



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**DISTRICT PLANNING COMMITTEE  
27 NOVEMBER 2024**

<b>Application Number</b>	<b>24/00569/FUL</b>
<b>Location</b>	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham
<b>Proposal</b>	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.
<b>Applicant</b>	LNT Care Developments Limited
<b>Agent</b>	N/A
<b>Target Decision Date</b>	13.12.24 (EoT)
<b>Case Officer</b>	Lisa Page
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan Major Application

**1. RECOMMENDATION**

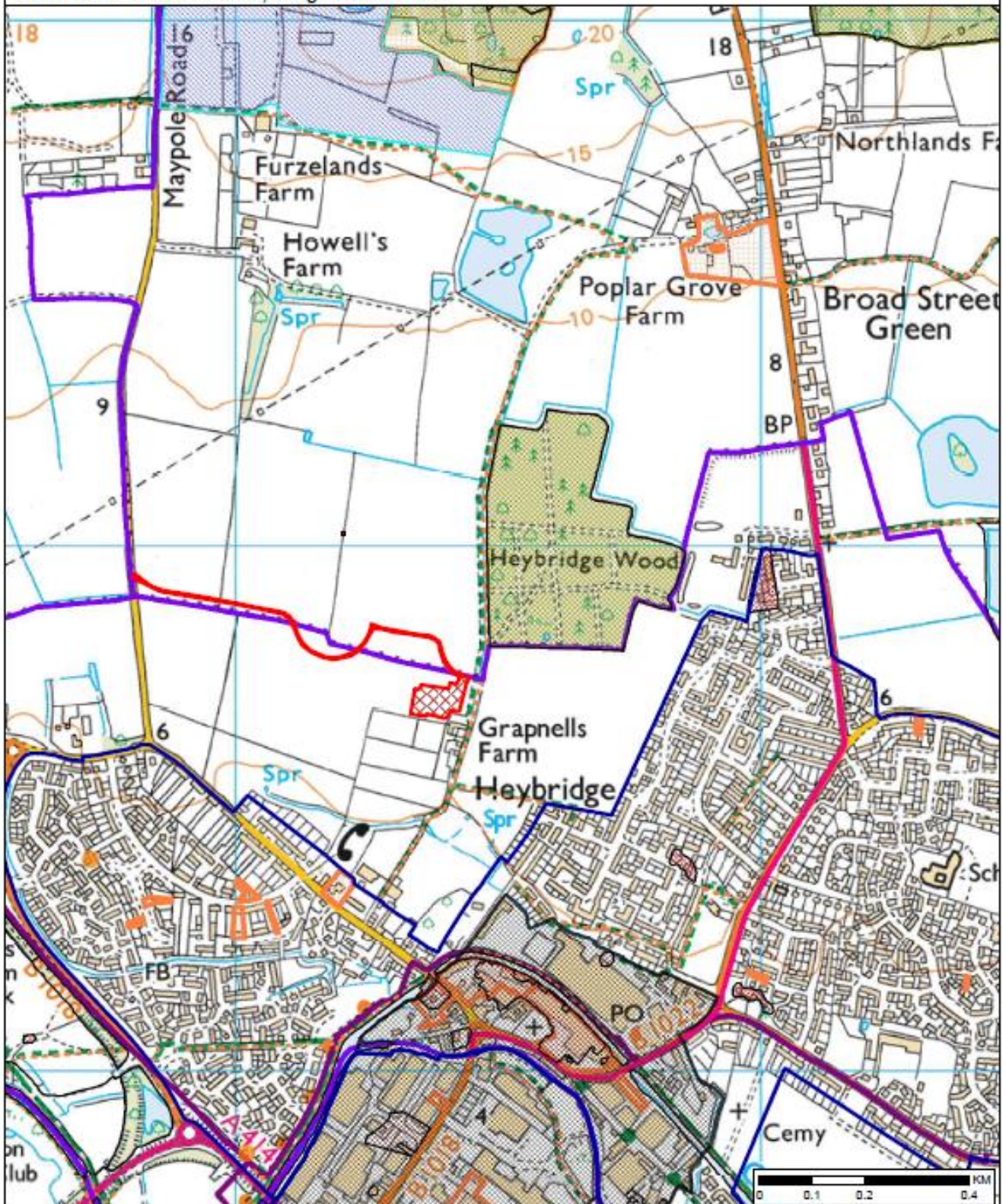
**APPROVE** planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and subject to the conditions as detailed in Section 9 of this report.

**2. SITE MAP**

Please see below.

24/00569/FUL

Land at Broad Street Green, Langford Road and



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Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Comments: Maypole Road, Great Totham

Date: 05/11/2024

MSA Number: 100018588





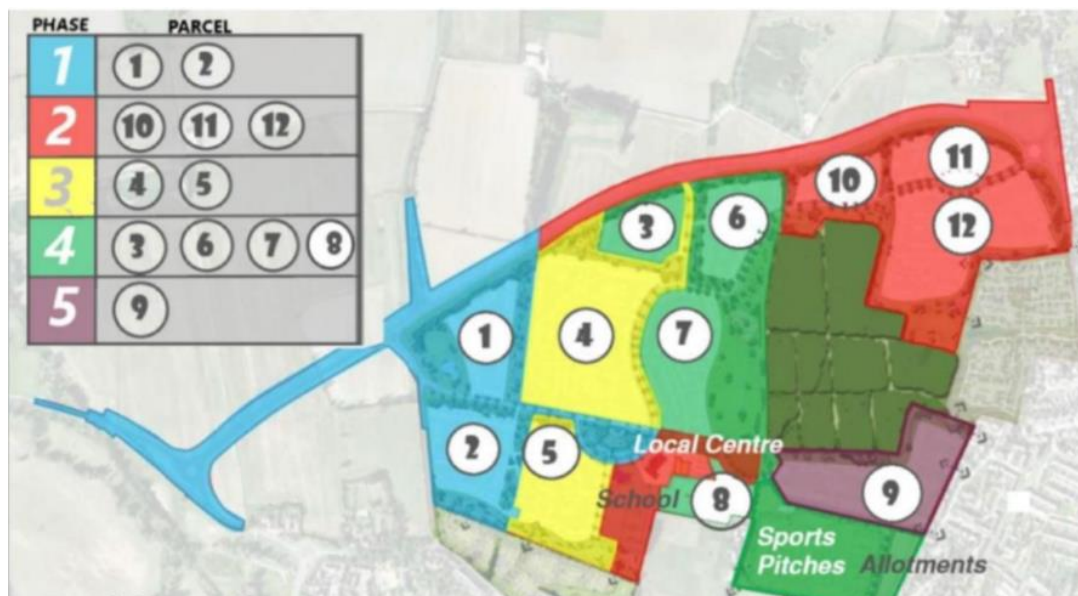
### 3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information.

#### Site description

3.1.1 The application site extends to 0.5 hectares, and is located within parcel 8, located to the southern edge of the overall North Heybridge Garden Suburb (NHGS), now named 'Westcombe Park'. The northern boundary of the site is formed by the main spine road that runs through the site, beyond which residential development is being built out (parcel 7). To the east is open space and the land allocated for sports provision. To the south, beyond an established hedgerow boundary lies an area of open land in agricultural / equestrian use, with a cluster of residential dwellings accessed via Wood Lane. To the west is land allocated for the school provision.

3.1.2 The images below set out the phases of development and parcel numbers and demonstrates how the site fits in with the surrounding development.



3.1.3 The hybrid mixed-use development at the North Heybridge Garden Suburb was granted permission at appeal on 25 October 2019 under reference 15/00419/OUT for 'Part outline/part detailed (hybrid) application for mixed use development including:

- i) Residential development (Use Class C3) for up to 1138 dwellings including (i)30% as affordable housing (Outline), Residential Care for up to 120 beds (Use Class C2) (Outline);
- ii) "Neighbourhood" uses which may include retail, commercial, and community (iii)uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline);
- iii) Primary school and early years childcare facility (Use Class D1c) (Outline);
- iv) A relief road between Broad Street Green Road and Langford Road (Detailed);
- v) Formal and informal open space (including any associated sports; pavilion/clubhouse - Use Class D2e) (Outline);
- vi) Construction of initial gas and electricity sub-stations (Detailed) and;
- vii) All associated amenity space, landscaping, parking, servicing, utilities (other (viii)than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline)."

3.1.4 The current proposal relates to the residential care uses anticipated to be delivered under the hybrid application. The consented hybrid application allows for a care home within Westcombe Park and the parameters plan allows for flexibility of locations of different uses between parcels. The applicant sets out that Parcel 8 has been chosen as the most appropriate location for the care home due to the proximity of amenities such as the health centre and shops which will allow for multipurpose trips.

#### Description of proposal

3.1.5 It is proposed to erect a purpose-built, three storey, sixty-six bed residential care facility for older people (the proposed three storey scale exceeds the agreed height parameters of 2.5 storey heights set out within the outline application and therefore the application is submitted as a full detailed application rather than a reserved matters).

3.1.6 The building would provide 66no. private en-suite bedrooms, developed in a configuration which enables the care home to provide for two types of care – general residential and residential dementia. Its plan layout and internal arrangement allows the home to be split into separate care requirements based on demand.

3.1.7 The care home would also provide a large open reception area, assisted bathrooms, a hair salon, cinema room, library, 'sky bar', café, lounges and dining rooms. There would also be associated kitchen, laundry, and storage rooms, together with staff rooms. Externally, residents would benefit from enclosed private amenity space, formally laid out with patio areas, pathways, seating and planting.

3.1.8 It is anticipated that some 50 - 60 jobs would be created working to a rotational shift pattern of employment, however, only up to a maximum of 24 members of staff would

be present on site at any one time, due to the shift pattern and staggered shift changes that would occur.

- 3.1.9 A singular vehicular access point would be taken at the northern boundary of the site from the main road through the 'Westcombe Park' site. This access point would only serve only the care home and the assisted living building (to be delivered via a separate planning application).
- 3.1.10 Across the site, 25 car parking spaces would be provided, including two as accessible spaces, and six with EV (Electric Vehicle) charging facilities. A drop off area and ambulance parking area is also located towards the main reception area. Covered cycle storage for eight bicycles, would be proposed close to the main reception.

## 3.2 **Conclusion**

- 3.2.1 The site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The principle of the development of this site for this use has been accepted within the hybrid application (15/00419/OUT).
- 3.2.2 The layout of the development would be acceptable and would relate well to other developments being built out on the 'Westcombe Park' site. Whilst the scale of the building exceeds that set out within the parameter plans on the outline permission (the building is three storeys rather than 2.5 storeys), the overall height would not be excessive nor result in an unduly prominent building. The detailed design and materials would be appropriate to the context of the site, and the proposed landscaping which includes formal native hedgerow and new trees, would assist in the development assimilating into the wider site. Overall, it would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 3.2.3 The proposal would deliver 66no. en-suite bedrooms fully compliant with the National Care Standards Act 2000, with well laid out and generous internal communal and recreational spaces. Externally, residents would benefit from well laid out and landscaped amenity areas.
- 3.2.4 Given the scale of development, its siting within the 'plot', together with the retained and proposed landscaping, there would be no unacceptable impacts to neighbouring amenity.
- 3.2.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective (note the access would not be adopted). Adequate vehicle parking would be provided for staff, future occupiers and visitors (with EV charging provision). Covered cycle storage would be provided to encourage sustainable patterns of travel for staff and visitors.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 On the basis of the above, this application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted 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 planning obligations and subject to the conditions as detailed in Section 9 of this report.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework (2023) 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
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 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 (2017)**

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

#### 4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- North Heybridge Garden Suburb Strategic Masterplan Framework (SMF)
- North Heybridge Garden Suburb Strategic Design Code (SDC)

#### 4.4 **Necessary associated Infrastructure Improvement required**

A draft list of Heads of Terms for a Section 106 Agreement includes the following:

- NHS (National Health Service) of £13,600

### 5. **MAIN CONSIDERATIONS**

#### 5.1 **Principle of Development**

5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1 of this report. The current proposal relates to the residential care uses anticipated to be delivered under the hybrid application. The consented hybrid application allows for a care home within Westcombe Park and the parameters plan allows for flexibility of locations of different uses between parcels. The applicant sets out that Parcel 8 has been chosen as the most appropriate location for the care home due to the proximity of amenities such as the health centre and shops which will allow for multipurpose trips.

5.1.2 As already set out above, the application is submitted as a FULL application rather than a reserved matters application. This is because the building is proposed at 3 storey scale and exceeds the agreed height parameters of 2.5 storeys set out within the outline application.

5.1.3 However, the granting of 15/00419/OUT has established the principle of the development, and in summary, for the aforementioned reasons, no objection is raised to the principle of this carehome development within this parcel of the approved development within the North Heybridge Garden Suburb.

#### 5.2 **Layout, design and impact on the character and appearance of the area**

5.2.1 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.

5.2.2 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, beautiful and sustainable 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”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.4 The Council envisaged that the North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The Garden Suburb site is subject to a Strategic Masterplan Framework (SMF) and Design Code (SDC) which have both been endorsed by the Council as material considerations for Development Management purposes. A number of parameter plans were also approved as part of the hybrid planning application. Although this application is submitted as a FULL application, the Land Use Parameter Plan, the Density Parameter Plan and the Building Heights Parameter Plan are relevant to the consideration of this application.
- 5.2.5 As noted above, the application is submitted as a FULL detailed application rather than a reserved matters application, as the proposed building is three storeys in height and exceeds the height parameters of 2.5 storey secured within the outline permission. It is understood that the slight increase in height is due to the operational requirements of the carehome, to enable all bedrooms to be the same size and so that the communal areas on the top floor are not compromised.
- 5.2.6 The overall height of the proposed three storey building (designed as a flat roof) would be approximately 10.75 metres to the central parapet, which would not appear much higher than the maximum 2.5 storey heights of buildings permitted within the outline permission for development within parcel 8. Officers are content that the proposed care home would sit comfortably within its surroundings and consider that the overall scale and mass of the care home would relate to that anticipated to be developed as part of the neighbourhood centre building(s) and the assisted living building, which are also to be delivered within this parcel. Its siting, inset from the wider site boundaries of Westcombe Park, would ensure that the building would not appear unduly dominant from outside of the site.
- 5.2.7 The proposed care home is designed with materials to include brick and cladding to offer detail and articulation to the elevations. These materials are in keeping with the locality and assist in the building assimilating well into its surroundings. The nature of the carehome use results in a window pattern that exhibits some level of repetition, but the glass and recessed nature of the windows (window details are to be secured via condition), together with the materials, add visual interest to the elevations and ensures that the building would be well designed. The main roof is proposed to be flat with a single ply membrane (in dark grey) with solar PV panels mounted on top, increasing the sustainability credentials of the development, but which would be hidden from ground level by the parapet.
- 5.2.8 The main entrance is situated at the front of the care home, facing into the car park and vehicle and pedestrian access into the site. The reception and café would be a welcoming space for residents and visitors and would provide natural surveillance, along with the main office, for people entering and leaving the site. The layout of the parking relates well to the proposed building and, together with the visitors' cycle storage, would be overlooked by the office and reception, increasing security as well as being practical and convenient in terms of the day to day operation of the carehome.



5.2.9 The layout of the development also notes that a landscaped setting is an important aspect of the external environment of a care home as well as for the Garden Suburb setting. The proposed landscaping scheme includes formal native hedgerow and new trees across the site which would be appropriate to the character of the area and would assist in the development assimilating into the wider site.

5.2.10 Overall, the development would be in accordance with the Strategic Masterplan Framework and the Strategic Design Code. The development would also follow the good design principles set out in the Maldon District design SPD. Overall, the proposal is of a layout, scale, design and appearance that would result in a high quality development and would be appropriate for this section of the North Heybridge Garden Suburb.

### 5.3 Heritage

5.3.1 The site lies outside of a Conservation Area and there are no nearby Listed Buildings to be impacted. The development remains acceptable in terms of these matters. The other consideration in relation to heritage relates to archaeology. Policy S6 requires a comprehensive and detailed archaeological assessment to be undertaken prior to development, and for development to preserve and enhance the quality of the archaeology of the location. Policy D6 requires that where development might affect archaeology, an assessment from an appropriate specialist must be carried out to identify the likely impact on known or potential heritage assets.

5.3.2 The County Senior Historic Environment Officer has reviewed the application and advise that the area of the proposed development has been previously archaeologically evaluated, and no further archaeological fieldwork is required. Considerations in relation to archaeology are therefore acceptable.

### 5.4 Impact on Future Occupiers Amenity

5.4.1 In terms of amenity for future occupiers, the care home has been designed to meet the provision of the Care Standards Act (the last relevant legislation which stipulated room sizes). All bedrooms would be a minimum of 12m<sup>2</sup> (excluding en-suites). With the exception of 1 of the ground floor bedrooms (which faces out towards the entrance of the building), all the other ground floor rooms would be provided with doors from the bedroom opening out onto the enclosed landscaped amenity areas.

5.4.2 The building includes a number of facilities such as hair salon, café, 'sky bar' and library in addition to the communal lounges and dining areas. The internal layout allows the lounges to be a central focal point within the care home with doors leading to the outside space to encourage full use of the landscaped gardens. This arrangement is designed to provide a continuation of the indoor and outdoor amenity areas to support residents' independent movement through the carehome, promoting wellbeing and contributing to the character of the home. The internal layout would provide high quality amenity for residents.

5.4.3 As noted above, a landscaped setting is an important aspect of the external environment of a care home and can make a significant contribution to the overall quality of the living environment for future residents. In this respect, the principal external amenity space for residents would surround much of the building incorporating trees, shrubs, flowerbeds and lawn interspersed with hard landscaping in the form of surfaced pathways for residents' use. The total area of external amenity space amounts to 905m<sup>2</sup> which equates to a ratio of 13.7m<sup>2</sup> per resident and is considered sufficient.

5.4.4 Overall, in terms of future residents amenity, the development would deliver a good quality of life with high quality internal and external amenity provision.

## 5.5 Impact on Neighbouring 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 (2017). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.

5.5.2 The layout of the development would relate well to the other parcels within the Garden Suburb, and whilst the siting of the assisted living building and neighbourhood centre building(s) are not yet approved, the layout would not prejudice the delivery of those other uses.

5.5.3 To the south of the site are existing neighbours. These are located around 50 metres from the building. It is accepted that there would be impacts to neighbours during the construction, from noise disturbance and similar. A condition requiring the submission of a Construction Management Plan (CMP) is imposed, and would control, access and parking, storage of plant and materials including top soil, wheel washing, measures in relation to dust, dirt and mud, a scheme to control noise and vibration including details of any piling operations, and hours of working. The CMP could adequately manage impacts to neighbours during the construction period.

5.5.4 In terms of impacts to neighbours once the development is operational, due to the distance and the siting of these neighbours with the proposed carehome building (the carehome would be sited at an angle from the neighbours and at around 50 metres distance), and together with existing landscaping to the site boundary, with additional landscaping proposed, there would not be an unacceptable impact from overlooking, loss or light or harm to outlook. There would be some impact from traffic movements associated with the development, but not of a level that would be unacceptable.

5.5.5 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

## 5.6 Access, Parking and Highway Safety

5.6.1 The application is submitted with a Transport Statement and Travel Plan, which sets out existing and proposed site use and access, traffic generation and transport accessibility, in addition to a plan, strategy and timescales for the Travel Plan.

### Access

5.6.2 The site is proposed to be accessed via a newly formed estate road leading from the main spine road that runs through 'Westcombe Park'. This access would serve only the care home and the assisted living building (note the Neighbourhood Centre would be served via another access point off the estate road). This access road would be private and not adopted highway. There would be a footpath link from the main spine road which would incorporate pedestrian dropped kerbs together with tactile paving.

### Traffic generation

- 5.6.3 In terms of traffic generation the majority would be from staff. Whilst the care home would provide approximately 50-60 jobs in total, the number of staff present on site at any one time would be no more than 24 due to the shift patterns. Between 8-9am it is anticipated that 19 members of staff would arrive, with the largest departure time (for nine members of staff) being at 8pm. The level of traffic movement would be limited and would have a limited impact within the surrounding highways or at nearby junctions.
- 5.6.4 In addition, it is also expected that visitor movements would have no adverse impact on the highway network as there are no restrictions on visiting hours and visitations are sporadic. Furthermore, generally none of the residents have a car due to their age and abilities.
- 5.6.5 In summary on traffic generation, given the proposed staff levels, shift patterns and resulting travel movements identified together with the accessible nature of this site, it is not considered that the proposal will not have any significant traffic impact. In addition, the applicant intends to promote a travel plan which would further assist in reducing traffic movements.

### Parking

- 5.6.6 In terms of parking provision, Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards 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.
- 5.6.7 The Vehicle Parking SPD states that for care homes and nursing homes 1 space per residential staff, 1 space per 2 other staff, and 1 space per 3 bedrooms should be provided. It is anticipated that around 50-60 jobs would be created working to a rotational shift pattern of employment, however, only up to a maximum of 24 members of staff would be present on site at any one time, due to the shift pattern and staggered shift changes. On this basis, the development would require a total of 12 spaces for staff and 22 for residents. The application proposes 25 spaces. In assessing the acceptability of this, it is important to note that the standards in the SPD do not differentiate between care homes and assisted living wherein the demand for residents parking spaces is likely to be limited for this development given the level of care undertaken at the site. Overall, the 25 parking spaces (2 of which are accessible spaces, with a further 6 space provided with EV charging facilities) would be acceptable to meet with the parking demands at the site. The site also accommodates drop off and ambulance parking.
- 5.6.8 In terms of cycle parking provision, the site proposes 2 areas of parking for cycles. One is located close to the entrance of the building and would more readily provide cycle parking for visitors (for 8no. cycles), and a store for staff (also for 8no. cycles) would be sited close to the staff service area. This provision would be in line with standards and would assist with encouraging sustainable patterns of travel.

### Conclusion

- 5.6.9 The Highway Authority have reviewed the application and raise no objections from a highway transportation perspective, subject to the imposition of conditions for a construction management plan, provision of the pedestrian dropped kerbs and tactile

paving (as set out above), and that the parking provision be provided prior to first use. On this basis, the development would not give rise to adverse impacts in terms of highway capacity or highway safety. In addition, parking and cycle provision is acceptable. The proposal is therefore considered to accord with Policies D1 and T2 of the LDP.

## **5.7 Flood Risk, Surface Water and Foul Drainage**

5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.

5.7.2 The application has been submitted with flood and drainage details. This has been assessed by the Lead Local Flood Authority (LLFA) who advise that there is no objection subject to the imposition of conditions for; agreement of a detailed surface water drainage scheme for the site based on sustainable drainage principles; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; and details of maintenance. On this basis, the proposal is acceptable in relation to flooding and drainage.

## **5.8 Impact on Ecology, Biodiversity and Landscaping**

5.8.1 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, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.

5.8.2 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.

5.8.3 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. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that any development which could have an adverse effect 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.

### Ecology

5.8.4 The application is submitted with a Preliminary Ecological Appraisal (Thompson Ecology Ltd, May 2024), Reptile Survey (Thompson Ecology Ltd, June 2024) and Reptile Mitigation Strategy (Thompson Ecology Ltd, August 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. Sufficient ecological information is available for determination of the application, and which provides certainty for the Local Planning Authority (LPA) of the likely impacts on designated sites, protected and Priority species & habitats.

5.8.5 The Preliminary Ecological Appraisal highlights that mitigation measures should be finalised as part of an Ecological Conservation Management Plan (ECMP). This ECMP was secured as part of condition 13 of the outline planning consent. The development falls within the red line boundary of the outline consent and therefore a



similar approach to mitigation and bespoke species enhancements is proposed to ensure continuity across the different phases of the outline scheme, and can be secured via condition.

- 5.8.6 The Reptile Mitigation Strategy sets out an approach to utilise the previously agreed receptor location for the translocation of reptiles, and details a proposal to provide further enhancements (two log piles and 1 hibernacula) to increase the habitat suitability and carrying capacity of the receptor for reptiles. The wider landscape has capacity to support any translocated population and further habitat will become available once the green infrastructure of the outline application has been delivered, and as such this approach is supported. A finalised approach should be set out within the ECMP (or via a CEMP) to be secured as a pre-commencement requirement.
- 5.8.7 The submitted proposed External Lighting Scheme (LNT Construction LTD, May 2024), is supported, however, the ecologist encourages the use of 'warm white' lights to be used at <2700k, rather than 'white' light at 4000k, as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects which may lead in a reduction in prey availability for some light sensitive bat species. This can be secured via condition.

#### Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.8.8 The application site falls within the Zol for one or more of the European designated sites (The European designated sites within the Maldon District 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.
- 5.8.9 Whilst C2 Residential institutions are not excluded from the Essex Coast RAMS, there is a need for these applications to be considered on a case-by-case basis by the LPA on whether the proposals are likely to contribute to increased recreational disturbance at the coastal Habitats sites. Given the level of care proposed within the development, it is unlikely that there will be recreational impacts in combination with other plans and projects. As a result, no further information is required to demonstrate compliance under the Conservation of Habitats and Species Regulations 2017 (as amended) with regard to Habitats sites.

#### Biodiversity Net Gain (BNG)

- 5.8.10 The outline planning permission predates the introduction of the mandatory requirement for development to deliver a 10% net gain in the biodiversity value of the site. However, because this is a FULL application there is a requirement for the development to provide it. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.
- 5.8.11 The application has been submitted with a Biodiversity Net Gain Report (Thompson Ecology Ltd, November 2024) which provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition. The development demonstrates satisfactory post-intervention habitat creation (although it is noted that the grassland proposed (Turf: Rowlawn 'Medalion) would not deliver 'Other neutral grassland'. However, it is indicated that off-site net gains would be required to be demonstrated as part of the biodiversity gain condition.

- 5.8.12 As on-site habitat will contain significant on-site enhancements a Habitat Management and Monitoring Plan (HMMP) is required, in addition to a separate HMMP for off-site habitat enhancement or creation, both with the maintenance and monitoring secured for a period of up to 30 years.

### Landscape

- 5.8.13 An Arboricultural Survey Report and Arboricultural Impact Assessment (AIA) have been provided in support of this application, alongside a Landscape Masterplan. The AIA sets out that a number of trees are to be removed (including 2no. category B trees - T08 and T09, and 5no. category C trees - T04, T05, T06, T07 and T10, and a single parcel of scrub - G01), due to the siting of the development.
- 5.8.14 The loss of existing trees is regrettable, in particular the loss of the category B trees. Officers have explored with the applicant whether these can be retained within the scheme, however, due to the land level changes being incorporated at the site, it would be unviable for these to be retained. The application includes proposals which includes the planting of 27no. new trees, and whilst there is likely to be a loss of overall canopy cover, especially in the next five years while the new trees are establishing, the approach set out within the Landscape Masterplan does suitably mitigate for the loss of the trees.
- 5.8.15 The wider landscaping proposals include the external amenity space for residents which would surround much of the building and which would include soft landscaping to comprise trees, shrubs, flowerbeds and lawn interspersed with hard landscaping in the form of surfaced pathways for residents' use. Whilst public areas would include tree planting, shrubs and flowering plants to create an attractive setting to the care home development. The approach to landscaping is appropriate for the development and is supported.

## **6. CONCLUSION**

- 6.1 The site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The principle of the development of this site for this use has been accepted within the hybrid application (15/00419/OUT).
- 6.2 The layout of the development would be acceptable and would relate well to other developments being built out on the 'Westcombe Park' site. Whilst the scale of the building exceeds that set out within the parameter plans on the outline permission (the building is 3 storeys rather than 2.5 storeys), the overall height would not be excessive nor result in an unduly prominent building. The detailed design and materials would be appropriate to the context of the site, and the proposed landscaping which includes formal native hedgerow and new trees, would assist in the development assimilating into the wider site. Overall, it would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 6.3 The proposal would deliver 66no. en-suite bedrooms fully compliant with the National Care Standards Act 2000, with well laid out and generous internal communal and recreational spaces. Externally, residents would benefit from well laid out and landscaped amenity areas.

- 6.4 Given the scale of development, its siting within the 'plot', together with the retained and proposed landscaping, there would be no unacceptable impacts to neighbouring amenity.
- 6.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective (note the access would not be adopted). Adequate vehicle parking would be provided for staff, future occupiers and visitors (with EV charging provision). Covered cycle storage would be provided to encourage sustainable patterns of travel for staff and visitors.
- 6.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 6.7 On the basis of the above, this application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted 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 planning obligations and subject to the conditions as detailed in Section 9 of this report.

## 7. **ANY RELEVANT SITE HISTORY**

- 7.1 The Relevant Planning History is set out below.

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
15/00419/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline); (ii) Residential Care for up to 120 beds (Use Class C2) (Outline); (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline); (iv) Primary school and early years childcare facility (Use Class D1c) (Outline); (v) A relief road between Broad Street Green Road and Langford Road (Detailed element); (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).	Refused. Allowed on appeal 25.10.2019
19/00741/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail,	Approved 14.10.2019

Application Number	Description	Decision
	<p>commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline)</p>	
23/00528/NMA	<p>Application for non-material amendment following grant of reserved matters application 21/00384/RES (Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;</p> <p>(a) landscaping for the approved Relief Road,</p> <p>(b) phase 1 entrance green,</p> <p>(c) phase 1 spine road,</p> <p>(d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)</p> <p>(e) acoustic bund for phase 1</p> <p>Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <p>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline.)</p> <p>Amendment sought: To re-align the point of access from the consented spine road into the Primary School site within Phase 1, Westcombe Park, Heybridge, Essex</p>	Approved 22.09.2023



## 8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 8.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Totham Parish Council	Object – Comment that the design and 3 storey height is inappropriate for a rural setting. Question the need for an additional facility as understand that plans are already in place for a 120 bed facilities elsewhere on the wider site.	Noted. Addressed within Section 5.1 of the Report.
Heybridge Parish Council	No comments received.	
Langford and Ulting Parish Council	Object – Comment that the mass of the three storey building is of too great within the street scene. Concern raised for the accessibility and safety of residents, and the lack of outside amenity space.	Noted. Addressed within Section 5.2, 5.4 and 5.6 of the Report.

### 8.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council – Highway Authority	No objections from a highway and transportation perspective subject to the imposition of conditions.	Noted. Highway matters addressed within Section 5.6 of the report.
Essex County Council – Archaeology	No objections. Advise that the area of the proposed development has been previously archaeologically evaluated and no further archaeological fieldwork is therefore required.	Noted. Addressed within Section 5.3 of the report.
Lead Local Flood Authority	No objections subject to conditions.	Noted. Flood matters are addressed in Section 5.7 of the report.
National Health Service (NHS)	Advise that the proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. The proposed development would likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICS would therefore expect	Noted. Addressed within Section 4.4 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	these impacts to be fully assessed and mitigated. A financial contribution of £13,600.	
Natural England	Advise that there would be no significant adverse impacts on designated sites.	Noted. Addressed within Section 5.8 of the report.
Essex Police Designing Out Crime	Neither object nor support. Advise that to comment further they would require more detail such as the proposed lighting and physical security measures. Welcome the opportunity to advise further to assist the developer to achieve a Secured by Design Homes award.	Noted.
Anglian Water	<p>Comment that the site is within 15 metres of a sewage pumping station. Consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire.</p> <p>The foul drainage from the development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>In regard to the used water network, advise that the sewerage system at present has available capacity for these flows,</p> <p>In relation to surface water disposal advise that the proposed method of surface water discharge does not relate to an Anglian Water owned asset, and thus provide no comments.</p>	Noted. Addressed within Section 5.7 of the report.
Essex Fire and Rescue	Make comments in relation to access (advise that access for fire service purposes is considered satisfactory), Building Regulations, water supplies and sprinklers.	Noted. Fire Service matters will be addressed further at Building Regulation stage.
Essex Police	Outlines Essex Police considerations to development and infrastructure change which forms part of organisations strategic planning consideration. Provides generic key information on policing priorities.	Noted.

### 8.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Ecology Consultant	No objection subject to conditions.	Addressed within Section 5.8 of the report.
Environmental Health	No objections. Having reviewed the noise assessment and phase 1 geo environmental study have no comments.	Noted.
Tree Officer	<p>Comment that the Tree Retention and Removal Plan shows that the building is outside of the root protection areas of some trees, but note that some trees are being removed to facilitate fencing and car parking. Two prominent (Category B trees) would be removed with insufficient justification has been given for their removal. Further removal of category C trees is reasonable, given their size, condition and amenity value.</p> <p>Proposals have been submitted for new landscaping within the development, with 27 new trees proposed. Given that the majority of these are either small canopy or upright varieties, there is likely to be a loss of overall canopy cover, especially in the next five years while the new trees are establishing.</p> <p>Overall, the Landscape Masterplan does suitably incorporate trees into the development, however, this would have been enhanced with the retention of high value trees that were part of the original site.</p>	Noted. Addressed within section 5.8 of this report.

### 8.4 Representations received from Interested Parties

8.4.1 There have been no third-party representations received.

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

### HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

#### Healthcare:

A financial contribution of £13,600 in order to increase capacity for the benefit of patients of the primary care network operating in the area, through any combination of extension, reconfiguration or relocation of premises as requested by the Mid and South Essex ICS.

#### PROPOSED CONDITIONS

1 The development hereby permitted shall commence not later than three years from the date of this decision.

REASON: To comply with Section 91(1) of the Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- CM9 4DT-A-03-A
  - CM9 4DT-A-01-B
  - CM9 4DT-A-05
  - CM9 4DT-A-04
  - 24-310\_101 A
  - SDL-034
  - SDL-033 A
  - SDL-090.3C
  - PV-01A
- REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall commence until the following information has been submitted to and approved in writing by the local planning authority:
- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals;
  - Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.
- The development shall only be carried out in accordance with the approved details.
- REASON: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality, in accordance with policy D1 of the Maldon District Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.
- 4 No development above ground level shall take place until a schedule of the external material or samples of materials, to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
- 5 Prior to installation, details of all windows and doors (including the depth of reveal and proposed materials) shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and permanently retained as such.
- REASON: In the interest of the character and appearance of the area and in accordance with policy D1 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
- 6 Prior to the erection of any TV and radio aerial or satellite dishes, details shall first be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.
- REASON: To ensure that the development does not prejudice the appearance of the locality.



- 7 No use or occupation of the development shall occur until the means of enclosures as shown on the approved plans have been fully erected. The means of enclosure shall be permanently retained as such.  
REASON: In the interest of the character and appearance of the area and to provide adequate amenity of the future occupiers in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
- 8 No use or occupation of the development shall occur until the vehicle parking to be provided for the development, has been hard surfaced, sealed and marked out in parking bays with electric vehicle charging provided, in accordance with the approved plans. The vehicle parking areas and associated drop off and turning area shall be retained in this form in perpetuity.  
REASON: To ensure that on adequate vehicle parking is provided, and to ensure parking of vehicles in the adjoining streets does not occur. In the interests of highway safety and Policies D1 and T2 of the Maldon District Local Development Plan 2017.
- 9 Prior to the first use of the development hereby permitted, the bicycles storage units as detailed within the approved plans shall be provided, and thereafter retained as approved in perpetuity.  
REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the Maldon District Local Development Plan 2017.
- 10 No use of occupation of the development shall occur until pedestrian dropped kerbs together with tactile paving has been provided at the bellmouth of the access road junction onto the currently unnamed east-west aligned estate road to the north of the development site.  
REASON: To maintain suitable accessibility for pedestrians and the mobility impaired in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 11 No development shall occur, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:
- Safe access in / out of the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The storage of top soil
  - Wheel and underbody washing facilities
  - Construction signage and traffic management
  - Measures to control the emission of dust, dirt and mud during construction
  - A scheme to control noise and vibration during the construction phase, including details of any piling operations
  - Hours of working
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
  - Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON: In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4 T1 and T2 of the approved Maldon District Local Development Plan

12 No development shall occur until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753
- Limiting discharge rates to 0.5l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to the first use or occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

REASON: The National Planning Policy Framework states that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead

to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 14 No use or occupation shall occur until a maintenance plan, detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.  
REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.
- 15 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.  
REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.
- 16 Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, work should stop and a risk assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.
- 17 The development hereby permitted shall be carried out in accordance with the External Lighting Scheme (LNT Construction LTD, May 2024), with the exception of the proposed white light at 4000k, which should be amended to the use of warm white lights at <2700k.  
REASON: In the interest of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Local Development Plan 2017 and the National Planning Policy Framework.
- 18 No development shall occur until, an Ecological Conservation Management Plan (ECMP) has been submitted to and approved in writing by the Local Planning Authority. The ECMP shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:
- a) contractor responsibilities, procedures, and requirements;
  - b) full details of appropriate habitat and species surveys, and reviews where necessary, to identify areas of importance to biodiversity;
  - c) details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as

being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species' life cycles, such as the bird breeding season, protective fencing, and phasing of works to ensure the provision of advanced habitat areas and to minimise disturbance of existing features;

- d) identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
- e) a summary work schedule table confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by;
- f) a programme for monitoring to be carried out four times annually during the construction process;
- g) confirmation of suitably qualified personnel responsible for overseeing implementation of the ECMP commitments, such as an Ecological Clerk of Works, including a specification for the role; and
- h) a programme of long-term maintenance, management and monitoring responsibilities.

All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved ECMP.

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), s40 of the NERC Act 2006 (as amended) and Policy S1, D1, N2 of the Maldon District Approved Local Development Plan and the National Planning Policy Framework.

19 No development shall occur until a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- b) A management and monitoring plan for off-site biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the Local Planning Authority to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

20 No development shall commence, until a detailed Arboricultural Method Statement detailing tree protection measures and supported by technical drawings, has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be fully implemented



in accordance with the approved details prior to any commencement of development or works on site.

REASON: In the interests of amenity and in accordance with Policies D1 and N2 of the Maldon Local Development Plan 2017.

- 21 Prior to the first occupation of the development hereby approved, the landscaping works as set out within the approved plans shall be fully carried out. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
- REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017.

## PROPOSED INFORMATIVES

- 1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ‘(the biodiversity gain condition)’ that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the Planning Authority, and
  - (b) the Planning Authority has approved the plan.

The Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

- 2 In accordance with Schedule 7A (13) of The Town and Country Planning Act 1990 no development shall commence until a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. In order to formally submit the Biodiversity Gain Plan to Maldon District Council please submit a Discharge of Conditions application. It is recommended that you complete and submit the template on the following link as part of your Biodiversity Gain Plan:  
<https://www.gov.uk/government/publications/biodiversity-gain-plan>

A Biodiversity Gain Plan submission should include the following (where relevant):

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values
- b) Pre and post development plans drawn to an identified scale and showing the direction of North
- c) Legal agreement

- d) Commitment to deliver and maintain BNG for a minimum of 30 years from the date of completion of the development (for onsite) or from the date that BNG has been completed (offsite)
- e) Habitat Management and Monitoring Plan (HMMP) in line with the HMMP template or HMMP checklist, concurrent with planting plans or other landscape management plans.
- f) Compensation plan (if affecting irreplaceable habitats)
- g) BNG register reference numbers (if using off-site units)
- h) Proof of purchase (if buying statutory biodiversity credits)

If you are carrying out a phased development the following applies:

- a) A statement showing how the development will proceed in phases must be submitted alongside an Overall Biodiversity Gain Plan before any development can commence.
- b) No development can then commence within each specified phase until a Phase Biodiversity Gain Plan for that phase has been submitted and approved.