufficient roads to have increased usage	Noted.
False information on the access to and over land belonging to Mangapps Railway Museum	A Grampian condition can ensure that access is provided.
The retail unit of 3 storeys is out of character and would only be able to provide day to day necessities	Discussed in section 5.5 above. A condition limiting the scale to two stories is suggested below.
Where will the drainage drain to?	A condition has been recommended regarding
Enhancement of the fencing adjacent will need to be upgraded to prevent trespass	Not a material consideration in the determination of the application.
Lack of biodiversity net gain	Dealt with via condition.
The retail space is described as being use class A1 but this ceases to exist (2 years before the application was submitted)	Dealt with via condition.

Objecting Comment	Officer Response
Insufficient information on the proposed EV charging stations for each dwelling and if UK Power Networks can cope with this	Not a material consideration for the determination of the application.
Proposed footpath is on 3 rd party land not in the ownership of the applicant	The delivery can be ensured through a Grampian condition.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- General Obligations
 - Provide and retain in perpetuity private community open spaces and strategic landscaping in accordance with agreed phasing and details;
 - Create/nominate a Management Company with responsibility for future management and maintenance of all private open spaces, non-adopted footways, related lighting, street furniture, signage etc and all private landscaping.
 - Identify the extent of, provide, and landscape the public open spaces to an agreed specification: to include picnic benches, seating, dog waste and litter bins, information boards, and children's play spaces, before occupation of the 225th dwelling (including NHS keyworker equivalent - see below) or in accordance with an agreed phasing plan;
 - Offer the public open space and children's play space/s to the District Council for adoption;
 - In the event that the LPA does not intend to adopt the public open space, to transfer it to the Management Company, maintain it to a specification to be agreed, and retain it for use as public open space in perpetuity.
- Affordable Housing Obligations
 - The total number of affordable housing units shall be not less than 40% of the total number of dwellings approved by the Planning Permission;
 - The NHS accommodation shall be maintained in perpetuity as 'affordable housing for rent' as defined in the National Planning Policy Framework;
 - The NHS keyworker accommodation shall not be occupied other than by staff employed by the National Health Service or any of its subsidiary organisations or healthcare providers;
 - Affordable housing (including NHS keyworker 'self-contained dwelling equivalents') to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location and design standards; Non-NHS keyworker affordable housing tenure split shall be 75% affordable rent / 25% intermediate housing or as close as possible thereto unless otherwise agreed in an AHS; All affordable housing to be constructed and transferred to Registered Provider/s prior to occupation of the 200th market dwelling;

In the event that the NHS or its constituent bodies or advisors decline to purchase or lease the keyworker accommodation, it shall instead be provided, in the same amount, as general needs affordable housing.

- Health Care Contributions
 - To make developer contributions in the circumstances set out in the NHS consultation response.
- Highways Obligations
 - To agree and implement a scheme of works to footpath and public transport infrastructure within the vicinity of the site;
 - To pay the agreed developer contribution for off-site highways improvements;
 - To provide a minibus service to an agreed schedule to the town of Burnham-on-Crouch for a period of not less than three years,;
 - To provide an agreed number of electric cycles, together with charging stations within the site and electric changing points to each bungalow;
 - To submit, agree and implement a Travel Plan at Reserved Matters stage;
- Highways Obligations
 - Pay a £25,000 developer contribution for off-site highways improvements to the B1010/B1021 junction/or for public transport improvements in the vicinity of the site;
 - Submit, agree and implement a Residential Travel Plan;
 - Provide two bus stops within the site in locations and to a specification to be agreed;
 - Provide minibus service between NHS accommodation and health care facilities in perpetuity in accordance with timetable and details to be submitted;
 - The implement the new site access in accordance with the details so agreed, and to include formation of a new public footway and ditch alongside the B1021 south of the development to connect to the existing footway to Burnham-on-Crouch.
- Ecology
 - To provide a developer contribution in accordance with the Council's adopted RAMS scheme;
 - Provide signage and interpretation boards within the development along walking routes and open spaces to explain and support RAMS and encourage recreation away from the sensitive estuarine habitats - all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.
- Training/Education Obligations
 - Provide developer contributions for education, including for secondary school transport, in the circumstances set out in the Essex County Council Education Department consultation response;
 - To offer employment opportunities generated from within the site to local persons first in accordance with an agreed mechanism.

PROPOSED CONDITIONS

- 1 Details of the appearance, landscaping, layout 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 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.

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

- 3 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

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

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

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

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 and the guidance contained in the Maldon District Design Guide SPD.
- 4 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).
- 5 The height of the buildings submitted as part of the Reserved Matters shall not be in excess of 9m.
REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 6 The dwelling mix for the development hereby approved shall accord with the housing mix requirement set out within the Maldon District Local Housing Needs Assessment 2021.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 7 A minimum of ten of the proposed market dwellings hereby approved shall be single storey in height. These properties will be M4(2) compliant lifetime homes.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 8 The scheme to be submitted pursuant to the reserved matters shall include a minimum provision of 5% of the market dwellings to be occupied only by persons over 55 year of age.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 9 A minimum of four of the units required under condition 8 shall be dwellinghouses and be single storey in height.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 10 The internal floor area of the proposed retail element, including storage and welfare areas, shall not exceed 1,000sqm in total.
REASON: To ensure that the development would not adversely impact upon existing retail uses and it would not exceed the Local Impact Threshold for new retail uses in accordance with policy E2 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 11 Prior to the occupation of the 200th dwelling hereby approved the retail provision shall be fully implemented and available for use in accordance with the plans submitted as part of the reserved matters application(s).

REASON: To ensure the development is sustainable and in accordance with Policy S1 of the Maldon District Local Development Plan and guidance contained within the NPPF.

- 12 Details of the pedestrian footway proposed to connect the site to the existing pedestrian footway along Southminster Road to the south shall be submitted to the Local Planning Authority for agreement. The pedestrian footways shall be constructed in accordance with the approved details prior to the occupation or first use of the development hereby approved.

REASON: To provide safe access for pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Vehicle Parking Standards SPD (2018) and the Maldon District Design Guide SPD.

- 13 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 the Maldon District Local Development Plan.

- 14 A scheme in accordance with Maldon District Council's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained 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.

- 15 Prior to the commencement of the development hereby approved, a sound insulation assessment shall be undertaken and a scheme detailing the insulation of the building elements that separate the proposed first floor residential dwelling and ground floor commercial units shall be submitted and approved by the Local Planning Authority. The scheme shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 55dB (i.e. an enhancement of the minimum levels stated in Approved Document E of 10dB). Any works which form part of the scheme shall be completed before the permitted dwellings are occupied and retained thereafter.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan.

- 16 Where any external plant is proposed as part of the commercial units, it shall not have combined emissions of noise that exceed a rated level (determined in accordance with BS4142:2014 methodology) of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

Where mitigation is required to meet the noise criteria above, it must be installed prior to first occupancy of the dwelling AND the applicant must also

provide the Planning Authority with a validation report from a competent person that confirms that the noise impact arising from the plant. Where it does not demonstrate this, additional mitigation measures shall be proposed, agreed with the Planning Authority and implemented prior to first occupancy. Any mitigation installed must be retained and maintained thereafter.

All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan.

- 17 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, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - 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) an appraisal of remedial options, and proposal of the preferred option(s).

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.

- 18 Where identified as necessary in accordance with the requirements of condition 17 no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the Local Planning Authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to

commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval.

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.

- 19 Prior to the commencement of development a Biodiversity Net Gain Strategy setting out how the development shall result in a minimum biodiversity net gain of 10% shall be submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Net Gain Strategy shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the strategy, and shall be retained in that manner thereafter.

- 20 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). Prior to commencement of the development hereby approved a scheme, for delivering the mitigation and enhancement measures in accordance with the details contained in the Ecological Impact Appraisal (BWB) shall be submitted to the Local Planning Authority for agreement. The mitigation and enhancement measures shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the scheme, and shall be retained in that manner thereafter.

- 21 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). Prior to the submission of any Reserved Matters applications a bespoke Farmland Bird Mitigation Strategy shall be submitted to the Local Planning Authority for agreement. The Farmland Bird Mitigation Strategy shall include mitigation and enhancement methods for any impacts to farmland birds, such as Skylark. The mitigation and enhancement measures shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the scheme, and shall be retained in that manner thereafter. All compensation measures need to be provided off-site, in appropriate nearby land, will be provided prior to commencement of the development hereby approved.

- 22 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). The development hereby approved shall be undertaken in accordance with the 'Air Quality Assessment' (produced by BWB).

- REASON: To avoid, mitigate and minimize adverse impacts on air quality in accordance with Policy D1 of the Maldon District Approved Local Development Plan.

- 23 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.
- Limiting discharge rates to 23.59l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 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.

The scheme shall subsequently be implemented prior to occupation and retained in perpetuity.

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

- 24 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

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

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

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

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

- 26 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 27 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.
- 28 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 safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.
- 29 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 safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.
- 30 Arboricultural Impact Assessment shall be submitted as part of the Reserved Matters application. The Arboricultural Impact Assessment shall include a tree survey and an explanation as to how the layout of the development has been designed to limit the impact on the existing vegetation features found on site.
- REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 31 Prior to the commencement of development a detailed Arboricultural Tree Protection Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- REASON: To ensure that appropriate tree protection and management is in place in the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 32 The temporary access and road as shown within the application is not hereby approved. Details of the proposed temporary access will be submitted as part of any subsequent Reserved Matters application.
- REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 33 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 provision and guidance as contained within the Maldon District Design Guide.
- 34 The development hereby approved shall be carried out in a manner to ensure that a minimum of 80% of the dwellings, in all tenures, should meet the M4(2) 'accessible and adaptable dwellings' standards.

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 and the provision and guidance as contained within the National Planning Policy Framework and the Maldon District Specialist Needs Housing SPD (2018).

- 35 Prior to the commencement of development details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All 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 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.

- 36 A strategy to facilitate superfast broadband for future occupants of the residential buildings shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall seek to ensure that upon occupation of a dwelling ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure.

The development of the site shall be carried out in accordance with the approved strategy and retained in perpetuity.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Approved Maldon District Local Development Plan and the NPPF and PPG.