



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**DISTRICT PLANNING COMMITTEE  
23 JANUARY 2024**

<b>Application Number</b>	<b>23/00853/FULM</b>
<b>Location</b>	Land North West Of 2, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Erect 40No. Flats and Associated Infrastructure, Access Ways, Parking, and Landscaping; Construct Enlarged Detention Basin; and Provide Additional Parking Spaces for Approved Medical Centre
<b>Applicant</b>	Mr Ian Holloway – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	31.01.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

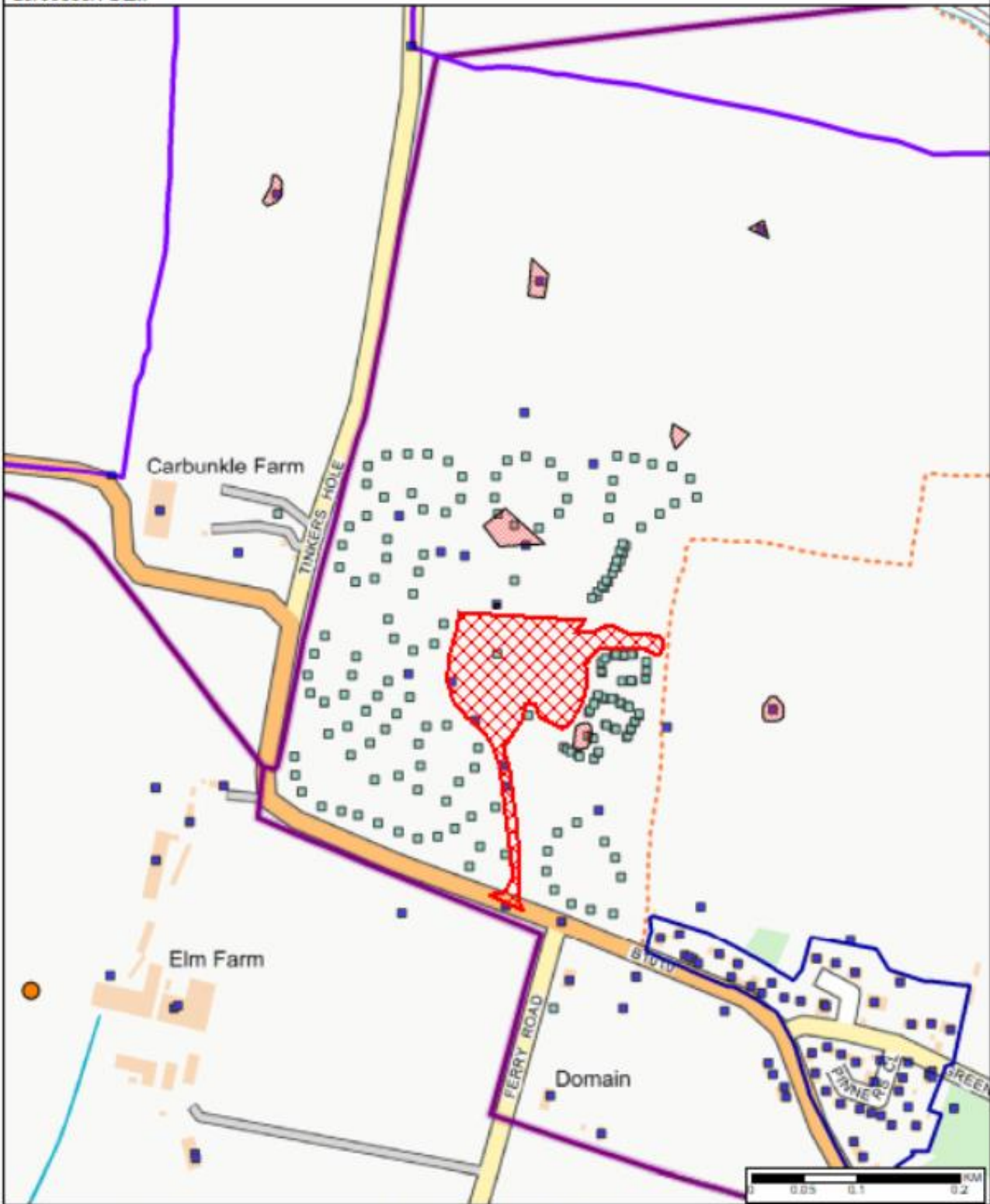
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Land north west of 2 Maldon Road, Bumham-on-Crouch**  
23/00853/FULM



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Maldon District Council 100018588 2011

  
MALDON DISTRICT COUNCIL

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Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	District Planning Committee
Date:	21/12/2023
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The site is located to the north of Maldon Road, east of Tinkers Hole and west of the Burnham-on-Crouch settlement boundary. The villages of Althorne and Southminster are sited approximately 2 miles to the west and 3 miles to the northeast respectively. The section of Maldon Road that abuts the application site is a 60mph (miles per hour) stretch of public highway, while Tinkers Hole is a minor rural road with less frequent usage.
- 3.1.2 The application site forms part of the first phase of a development known as Burnham Waters which was granted outline planning permission with the matters of access and layout approved (18/00443/OUT) and reserved matters approval for the matters of appearance, landscaping, and scale having also been gained (reference 20/00846/RES). Phase 1 of the retirement community (references 18/00443/OUT and 20/00846/RES) is for the following description of development: *Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping.*
- 3.1.3 Vehicular access to the site to / from Maldon Road formed part of the approved development. Construction of the development is in progress.
- 3.1.4 Phase 1 is a roughly rectangular shaped parcel of former arable land, bounded by hedgerows along the south, east and west boundaries. A hedge-line and ditch also traverses this first phase and a public footpath runs along the eastern boundary, which is lined with mature trees and hedgerows.
- 3.1.5 The surrounding area to the north, south and west of the application site is predominantly undeveloped, comprising large agricultural fields. However, planning permission exists for two further phases of the Burnham Waters development to the north and east of Phase 1. Burnham Reservoir is to the west, while Elm Farm and Elmwood Equestrian Centre are to the southwest, consisting mainly of agricultural style buildings and two dwellings. To the east of the site are mainly large-scale dwellings, in a linear layout fronting Maldon Road.
- 3.1.6 Topographically the area is broadly flat with a gradual fall from west to east and the site is located within Flood Zone 1.
- 3.1.7 With regard to services, a café is located around 115 metres from the site and there is a petrol station approximately 450m to the southeast of the site on Maldon Road. The nearest bus stop is located approximately 110m to the southeast of the site. The railway station in Burnham-on-Crouch is situated around 1.3 miles away from the site. The High Street of Burnham-on-Crouch is approximately 1.9 miles away.
- 3.1.8 The current application site extends to 1.8ha (hectares) and includes the part of Phase 1 where the care home was previously proposed. The current application has

been submitted as a 'slot-in' application and not as a variation to the original planning permission which is not possible as this would conflict with the description of the development currently approved.

- 3.1.9 To the east of the northern section of the current application is an approved detention basin beyond which would be two of the three blocks of assisted living units. To the east of the southern section of the current application site would be the approved medical centre. To the north, beyond the hedge line which runs along the northern boundary of the site, would be the approved community hub. To the north of the detention basin would be the approved block of shops. To the west, beyond the spine road, are approved bungalows.
- 3.1.10 The current application is for 40no. flats which would be split into two blocks, both two storeys in height and each accommodating 20no. flats.
- 3.1.11 Block A of 20no. flats would all be one-bedroom, two person flats each at least 50sq.m. plus two accessible (Building Regulation M4-3) standard with the latter having a floorspace of 61sq.m.. This block would be 13.1m in height with hipped and gabled roofs. The block would include a fully glazed two storey atrium with oversailing roof as a design feature. All of the flats would have an area of private amenity space ranging from 4sq.m. to 10.2sq.m. (all but two at least 5sq.m.). The building would have a V-shaped footprint measuring a maximum of 54m x 18m. There would be photovoltaics and an air source heat pump on the roof of the building. External materials would include red multi facing bricks (Olde English Red or similar) with rendered elements and blue / grey fibre cement slates for the roof along with polyester powder coated aluminium windows and doors, balustrading and grilles. The building would also incorporate 1no. integrated brick bat / bird nesting box and 5no. electric scooter charging points would be provided.
- 3.1.12 Block B of 20no. flats would be up to 10.7m in height with a partially (over 300sq.m.) flat roof but also hipped and gabled elements. The flat roof would be used for plant, solar panels and an air source heat pump. External materials would include red multi facing bricks (Olde English Red or similar), blue / grey fibre cement slates for the sloping elements of the roof as well as polyester powder coated aluminium windows and doors, balustrading and grilles. A specification for Berwick Multi bricks and a photograph of LD Ultra First Grade natural blue / black slate have been submitted as part of the application. The building would also incorporate 3no. integrated brick bat / bird nesting boxes. There would be 5no. two-bedroom flats (with a floorspace of a minimum of 75sq.m.) and 5no. one-bedroom flats (with a floorspace of a minimum of 56sq.m.) at ground floor level. At first floor level there would be 7no. two-bedroom flats (with a floorspace of a minimum of 75sq.m.) and 3no. one-bedroom flats (with a floorspace of a minimum of 56sq.m.). All flats would have at least 7sq.m. of private amenity space plus a communal roof terrace at first floor level of 26.5sq.m. (a total of 180.35sq.m.).
- 3.1.13 There would also be an external communal area of amenity space of approximately 896sq.m. for both blocks.
- 3.1.14 In terms of planting, the proposal is for native trees and hedgerows to the outer edges of the site with more formal areas within.
- 3.1.15 Based on the drawings submitted, 64no. parking spaces are proposed to serve the blocks of flats. There would be an electric vehicle charging point to all allocated parking spaces. One of the blocks proposed would have a detached cycle store with 36no. spaces and an integral bin store. The other block would have a detached building accommodating cycle store with 20no. spaces and a bin store. The former

block would measure 12.4m x 4.7m and 4.3m in height. The latter block would measure 8.1m x 4.6m and 4.3m in height. The external materials would be vertical fibre cement cladding for the walls and blue / black natural or composite slates for the roofs. 8no. visitor cycle parking spaces (4no. per block) would be provided in the form of 2no. Sheffield stands.

- 3.1.16 The proposal also includes the provision of additional 7no. parking spaces to the 15no. spaces approved for the medical centre which would be linked to the proposed surgery by a new vehicular access through to the approved car park and a wheelchair compliant ramped pedestrian path. As part of the current application, it is claimed that the additional parking for the medical centre proposed is a result of increase in demand for parking spaces following the approval of Phase 2 and the completion phase of the retirement village. In support of this element of the proposal, it is stated that the 15no. parking spaces for the approved medical centre is less than the 24no. spaces required to meet the adopted vehicle standard (but had been accepted as an individual assessment had been made) and that 'it is inevitable that some residents [of Phase 2 and Completion Phase] would use a car to access the medical centre'. It is stated that the approved medical centre is still intended to accommodate a privately funded optician, dentist and doctor, and dispensing chemist and include nine consulting rooms with six full-time staff.
- 3.1.17 An extension is proposed to the previously approved attenuation basin. The increase to the approved basin would be 3m in length at its southern end. It is explained that the 'minor' enlargement of the southern detention basin is required following additional design work having been carried-out on the surface water drainage scheme for the development.
- 3.1.18 The application is accompanied by the following:
- Planning Statement
  - Design and Access Statement
  - Landscape Management Plan (May 2023)
  - Tree survey and Arboricultural Impact Assessment (April 2023)
  - Ecological Impact Assessment
  - Transport Statement
  - Sustainable Drainage System (SuDS) Checklist
  - Flood Risk Assessment (FRA) rev.B (June 2023)
- 3.1.19 The Landscape Management Plan states that the existing native hedgerow along the northern boundary would be retained as before but now reinforced with additional native shrub planting. Additional native tree planting and species rich grassland is also proposed along this edge along with an additional mixed native hedgerow along the spine road.
- 3.1.20 The Tree survey and Arboricultural Impact Assessment states some additional parking is proposed as part of the current proposal, most notably along the northern boundary, in proximity to the existing hedgerow and trees but most of the hard surfacing is proposed in previously approved locations. No trees would need to be removed as part of the current proposal; those affected are outside the application site growing within a field hedgerow and ditch line alongside the site's northern boundary. The Assessment concludes that further detailed information will be required in the form of an Arboricultural Method Statement. This could be required by condition if planning permission were to be granted.

- 3.1.21 As part of the Transport Statement, it is stated that the approved care home would generate 151 daily vehicle movements and that 40 dwellings would generate 117 daily vehicle movements. The site access junction approved has been reassessed and it is concluded that it will continue to operate with significant spare capacity during the 2030 future year scenario and the revised proposal would have no materially greater impact on the B1010 / B1021 junction than the development approved. As part of the approved development,
- bus stops are to be provided within the site, at the central green, for existing services to divert to.
  - a financial contribution of £75,000 has already been secured for the Highway Authority to provide financial support to local bus services that serve the site.
  - an electric minibus service is to be provided between the site and Burnham-on-Crouch railway station / town centre departing the site at 0800, 0900, 1100, 1300, 1500 and 1700 seven-days per week.
  - an on-demand electric minibus service for local trips is to be provided seven-days per week between 0800-1700 (subject to minibus and driver availability).
  - an on-site electric cycle hire club for journeys around the estate and into Burnham-on-Crouch is to be provided.
- 3.1.22 As part of the FRA submitted it is stated that there would be an approximate reduction of 19% of impermeable area compared to the approved scheme and so the discharge rate from the current scheme would be less than that of the consented scheme. In addition, the FRA demonstrates that the site is not at risk of flooding from rivers, the sea or from groundwater or reservoir failure. Whilst some risk is identified on Environment Agency maps from surface water flooding, it is claimed that this is not supported by detailed topographical surveys, which do not show corresponding low ground levels in the areas identified as being at risk.
- 3.1.23 As part of the application, in relation to flood risk and drainage, it is explained that: *The approved scheme for the management of surface water generated by the wider Phase 1 retirement community was devised in the context of a SuDS management train: to reduce water quantity and improve water quality and ecological potential prior to discharging into a receiving watercourse. In summary, in relation to the wider Phase 1 site, within which the current application site lies, in order to mitigate flood risk and improve water quality for this development it is proposed to manage surface water by a network of swales running through the site, leading to underground pipes and subterranean storage crates, which will carry surface water from the buildings and hard surfaces to two detention basins: one located to the north-east of the application site and the other within it and subject to this application for its slight enlargement. Water from these two ponds will discharge into a ditch leading to Pannel's Brook at a controlled rate via outfalls with hydro-brake. In order to provide additional storage and treatment of surface water, permeable paving with associated geocellular storage beneath will be employed in parking areas, which will in turn discharge to the underground drainage system (some of which has already been installed).*
- 3.1.24 In relation to foul drainage, the foul water generated by the proposed development would be drained by gravity to a private pumping station located along the northern boundary of Phase 1. From here, a foul rising main is to pass across the site from north to south to connect into the existing Anglian Water foul sewer network in Maldon Road, at manhole 3601.

- 3.1.25 The Ecological Impact Assessment concludes that there would be no significant ecological affects and that no mitigation is required but ecological enhancement measures are proposed.
- 3.1.26 In support of the current application, information is provided relating to the supply of specialist / elderly persons accommodation in the District. Assuming the 232no. Phase 2 units will be completed in the Plan period (i.e. by 2029) and the 203no. completion phase units would be commenced beyond 2029:

Total Need to 2029 = 624 units;  
Total Supply to 2029 = 487 units;  
Shortfall to 2029 = 137 units.  
Total need to 2040 = 1,388 units;  
Total supply to 2040 = 690 units;  
Shortfall to 2040 = 698 units.

And there are no allocated sites which would meet this shortfall i.e. the provision would rely on windfall sites.

- 3.1.27 Within the Older Persons housing Strategy, a greater need for self-contained accommodation with care rather than care homes has been identified. However, the applicant advises that they are still committed to providing a care home which is likely to be included in later phases.

## **3.2 Conclusion**

- 3.2.1 The development proposed would be acceptable in principle and would not cause harm to the character or appearance of the site or the wider area. No adverse issues in relation to highway safety / access / parking, the quality of life for the occupiers of the proposed flats, flood risk/drainage or nature conservation are raised.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 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
- 60-84 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 99-107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 123-130 Making effective use of land
- 131-141 Achieving well-designed and beautiful places
- 157-179 Meeting the challenge of climate change, flooding and coastal change
- 180-194 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 and Environmental Impact of New Development
- 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)
- Maldon District Affordable Housing and Viability SPD (2019)



## 4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.5.1 The application is accompanied by a draft list of Heads of Terms for a Section 106 (S106) Agreement as follows:

- No dwelling shall be occupied other than by persons over 55 years of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to residents of the District of Maldon (as per the Phase 1, 2, and Completion Phase S106 Agreements);
- A scheme for the provision, retention and future management and maintenance of community open space and strategic landscaping;
- To nominate a Management Company with responsibility for future management and maintenance of the private open spaces, highways, car parks, footways, related lighting, street furniture, signage etc and all landscaping;
- Residents of all dwellings in the development shall have access to the electric cycle club scheme on the same terms as all other residents of the retirement community;
- Residents of all dwellings in the development shall have access to the minibus service on the same terms as all other residents of the retirement community;

Affordable Housing Obligations:

- 30% provision (12No.) one-bedroom affordable apartments shall be provided on-site, prior to the occupation of 75% of the market dwellings;
  - Affordable housing tenure split shall be 70% affordable rent / 30% intermediate housing or as close as possible thereto unless otherwise agreed;
- or
- a commuted sum equivalent to 12No. one-bedroom affordable rent apartments instead of on-site provision, payment to be made before occupation of 75% of the market units.

Health Care Contributions

- To make developer contributions for health care provision in the circumstances set out in an NHS (National Health Service) consultation response (as per Phases 1 and 2 S106 Agreements);
- To submit to the Council and agree a range of care and support packages to be made available to residents of the development.

Highways Obligations

- To submit, agree, and implement a Residential Travel Information Plan;

Ecology

- To provide a developer contribution in accordance with the Council's adopted Recreational disturbance Avoidance and Mitigation Strategy (RAMS) scheme;
- To provide signage and interpretation boards within the application site 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;
- To include information on the Burnham Waters app / website media to explain and support RAMS and encourage recreation on-site and nearby: away from

the sensitive estuarine habitats, all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.

## **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of the planning application submitted for 40no. residential units 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 With respect to an Environmental Impact Assessment (EIA), Officers have yet to carry-out a Screening Opinion for the development. In relation to the development approved for Phase 1 as well as Phase 2 and the 3<sup>rd</sup>, completion phase, it was considered that all of the relevant planning considerations could be adequately assessed based on the specialist reports submitted as part of the applications and in consultation with the relevant Statutory Consultees without the need for an Environmental Impact Assessment. The assessment below is on the basis that the development is not EIA Development, in this case.

### **5.3 Principle of Development**

5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).

5.3.2 Policy S1 of the LDP states that '*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF*' and apply a number of key principles in policy and decision making set out in the Policy.

5.3.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build 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. Therefore, it is considered that exception (m) applies in this case which accords with the conclusions of the Inspector as part of the previous appeal.

5.3.4 Policy HO.1 of the BOCNP is similarly clear and consistent with the Development Plan where it states that "*Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan*".

5.3.5 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing

Land Supply (5YHLS). The Council is currently able to demonstrate a deliverable 5YHLS with 6.35 years of housing land supply.

- 5.3.6 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.
- 5.3.7 Whilst the Council is able to demonstrate a 5YHLS, it is still 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*'. Policies relevant to the assessment of the proposal the subject of the current application are still in general conformity with the NPPF and the current 5YHLS position suggests that the Council's spatial strategy in relation to the delivery of sufficient housing land is effective. Therefore, it is considered that significant weight can still be applied to the LDP Policies, including Policy S8, in the assessment and determination of this planning application.
- 5.3.8 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, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.3.9 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, proposals outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF. Therefore, the Local Planning Authority (LPA) is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.3.10 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.'*
- 5.3.11 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.
- 5.3.12 It is noted that, planning permission already exists for development of the application site as a 70-bedroom care home and that, as part of the previous appeal, the

Inspector considered that Phase 2 complied with Policy S1 in that, development in this area (in general) is not inappropriate given its proximity to Burnham-on-Crouch. The same conclusion was reached by the LPA in relation to phase 3 / completion phase. There are considered to be no new material considerations that would justify a different conclusion being reached compared to the approved care home or which conflict with the decision of the Inspector when determining the last appeal.

5.3.13 The proposal would result in the loss of the approved 70-bedroom care home which would narrow the housing mix included within the wider development but there is no requirement that the care home is built at any time and it is noted that there is a greater need in the District for homes with care for the elderly than care home provision (Local Housing Needs Assessment (LHNA), 2021). It is also noted that the applicant may seek to include a care home within one of the later phases of the development (subject to obtaining planning permission for an amendment to the approved schemes). On this basis, it is not considered that the refusal of the current application based on the removal of the care home from the Phase 1 would be justified.

5.3.14 There would be no objection, in principle, to the enlarged detention basin proposed. The additional parking spaces for the medical centre is assessed below.

#### 5.3.15 Environmental Dimension

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

5.3.15.2 The application site is on the outskirts of Burnham-on-Crouch and the proposal would replace part of the approved retirement community for which planning permission has been granted on and adjacent to the current application site (Phases 1, 2 and 3). As part of the assessment of these Phases, it was considered that the development, although not immediately adjacent to the town centre of Burnham-on-Crouch, would provide adequate access to everyday services for the occupiers of the development. It is considered that there are insufficient and unsustainable grounds for a different view to now be taken as there has been no material change to the accessibility of the area. The occupiers of the proposed flats would have the same level of access to local services and facilities by the same forms of transport as those who would occupy the approved Phases. Furthermore, it is important to note that the original Phase 1 was granted at a time when the Council was previously able to demonstrate a 5YHLS.

5.3.15.3 It is also noted that as part of the previous approval (18/00443/OUT) a public transport contribution of £75,000 has been secured as part of the S106 Agreement to support improved public transport service provision and bus stops are to be provided as part of the development approved. In addition, a privately-operated minibus service is to be provided into Burnham-on-Crouch seven days a week and electric cycles will be available on site for residents to use.

5.3.15.4 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 provision of services and facilities either within the retirement community itself or within the neighbouring town of Burnham-on-Crouch to meet the day to day needs of the future occupiers without there being an over-reliance on private means of transport. Paragraph 109 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. This accords with the conclusions of the Inspector in relation to the previous appeal who concluded that *'the appeal site does not represent an inappropriate location for development in principle'*, in compliance with criterion 5 of Policy H3 and Policies T1 and T2 of the LDP.

5.3.15.5 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, nature conservation, residential amenity and flood risk / drainage) are discussed below.

#### 5.3.16 Social Dimension

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

5.3.16.2 Policies S2 and S6 of the LDP suggest that the infrastructure of Burnham-on-Crouch is limited on the basis of which development above the identified limit of 450 dwellings would not be supported. This is also supported by the BOCNP. However, each case needs to be assessed on its own merits and no deficiencies in terms of infrastructure provision have been identified as part of the assessment of the proposal that could not be satisfactorily overcome through the imposition of conditions or through a S106 Agreement (as discussed elsewhere in this report). Therefore, without the ability to demonstrate harm, it is considered that an objection based on the exceedance of this 450 dwelling limit could not be sustained. The application has been accompanied by documents to support the number and type of residential units proposed. Furthermore, no Statutory Consultee has raised an objection to the proposal based on any perceived infrastructure constraints. Furthermore, as often stated in appeal decisions, housing numbers in development plans should not be wholly considered as 'ceilings' to development. Whilst at a time when the Council was not able to demonstrate a 5YHLS, it is worth noting that the Inspector, at section 50 of the appeal decision on Phase 2 (21/00075/OUTM) states, *'The need for housing is therefore critical, acute and deteriorating. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place very substantial positive weight on the proposed housing'*.

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

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

5.3.16.4 Paragraph 8.24 of policy I2 clarifies the type of residential accommodation that would be encouraged by the Council, which would include housing especially suitable for

older people, either because of the dwelling type (e.g. bungalows), specific design features (including 'lifetime homes') or because of adaptations to suit older people's needs, or by specialist housing for elderly people. It is considered that the proposal complies with Policy I2 in this respect.

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

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

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

5.3.16.6 These criteria are discussed in turn below, but the identified need has not been met through the limited number of planning permissions which have been granted since the LDP was adopted. Furthermore, no specialist housing for older people has been granted since the determination of Phases 1, 2 and 3, and the more recent LHNA identifies a continuing shortfall in the provision of such specialist housing. It is also noted that, as part of the most recent revision to the NPPF (December 2023), support for the provision of housing for the elderly has been strengthened (paragraph 63).

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

#### 5.3.17 Clearly Identified Need? (criterion 1 of Policy H3)

5.3.17.1 As part of the Needs Appraisal For Older Persons Accommodation submitted for Phase 2, it was stated that there was an under-supply of 1,482 homes for elderly persons in the District. Reference was also made to Maldon Council's Specialist Housing SPD which identifies an acute need for specialist housing in the District and that the majority of older people would like to live in a bungalow (62.2%), followed by supported housing. With reference to the SHMA (2014), it was stated that this document *'outlined at the time the need for 374 new sheltered units by 2018 (of these 254 in the affordable sector and 120 in the private sector) as well as 138 extra care units'*.

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

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

5.3.17.3 The development proposed would assist in tackling deficiencies in affordable rent retirement homes (3rd priority) and open market homes (4th priority). Also, because of the specific design of all units as wheelchair accessible or adaptable, care packages can be offered to any dwelling such that low level support 'sheltered housing' units can be formed without adaptation / limited adaptation at any point in the future. This means that the on-site affordable housing offer, will help to address the District's 2nd priority need for sheltered homes. A commuted sum in-lieu of this would also enable similar or better provision being made off-site. The fact that the one proposal meets three of the four criteria weighs heavily in favour of the development.

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

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

5.3.17.5 The applicant drew attention to the age profile in the District in 2018 which indicated a high proportion of residents aged 70-74 years, and a corresponding decrease in those aged 30-34 years. The projected population was expected to increase by 2,020, with an ageing population. The proportion of the population aged 65+ is greater in the District at 24.94% compared to England at 18.8%. The LPA acknowledges this when considering the application.

5.3.17.6 According to the Maldon District Specialist Needs Housing SPD, in the period between 2014 and 2018, just 30 private units were developed, significantly less than the 374 required. In addition, since 2010, a residential home in the District has closed, support has been withdrawn from approximately 600 sheltered properties and the District has no independent living schemes in place. Planning permission has been granted for Phases 1, 2 and 3 of the Burnham Waters schemes and one extra care unit in Bradwell-on-Sea (18/00796/FUL). However, this is still less than the need identified which will not be met through the current Strategic allocated sites in the District. Burnham-on-Crouch has been identified as one of the areas in the District where older persons housing should be focused, being a main settlement. There are no other sites within the existing urban areas which could accommodate the development proposed and, therefore, the development could only be accommodated on a rural site.

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

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

5.3.17.9 The Local Housing Needs Assessment, May 2021, which was published after the planning application for Phase 2 was determined, confirms the significant need for additional elderly persons housing within the District.

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

5.3.18.1 The proposed development would have a beneficial impact on the health of residents in most instances as the high-quality housing design would support the health of its residents, and the site layout and additional premises address climate change and promote social cohesion. The site also has a reasonable level of accessibility.

5.3.18.2 The properties have been designed in a way that supports the wellbeing of the future residents, providing an adequate quality of life for the occupiers of the proposed residential units and the development would be designed and managed to provide the appropriate type and level of support for the residents.

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

5.3.19.1 The impact on secondary health services is likely to be linked to the extent to which existing residents in Maldon District move into the new development. However, the cascading mechanism proposed as part of S106 Agreement would prioritise local residents' access to market homes which would reduce the potential for adverse impacts. Furthermore, medical facilities are to be provided as part of Phase 1 and the applicant is willing to make a financial contribution towards the provision of medical services off-site, similar to that agreed for Phases 1, 2 and 3. The NHS has advised that this is necessary, requesting a financial contribution of £19,600 if planning permission were to be granted which could be secured through a S106. In addition, new community / leisure / sports facilities are proposed as part of Phases 1 and 2 and pathways, allotments and public open space within all Phases would facilitate walking, cycling, recreation etc.

5.3.19.2 Based on the above, the scheme would not have an adverse impact on public services.

5.3.20 Concentration of Similar Uses? (criterion 3)

5.3.20.1 It is noted that planning permission exists for Phases 1, 2 and 3 of the retirement community along with a planning permission (reference 14/00356/FUL) for a development on one of the allocated sites to the south-east which would include 20 bungalows and a 50 - 60 bed care home. However, whilst the development would be for an additional 40 residential units, the proposal would be within Phase 1 rather than a separate development. Therefore, it is not considered that the development would result in an over-concentration of similar uses to such a degree to justify planning permission being refused. Furthermore, and significantly, it must be noted that Burnham-on-Crouch is one of the three settlements in the District that the Council's SPD directs this type of accommodation to.

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

5.3.21.1 A previous application was accompanied by a Financial Viability Assessment which was submitted to demonstrate that the development can be delivered and maintained in perpetuity without recourse to public funding or future capital inputs beyond those self-generated by the approved Phase 1 and the proposed Phase 2 developments in the short, medium and long term. Such an approach was considered acceptable at



the time of the Phases 1 and 2 applications and there is no known material change in circumstances that would mean that the Council's approach should change. Furthermore, the existing S106 for Phases 2 and 3 includes a clause to ensure development is not commenced until the earlier phases are significantly occupied to ensure that these Phases of the development do not come forward without a sound financial position.

5.3.21.2 In the absence of any objections from the relevant statutory agencies (the Specialist – Housing, the NHS and Essex County Council (ECC) Social Services), it is considered that the requirements of criteria 7 and 8 of Policy H3 are met.

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

#### 5.3.22 Affordable Housing

5.3.22.1 The site is located in an area identified in the approved LDP where 30% of the units would need to be affordable to comply with the requirements of Policy H1. The proposal includes the provision for at least 30% of the residential units proposed as affordable units (either on-site or by way of an equivalent commuted sum) on the basis of which, the proposal complies with Policy H1.

5.3.22.2 Policy H1 allows for a financial contribution being accepted from applicants in lieu of on-site provision (either in full or part) where this would better satisfy the affordable housing needs of the District. A consultation response from Housing Services has yet to be provided but, in relation to earlier Phases, has sought to secure commuted sums which could be used to provide general needs affordable housing; this is because there is a greater need for this type of affordable housing when compared to old persons accommodation. This was the approach that the Council took to the previous planning applications and the Inspector, when allowing the appeal, considered that this was a significant benefit and weighed in favour of the development. This is therefore, considered to be an approach that the Council should look to repeat in this instance particularly in the absence of interest from a Registered Provider in 12no. on-site units.

5.3.22.3 If on-site provision were to be made, the Affordable Scheme detailing tenure, cost and allocation of units would be agreed by the LPA, in consultation with Housing Services, as part of compliance with the S106 Agreement which would need to be completed prior to any planning permission being granted. Whilst Block A is referred to as part of the application as the 'affordable block', it is not wholly proposed as affordable housing as part of this 'slot-in' application. The options available would be for 12no. units within this block to be provided as affordable housing to satisfy the requirement for 30% of the 40no. units to be affordable housing or for the whole block of 20no. to be affordable housing units as part of the parallel request to vary the S106 for Phase 1 (see following Agenda item) and for a commuted sum to be paid equivalent to 12no. one bedroom units. The Housing Management and Allocations Manager has advised that they would support either option. Whilst on-site provision is normally required to comply with Policy H1, they have advised that the provision of a commuted sum equivalent to the 12no. affordable units required to comply with the requirement for 30% provision (estimated as being over £1.6million) would meet the affordable housing needs of the District as this fits within the capacity requirements of the Registered Provider, while also delivering a substantial financial resource to support Affordable Housing across the District.

### 5.3.23 Housing Mix

5.3.23.1 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's SHMA, published in June 2014, identified the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. However, the more recent LHNA (May 2021) identifies different greatest needs.

5.3.23.2 The proposal for 40no. residential units consists of a mixture of one- and two-bedroom units.

5.3.23.3 The LHNA recommends the following housing mix to be provided as part of residential developments:

Dwelling size	LHNA requirement - market	LHNA requirement - affordable	Proposed as part of 'slot-in' application	Phase 1 + additional 40no. units
One-bedroom	Up to 10%	30 - 40%	28	103 (50%)
Two-bedrooms	25-35%	30 - 40%	12	82 (39.8%)
Three-bedrooms	40-50%	20 - 30%	0	21 (10.2%)
Four-bedrooms	15-25%	Up to 10%	0	0
<b>Total</b>			<b>40</b>	<b>206</b>

5.3.23.4 Whilst the one- and two-bedroom units would not meet the greatest need identified for market housing, due to the specialist nature of the residential units proposed, compliance with the housing mix for general housing would not be expected or appropriate. It is also important to note the conclusions of the Inspector who determined the previous appeal in relation to housing need i.e. *'the need for housing is... critical, acute and deteriorating. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place very substantial positive weight on the proposed housing'*. In addition, *'the Council have identified a substantial shortfall of market older persons accommodation, at 355 dwellings. The need for elderly persons accommodation is therefore urgent and crucial and I place very substantial positive weight on the proposed dwellings'*. The Inspector also placed *'moderate positive weight on the fact that the proposed dwellings are M4(3) – wheelchair user dwelling - complaint'* and *'substantial positive weight'* to the encouragement of downsizing from family housing in the District. Whilst only two of the additional flats currently proposed would be M4(3) standard, it is still considered that the proposed affordable housing (whether on- or off-site) weighs heavily in favour of the development.

### 5.3.24 Economic Dimension

5.3.24.1 With reference to the economic dimension of sustainable development, the development would result in economic benefits through the employment and business created by the construction of the development proposed. Training opportunities and priority would be given to local people for job vacancies which could be secured through a S106 Agreement. These economic benefits would comply with Policies E1 and E6 of the LDP and would weigh in favour of the proposal.

## 5.4 Design and Impact on the Character of the Area

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

5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.4.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.4.4 Policy H4, with respect to density, states that all development will be design-led and will seek to optimise the use of land having regard to a list of considerations including the location and setting of the site (1), the existing character and density of the surrounding area (2) and the impacts upon the amenities of neighbouring properties (7).

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

5.4.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the BOCNP.

5.4.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only

be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.4.8 A Design and Access Statement, Landscape Strategy and Tree Survey and Arboricultural Impact Assessment have been submitted.

5.4.9 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.

5.4.10 This landscape is described as having a moderate sensitivity to change and identifies relevant key sensitivities within the study area to be:

- Distinctive long hedgerow boundaries (often containing deciduous trees and shrubs) running on parallel axes (which are sensitive to changes in land management).
- The open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.
- There is a strong sense of historic integrity, resulting from a historic settlement pattern of villages lining the top of the low north-south ridge between Bradwell and Burnham-on-Crouch and a distinctive historic co-axial field pattern.

5.4.11 The development proposed is directly comparable to the care home building previously approved in relation to its footprint and position within the site. The footprint would be slightly reduced compared to the approved care home and the bulk of the buildings proposed would be less as a result of a lower height. The extension to the detention basin would be a relatively minor and below ground amendment to the approved scheme. Block B does include a significant area of flat / crown roof which lacks architectural merit but would not be so detrimental to the character or appearance of the development to justify a refusal of planning permission and the position of this block, partially behind Block A, would mean that this building would not be visually prominent within the street scene. Whilst car

parking has been increased within the curtilage of the building proposed, it is not considered that the development would have a materially greater adverse impact on the character or appearance of the area than the previously approved scheme.

5.4.12 Due to the position of the development within the retirement village, there would be limited views of the development from its surroundings including from the public rights of way within the vicinity of the site as well as from existing residential properties. The buildings would be only two storeys in height within a relatively spacious setting, located away from the countryside boundaries of the retirement village. Also, additional landscaping would enhance the existing vegetation and help to assimilate the development into its setting, particularly in the medium-longer term. Details of external materials, soft and hard landscaping have been submitted as part of the current application and would be in-keeping with the details approved as part of the retirement village. Details of external lighting could be required by condition if planning permission were to be granted.

5.4.13 ECC Arboriculture raises no objection to the proposal, subject to conditions which could be imposed if planning permission were to be granted. They have advised as follows:

*The AIA has identified 5 individual trees, one group of trees and one hedgerow within influencing distance of this proposal. According to Section 8 of the AIA, two trees are classed as Category U but these trees does not shown in the Tree Survey Data in Appendix 1, which required clarification. According to Section 9.3 of the AIA, the proposed car parking is close to the tree extent of group G6. It may be necessary to undertake some access facilitation pruning to provide access for the works. The construction works are not within the root protection area. Such pruning works are not objected to. However, the location of G6 is not shown in the TPP, which also required clarification. The TPP within Appendix 2 of the AIA demonstrates suitable tree protection fencing in accordance with BS5837:2012 is to be used throughout the demolition and construction phases and is suitably placed to allow all the retained trees to be suitably protected throughout all stages of the development. The LEMP and PP outlined that new trees, hedgerow, shrubs, and grass are to be planted as part of this application. It should be noted that the positioning of some trees is close to the proposed buildings and roads. The overall crown spread of the new trees should be considered when positioning the trees as this will cause conflict with the new infrastructure over time which will lead to increased maintenance costs. It is advised that new trees surrounded by hard surfacing are planted within tree pits to give them a suitable volume of growing medium to ensure good establishment and to help restrict their eventual size to reduce future conflict from the trees to the surrounding buildings. Soft landscaping details of plant species, plant size, planting techniques, tree pit design and a five-year maintenance plan have been provided and in accordance with BS8545:2014 'Tree: From nursery to independence in the landscape'. The LEMP is suitable which ensure all plants will have the best chance of good establishment.*

5.4.14 In conclusion, they support this application is supported from an arboricultural perspective. Details of Tree Survey and Tree Protection Plan (TPP) require clarification but, overall, it is considered that the proposal would, in relation to design and impact on the character of the area, be acceptable and, overall, the harm would not be demonstrable.

5.4.15 As part of the appeal decision relating to Phase 2, the Inspector made a number of comments which are equally applicable to the development the subject of the current application:

- Paragraph 8: 'It is an unremarkable, but pleasant, area of typical arable countryside, typical of the landscape character area E2 Tillingham and Latchingdon Coastal Farmland'.
- Paragraph 9: ...'the appeal site would have a strong edge of settlement character, being bound on two sides by existing development or an existing road'.
- Paragraph 12: even though the 'proposal would demonstrably and irrevocably alter the landscape from agricultural open countryside, albeit in a settlement edge location, to an urban development'....'The greatest effect would be to users of the footpaths that run through, and to the north east of, the site and are currently along open fields. However, even to those receptors, the presence of Phase 1 and the screening landscaping would reduce the visual harm'.
- Paragraph 13: 'the proposal has minimised the effects as much as could reasonably be expected'.
- Paragraph 14: 'the visual and landscape effects of the proposal would be localised to the appeal site and nearby surroundings...' and 'Phase 1 has already established the principle of a large scale development in this part of Burnham-on-Crouch, and for development away from the Maldon Road frontage and into the adjacent countryside'.
- Paragraph 15: 'the landscape and visual harm from the proposal would be minor, and at the bottom end of the scale of harm'.

5.4.16 The Inspector concluded that the development would cause 'minor and limited harm to the character and appearance of the area which would be the 'bare minimum that could be expected from the development of a field for housing'. It is considered that the same conclusions apply to the development currently proposed. Overall, it is considered that there are no defensible reasons for different conclusions to those of the Inspector to be reached in relation to the current scheme.

## **5.5 Impact on Residential Amenity**

5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.

5.5.2 The proposed development would be substantial in terms of its extent but would be located at a considerable distance from any the existing residential properties which front Green Lane to the south-east and the buildings proposed are only two storeys in height.

5.5.3 It is considered that the development would not have a materially greater adverse impact on the amenity of existing local residents than the approved development by reason of overlooking, dominance, loss of sunlight, loss of daylight, loss of outlook, visual impact and noise. As a result of the nature of the uses proposed, it is not anticipated that smell would be a concern. The issue of the impact of the development on air quality, is addressed below.

5.5.4 As part of the previous appeal, the Inspector concluded that the development would have no adverse impact on existing residents due to the degree of separation between buildings and the size and length of existing gardens. The Inspector concluded that (paragraph 18) 'There would be some, but limited, glimpsed views of some of the proposed buildings' from the rear gardens which back onto the appeal

site but 'there is no 'right to a view'. The development proposed would be no closer to existing residential properties and, therefore, only the same conclusion can be reached.

## **5.6 Access, Parking and Highway Safety**

5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.6.3 The application has been accompanied by a Transport Assessment.

### **5.6.4 Parking Provision**

5.6.4.1 In terms of parking provision for vehicles and bicycles, the standards as set out in the adopted Vehicle Parking Standards SPD for Maldon District Council relevant to the proposal are as follows:

#### **Dwellinghouses (Class C3):**

- Minimum 1 parking space per dwelling; 1 space / 1 bed; 2 space / 2-3 bed; 3 space / 4+ bed; visitor parking - 1 per 4 dwellings; 1 per 2 dwellings where car parking is allocated
- Off street parking: at least 1 home charging point per dwelling
- Cycle parking: none if garages provided; otherwise, 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)
- Independent living / retirement complexes / residential care home: a maximum of one 10-scooter store per development with one charging point per scooter space.
- Individual dwellings designed for older people: secure, adaptable space with a suitable, conveniently located charging point (e.g. additional internal space within the home or within a garage) for a scooter.

5.6.4.2 To comply with the adopted parking standards, the flats proposed would need to be provided with a total of a minimum of 52no. parking spaces plus 10no. visitor parking spaces and 52no. cycle parking spaces plus 5no. cycle parking spaces for visitors. The provision of a maximum of a 10-scooter store with one charging point per scooter space would also be required. Electric vehicle charging points could be required by condition if planning permission were to be granted.

5.6.4.3 The development proposed includes 64no. car parking spaces for the 40no. flats proposed and 64no. cycle parking spaces (including 8no. visitor cycle parking spaces). An integral scooter store for 5no. spaces for Block A is proposed and an electric vehicle charging point would be provided for all allocated parking spaces. Based on this provision, the proposal would comply with the adopted standards.

## 5.6.5 Medical Centre

5.6.5.1 The adopted car parking standard for medical centres is one car parking space per full-time staff and two spaces per consulting room; or individual assessment / justification. The medical centre proposed would have nine consulting rooms and six full-time staff which would equate to the need to provide 24no. parking spaces. 15no. car parking spaces were approved as part of the existing planning permission for the medical centre (reference 18/00443/OUT and 20/00846/RES). The additional 7no. car parking spaces would increase this to a total of 22no. car parking spaces. On the basis that 15no. car parking spaces was previously considered to be sufficient as part of the extant planning permission, there would be less conflict with the adopted parking standards with the total of 22no. car parking spaces now proposed. Whilst the reasons given for the proposed increase in the number of spaces are not sound given the proximity of the occupiers of all three phases of the Burnham Waters development from the medical centre (no dwelling would be more than 700m away), it is not considered that a refusal of planning permission due to the level of parking now proposed would be reasonable.

## 5.6.6 Highway Safety and Access

5.6.6.1 ECC Highways has not commented on the current proposal but did not raise concerns in response to the approved Phases 1, 2 or 3, subject to requirements (including a right turn ghost lane in Maldon Road at the site access) secured either through the S106 Agreement or conditions. There is no reason to expect that a different response would be received in relation to the revised proposals for Phase 1 now proposed. In addition, following a detailed assessment, it was concluded above that the site has a reasonable level of accessibility and the occupiers of the site would not be overly reliant on the use of private cars.

5.6.6.2 A financial contribution of £25,000 for improvements to the existing junction of B1010 (Maldon Road) and B1021 (Church Road), has already been secured as part of the S106 Agreement for Phase 1.

5.6.6.3 Based on the above, as the vehicular access from Maldon Road B1010 to the development proposed would be the same as that approved as part of Phases 1, 2 and 3 and the internal roadways would be 20mph and privately maintained, it is not anticipated that the development would cause harm in relation to highway safety and the proposed means of access to the site would be acceptable, subject to the imposition of any conditions or planning obligations which may be recommended by ECC Highways.

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

5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.

5.7.2 This would equate to the provision of at least 25sq.m. for the one- and two-bedroom flats proposed which equates to a communal area of 1,000sq.m.

5.7.3 All of the flats proposed would be provided with an area of external amenity space in the form of a balcony in addition to a communal area of external amenity space. In



addition, all of the flats proposed would be provided with more than the minimums set out in the National Design Space Standards (NDSS).

- 5.7.4 On this basis, it is considered that an adequate quality of life for the occupiers of the proposed residential units would be provided.

## **5.8 Flood Risk and Drainage**

- 5.8.1 The application site is located within Flood Zone 1 (low probability). However, due to the site area being more than 1ha, a FRA has been submitted as part of the application. An ECC SuDS Checklist has also been submitted.
- 5.8.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.8.3 A FRA identifies potential surface water drainage issues. However, the development proposed is expected to result in a reduced amount of surface water drainage due to a reduced amount of impermeable surfacing. Therefore, the proposal would not result in a material increase in the risk of flooding compared to the approved scheme and is, therefore, considered to be acceptable in relation to flood risk from surface water.
- 5.8.4 The current application includes a proposal to increase the size of one of the previously approved attenuation basins.
- 5.8.5 ECC SuDS Team has raised no objections, subject to the imposition of a condition that the development is carried out in accordance with the Site Specific Flood Risk Assessment ref 48854 RevB by Richard Jackson Consultants, dated 06/06/23 and the mitigation measures detailed within the FRA. This condition could be imposed if planning permission were to be granted.
- 5.8.6 Based on this specialist advice and the documents submitted as part of the application, no objections to the proposal are raised in relation to flood risk or drainage. It is considered that, as part of the application, it has been demonstrated that the site is not at risk of flooding, the development would not increase the risk of flooding elsewhere and foul drainage can be accommodated satisfactorily.

## **5.9 Nature Conservation**

- 5.9.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development

which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.9.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.9.5 The development has the potential to impact on both on-site and off-site nature conservation interests.
- 5.9.6 In relation to on-site impacts, an Ecological Impact Assessment has been submitted as part of the application.
- 5.9.7 ECC Ecology has raised no objections, subject to the imposition of conditions.
- 5.9.8 On the basis of this specialist advice, it is considered that, subject to the imposition of a condition requiring biodiversity enhancement and mitigation measures, the development would not have an adverse impact on the site's ecological interests.
- 5.9.9 With respect to off-site impacts, Natural England (NE) and ECC Ecology have 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 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 Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.9.10 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 'Zol' of these sites cover the whole of the Maldon District.
- 5.9.11 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.

- 5.9.12 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.
- 5.9.13 As the proposal is for less than 100 houses (or equivalent), NE does not provide bespoke advice. 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 £156.76 per dwelling.
- 5.9.14 To accord with NE's requirements and to accord with their consultation response, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a Likely Significant Effect (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (Zoi) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account NE's and ECC Ecology's advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.9.15 The applicant has indicated that they would be willing to make a financial contribution, but the financial contribution has not been made and the application has not been accompanied by a Unilateral Undertaking to secure the necessary financial contribution of £156.76 per dwelling. Therefore, the development would harm the sensitive interest features of the European designated sites as the necessary mitigation has not been secured. However, any resolution to grant planning permission could be subject to all interested parties first entering into a S106 to secure the financial contribution necessary.
- 5.9.16 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 necessary financial contribution towards RAMS being secured.

## **5.10 Other Material Considerations**

5.10.1 The development would include the use of renewable energy technologies within the development in the form of solar panels and an air source heat pump on each block of flats which is considered to be a positive attribute of the development proposed.

## **5.11 Planning Balance**

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

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

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

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

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

- Social benefits from providing market homes in a variety of sizes and types specifically designed for elderly persons;
- Social benefits of providing affordable homes either on-site specifically designed for elderly persons or off-site with a commuted sum;
- Social and economic benefits by encouraging release of existing family 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 training and re-skilling opportunities in the District;
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.11.6 Overall and giving significant weight to the conclusions reached by the Inspector who determined the previous appeal relating to Phase 2, it is considered that these benefits significantly and demonstrably outweigh the limited harm the development would cause (which would be no greater than that caused by the development

already approved for Phase 1) and the development complies with the development plan as a whole.

5.11.7 The Inspector, as part of the appeal decision relating to Phase 2, carried out a detailed assessment and balancing exercise in relation to the benefits of that development and the harm it would have caused. Whilst it is acknowledged that there is now a 5YHLS of deliverable housing land supply unlike at the time of the appeal decision (when it was only 2.92 years), the majority of the conclusions of the Inspector's assessment are considered to still be applicable to the development currently proposed:

- Paragraph 50: 'I therefore place very substantial positive weight on the proposed housing' due to the scale of need given the 5YHLS.
- Paragraph 51 'the appeal site does not represent an inappropriate location for development, in principle. This factor weighs neutrally in the planning balance.'
- Paragraphs 52-54: the proposed is 'for 'specialist elderly housing'; the importance of such accommodation is highlighted in the LHNA, the LDP and the Neighbourhood Plan; 'a substantial shortfall of market older persons accommodation, at 355 dwellings' was identified. 'The need for elderly persons accommodation is therefore urgent and critical and I place very substantial positive weight on the proposed dwellings' along with 'moderate positive weight on the fact the proposed dwellings are M4(3) [Wheelchair User Standard] compliant'.
- Paragraph 55: 'substantial positive weight' was placed on the development allowing older households to move out and so free-up family housing stock for younger buyers.
- Paragraph 56: there is a 'very substantial shortfall' within the District of affordable homes (817) and the need is 'acute and worsening'. 'I therefore place very substantial positive weight on the proposed on-site affordable units ... [and] the proposed contribution of circa £4.2m towards off-site affordable housing provision'.
- Paragraph 57: 'significant positive weight' was placed on the benefits for the health and wellbeing of the elderly residents who would occupy the site, in comparison to them living in their own homes.
- Paragraph 58: 'There would be economic benefits in the short term .... and in the longer term'. 'I place significant positive weigh on this'.
- Paragraph 59: there would be 'benefits to the wider community from improved services. I place moderate positive weight on this.'
- Paragraph 60: 'There would be environmental benefits as a result of the enhancement and provision of landscape and ecological features, specifically a considerable amount of new hedgerow planting, trees, ponds and wildflower areas. There would also be a biodiversity net gain. I place significant positive weight on this.'
- Paragraph 65: 'Overall, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Quite the reverse, in fact. The appeal should therefore be allowed'.

5.11.8 The only harm the Inspector identified was to the character and appearance of the area. The Inspector did not identify any other harm including any harm to the living conditions of any existing, neighbouring residents. The development the subject of the current application would cause no greater harm to the character and appearance of the area or the amenity of existing residents than the approved

development for Phase 1. It is noted that a full award of costs in favour of the Appellant was made in relation to the LPA's case which was based on the perceived harm the development would have caused to the character and appearance of the area and the amenity of existing residents. The development the subject of the previous appeal was found to be acceptable (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) in relation to all of the following issues: accessibility, impact on existing infrastructure, services and facilities, flood risk and drainage, impact on nature conservation (on and offsite) and air quality. The current proposal is for replacement of the approved care home within Phase 1 with an alternative form of residential development. As part of the previous appeal decision, the Inspector stated that the development 'would be of very similar, almost identical, character to the Phase 1 development to the south west' (paragraph 10). This view is considered to be equally applicable to the development the subject of the current application.

5.11.9 Therefore, it is considered that the development proposed would be sustainable, and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

## **6. ANY RELEVANT SITE HISTORY**

- **23/01233/MLA** – Modification to Section 106 Legal Agreement dated 30.08.19 (executed under planning reference 18/00443/OUT) to amend obligations relating to affordable housing. Undetermined.
- **23/01119/NMA** – Application for non-material amendment following grant of planning permission 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Amendment sought: amendment to description of development to remove '70 bedroom two-storey care home building (class C.2)', correct '55 bedroom two-storey assisted living apartment building' to '55 unit two-storey assisted living apartment building' and remove 'including affordable housing'. Undetermined.
- **22/01139/VARM** - Variation of condition 1 (drawings), condition 3 (boundary treatments), condition 4 (details of soft landscaping), condition 7 (external materials), condition 14 (waste management/refuse points) and condition 18 (external plant/machinery) of reserved matters approval reference 22/00703/VARM (Variation of condition 7 (phasing plan) on reserved matters approval 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community

centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping))) to accommodate amendment to site access, revised external materials and enclosures for refuse storage and external plant/machinery. Approved 21.04.2023.

- **22/01007/VARM** - Variation of conditions 15 (site access construction), 16, (site access layout), 17 (new footpaths) and 31 (approved drawings) on approved planning permission 18/00443/OUT ( Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) (as amended by 22/00807/NMA) to accommodate amendment to site access. Approved 09.03.2023.
- **22/00887/OUTM** – [Phase 3/completion phase] Outline Application with all Matters of Detail Reserved for Future Determination (Except for Layout and Means of Access to the Site) to Extend Approved Retirement Community to North and East Including Additional Affordable Housing: Erect 203 Dwellings Comprising 143No. One, Two and Three-Bedroom Bungalows, 60No. One, Two, and Three-Bedroom Apartments in Two-Storey Buildings. Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure Including Swales and Detention Basins. Form Public Open Spaces Including Greenway, Orchards and Allotments and Lay out Hard and Soft Landscaping – Approved.
- **22/00703/VARM** - Variation of condition 7 (phasing plan) on reserved matters approval 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)). Approved 15.09.2022.
- **22/00628/FUL** - Erect Show Home and Sales and Marketing Suite, Form Car Park, and Lay Out Associated Hard and Soft Landscaping in Connection with

Adjacent Burnham Waters Retirement Community Development  
OUT/MAL/18/00443 and RES/MAL/20/00846 for a Temporary Period of one  
year. Undetermined.

- **22/05050/DET** – Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)) Condition 8 - Samples of materials. Approved 02.12.2022.
- **22/00628/FUL** - Erect Show Home and Sales and Marketing Suite, Form Car Park, and Lay Out Associated Hard and Soft Landscaping in Connection with Adjacent Burnham Waters Retirement Community Development  
OUT/MAL/18/00443 and RES/MAL/20/00846 for a Temporary Period of one  
year. Refused 12.10.2022.
- **22/05020/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and threebedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping). Condition 3 - Landscaping (Hedge Retention). Approved 24.04.2023.
- **22/05040/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and threebedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 21 - Archaeological assessment. Approved 07.02.2023.
- **22/05050/DET** - Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale &



landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, twostorey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 8 - Samples of materials. Approved 02.12.2022.

- **21/05003/DET** – Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 24 - Broadband strategy. Approved 03.03.2021.
- **21/05037/DET** - Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, twostorey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)) Condition 7 - Detailed phasing plan. Condition 8 - Samples of external finishing materials. Approved 08.11.2022.
- **21/05060/DET** - Compliance with conditions notification 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity

and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)) Condition 20 - Root deflectors. Condition 21 - Solar panels. Pending consideration.

- **21/05064/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 12 - Surface water drainage. Condition 13 - Foul drainage. Pending consideration.
- **21/05077/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 22 - External lighting strategy. Approved 06.07.2021.
- **21/05102/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping) Condition 14 - Construction method statement. Approved 12.08.2021.
- **21/00075/OUTM** – [Phase 2] Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including affordable housing: erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect single-storey ancillary multi-use community building. Lay out estate

roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping. Allowed on appeal. Full costs awarded against the Local Planning Authority.

- **20/00387/RES** - Reserved matters application for the approval of appearance, landscaping and scale on approved planning application OUT/MAL/18/00443 (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) – Refused 10.06.2020.
- **20/05094/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping. Condition 14 - Construction Method Statement. Condition 25 - Ecological enhancements. Condition 26 - Ecological mitigation scheme. Condition 27 - Non-licenced method statements for Amphibians and Reptiles. Approved 15.10.2020.
- **20/05101/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 8 - Risk assessment. Approved 19.10.2020.
- **20/05103/DET** - Compliance with conditions notification 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey

building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping) Condition 20 - Arboricultural method statement. Approved 19.11.2020.

- **20/00846/RES** - Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping). Approved 14.10.2020.
- **19/01203/ADV** - Erect non-illuminated advertisement hoarding not exceeding 23 metres in length. Approved 13.01.2020.
- **19/05192/DET** - Compliance with conditions notification OUT/MAL/18/00443 (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) Condition 21 - Written scheme of investigation of archaeology - Conditions cleared 23.01.2020.
- **18/00443/OUT** – Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping. Approved 13.09.2019 (subject to a Section 106 Agreement).

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Recommends refusal – misuse of S96A	This is a full planning application and has not been submitted under Section 96A of the Town and Country Planning Act, 1990 (as amended)

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
NHS	The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. A financial contribution of £19,600 is requested.	Noted – the applicant has agreed to making a financial contribution to NHS medical services.
Natural England	No objection subject to securing appropriate mitigation for recreational pressure impacts on Habitat Sites (European Sites). A Habitats Regulations Assessment needs to be carried-out before permission is given.	Noted
Anglian Water	No assets within the development site boundary. The foul drainage from this development is in the catchment of Burnham on Crouch Tham Water Recycling Centre that will have available capacity for those flows.	Noted
Essex Police Designing out Crime	Neither object or support this application but provide comments: it is noted that the ground floor apartments do not appear to have any boundary treatment to each private amenity space. To comment further they would need further details of proposed boundary treatments, lighting and any physical security measures to residential units, cycle and bin stores as well as details of the access/visitor entry control and mail delivery provision. They would welcome the opportunity to consult on this development to assist the developer demonstrate their	Noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	compliance with this Policy/Core Strategy by achieving Secured by Design Homes award.	
ECC Highways	No response.	
Environment Agency	No response.	
ECC - SUDS	No objection, subject to the imposition of a condition.	Noted – refer to section 5.8 of report.
Essex and Suffolk Water	No response.	
Essex County Fire and Rescue	No response.	

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Environmental Health	No objections were raised to the approved care home in terms of noise, air quality or land contamination and any issues would have been addressed at outline or reserved matters stages through conditions. The new proposal is not fundamentally different and, as such, no additional or new comments are made.	Noted.
ECC – Arboriculture	This application is supported from an arboricultural perspective. Details of Tree Survey and TPP require clarification.	Noted – the additional details could be required by condition if planning permission were to be granted.
Senior Specialist Coordinator – Housing	Supports the proposal.	Noted.
ECC – Ecology	No objection subject to securing a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted – the conditions recommended (implementation of mitigation measures identified, requiring a Construction Environmental Management Plan, a Biodiversity Enhancement Strategy and a lighting design scheme for biodiversity) could be imposed if planning permission were to be granted. The RAMS financial contribution could

Name of Internal Consultee	Comment	Officer Response
		be secured through a S106.
Principal Place Officer	The 40 residential flats are proposed in place of the care home within the Burnham Waters site that already benefits from planning approval. In pure design terms (and not Use Class), I raise no concerns at the location or appearance of the flatted block within the site. The scale and massing of the proposed flatted block is not dissimilar to the care home scale and mass. The main elements to consider as a residential scheme as opposed to the care home use are: Increased visitor parking (for visiting family and friends), necessary EV charging provision for residential parking and charging and necessary private amenity space standards for residential living in flatted blocks (balconies) and access to communal green space for recreation (children playing) as well as drying washing, sitting outside etc.	Noted.

#### 7.4 Representations received from Interested Parties (summarised)

7.4.1 21 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Not a minor amendment – needs a new planning application	The current application is not seeking a minor amendment, a full planning application has been submitted.
Impact on District's 5YHLS and need for elderly accommodation as originally approved. Original application designed to address local needs – revised proposal would need to be re-evaluated – Council would have burden of providing 42 one bed units for elderly off-site – Burnham Waters best site as more sustainable due to on-site facilities	Noted.
Bus service information provided incorrect – they do not exist, do not pass the bus stop 70m from the site or are school buses.	Noted.
Residents of a regular flat likely to generate more traffic than occupants of a care home or assisted living facility as	Noted.

<b>Objection Comment</b>	<b>Officer Response</b>
more active.	
More parking would increase amount of hardstanding	Noted.
Start of slippery slope towards changing original concept and justification for allowing the scheme outside the settlement boundary	Noted.
Questions need for additional parking at medical centre for Phases 2 and completion phase, around 750 yards away - walking/cycling etc is provided for and car use should be discouraged	Noted.
Additional impact on Burnham's infrastructure (roads, shops, public transport, health, parking in town centre etc)	Noted.
No infrastructure in Burnham to support the change	Noted
There is a need for a local care home	Noted.

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

**HEADS OF TERMS FOR SECTION 106 AGREEMENT:**

- No dwelling shall be occupied other than by persons over 55 years of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to residents of the District of Maldon (as per the Phase 1, 2, and Completion Phase S106 Agreements);
- A scheme for the provision, retention and future management and maintenance of community open space and strategic landscaping;
- To nominate a Management Company with responsibility for future management and maintenance of the private open spaces, highways, car parks, footways, related lighting, street furniture, signage etc and all landscaping;
- Residents of all dwellings in the development shall have access to the electric cycle club scheme on the same terms as all other residents of the retirement community;
- Residents of all dwellings in the development shall have access to the minibus service on the same terms as all other residents of the retirement community;

**Affordable Housing Obligations:**

- On-site provision of 12No. one-bedroom flats or a commuted sum equivalent to 12No. one-bedroom affordable rent apartments, provision/payment to be made before occupation of 75% of market units.



### Health Care Contributions

- To make developer contributions for health care provision in the circumstances set out in an NHS consultation response (as per Phases 1 and 2 S106 Agreements);
- To submit to the Council and agree a range of care and support packages to be made available to residents of the development.

### Highways Obligations

- To submit, agree, and implement a Residential Travel Information Plan;

### Ecology

- To provide a developer contribution in accordance with the Council's adopted RAMS scheme;
- To provide signage and interpretation boards within the application site 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;
- To include information on the Burnham Waters app'/website media to explain and support RAMS and encourage recreation on-site and nearby: away from the sensitive estuarine habitats, all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.

### **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Transport Statement (Cottee Transport Planning, March 2023);
  - Ecological Impact Assessment (BWB Consulting Ltd, February 2023);
  - Site Specific Flood Risk Assessment (including surface water and foul drainage strategy) (Richard Jackson Engineering Consultants, June 2023);
  - SuDS Checklist;
  - Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates, April 2023);
  - Accommodation Schedule;
  - Landscape Masterplan: drawing 404.063903.00001\_BW1\_002, NTS @ A2 (SLR Consulting, June 2023);
  - Landscape Management Plan (SLR Consulting, May 2023);
  - Hard Landscape: drawing 404.063903.00001\_BW\_2 Rev 2, 1:500 @ A3 (SLR Consulting, June 2023);
  - Planting Plan – Overview: drawing 404.063903.00001\_BW\_3 Rev 2, 1:500 @ A2;
  - Planting Plan: drawing 404.063903.00001\_BW\_4 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_5 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_6 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_7 Rev 2, 1:100 @ A1;

- Planting Plan: drawing 404.063903.00001\_BW\_8 Rev 2, 1:100 @ A1;
- Soft Landscape Details: drawing 404.063903.00001\_BW\_9 Rev 1, 1:25 @ A3;
- Vehicle Tracking Check: drawing 191451-SK11;
- Topographical Survey, 8 drawings: 14885/JD1 – 14885/JD8, 1:500 @ A0;
- Site Location Plan: drawing 6931-1101-P1, 1:2500 @ A1;
- Existing Block Plan: drawing 6931-1102-P1 1:500 @ A1;
- Proposed Block Plan: drawing 6931-1103-P1, 1:500 @ A1;
- Proposed Ground Floor Site Plan: drawing 6931-1104-P1, 1:200 @ A1;
- Private Block B – Proposed Ground Floor Plan: drawing 6931-1201-P1, 1:100 @ A1;
- Private Block B – Proposed First Floor Plan: drawing 6931-1202-P1, 1:100 @ A1;
- Private Block B – Proposed Roof Plan: drawing 6931-1203-P1, 1:100 @ A1;
- Affordable Block A –Ground Floor Plan: drawing 6931-1206-P1, 1:100 @ A2;
- Affordable Block A –First Floor Plan: drawing 6931-1207-P1, 1:100 @ A2;
- Affordable Block A – Roof Plan: drawing 6931-1208-P1, 1:100 @ A2;
- Bins and Bike Store Plans and Elevations: drawing 6931-1211-P1, 1:100 @ A3;
- Bike Store Plans and Elevations: drawing 6931-1212-P1, 1:100 @ A3;
- Private Block B Proposed Elevations (1 of 2): drawing 6931-1301-P1, 1:100 @ A1;
- Private Block B Proposed Elevations (2 of 2): drawing 6931-1302-P1, 1:100 @ A1;
- Affordable Block A - Proposed Elevations (1 of 3): drawing 6931-1306-P1, 1:100 @A1;
- Affordable Block A - Proposed Elevations (2 of 3): drawing 6931-1307-P1B, 1:100 @ A1;
- Affordable Block A - Proposed Elevations (3 of 3): drawing 6931-1308-P1, 1:100 @ A1;
- Affordable Block - Concept Perspective Views: drawing 6931-1601-P2, NTS, A3;
- Southern Pond General Arrangement: drawing 191451-2720 Rev C1, 1:250 @ A1;
- Southern Pond Section Key Plan: drawing 191451-2721 Rev C1, 1:2250 @ A1;
- Southern Pond Long Section (Sheet 1 of 2): drawing 191451-2722 Rev C1, 1:250 @ A1;
- Southern Pond Levels Cross-Sections (Sheet 2 of 2): drawing 191451-2723 Rev C1, 1:250 @ A1;
- Southern Pond Construction Cross-Sections (Sheet 1 of 2): drawing 191451-2725 Rev C1, 1:250 @ A1 Berwick Multi Brick – Product Data Sheet;

- LD Ultra First Grade natural slate 500mm X 250mm – Blue-Black.
- REASON** To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required
  - Tree retention protection plan

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

- REASON** In the interests of the character and appearance of the development and the surrounding area, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BWB, February 2023). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

- REASON** To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).
5. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

**REASON** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species

Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

6. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

7. None of the dwellings hereby permitted shall be occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) has been 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 allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

8. There shall be no development above slab level until samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

REASON In the interests of the character and appearance of the development and its surroundings, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.

9. 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 In the interest of the visual amenity of the area, in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the NPPF.

10. A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.

REASON To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the Maldon District Local Development Plan.

11. Prior to the occupation of the buildings hereby permitted the proposed vehicle, cycle and scooter parking shall be provided in accordance with the approved details. The vehicle parking spaces shall be hard surfaced, sealed and marked out in parking bays in accordance with the plans and details hereby approved. The parking areas shall be retained in this form in perpetuity. The parking areas shall not be used for any purpose other than the parking that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

12. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the two blocks of flats hereby permitted. No individual satellite dishes or antenna shall be provided per flat.

REASON In order to protect the character and appearance of the area in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.

13. The development hereby permitted shall be carried out in accordance with the approved Site Specific Flood Risk Assessment (FRA) ref 48854 RevB by Richard Jackson Consultants, dated 06/06/23 and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 8.3l/s into the Southern pond and 4.8l/s into the Northern pond
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with Policies D2 and D5 of the approved Maldon District Local Development Plan and the NPPF.

## INFORMATIVES

- 1 It is recommended that the Essex Green Infrastructure Strategy is referred to to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>Please note that the

Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk))

- 2 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 3 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 4 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.