



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

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to  
**DISTRICT PLANNING COMMITTEE  
22 MAY 2025**

<b>Application Number</b>	<b>25/00173/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 (Class C2 use) with associated landscaping, car parking and access.
<b>Applicant</b>	LNT Care Developments (4) Limited
<b>Agent</b>	n/a
<b>Target Decision Date</b>	26.05.2025
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>HEYBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the Local Development Plan Major Application

**1. RECOMMENDATION**

**APPROVE** subject to the applicant's Unilateral Undertaking as 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 at Broad Street Green Road and Langford Road and Maypole Road

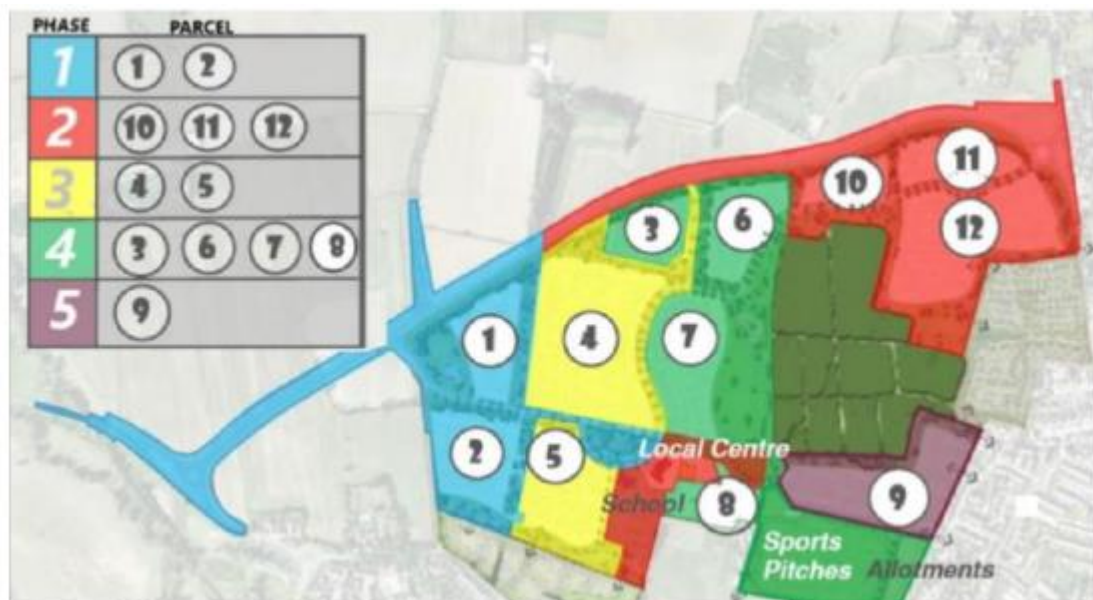


### 3. SUMMARY

#### 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 the Proposal

- 3.1.5 This application is a resubmission of the previous refused application reference 24/00569/FUL. That application was refused for 3 reasons which in summary were the proposed buildings, size scale and design being out of keeping with the character and appearance of the locality; insufficient parking and mobility scooter storage and insufficient information on access arrangements for deliveries and servicing vehicles; and in the absence of a completed Section 106 (s106) legal agreement for a contribution towards healthcare. Each reason of refusal is assessed through the relevant material planning considerations of this assessment.
- 3.1.6 In comparison to the previous application and the applicant proposes to address each reason of refusal by providing the following changes:
- A revised design approach to overall appearance of the development
  - Increased the parking from 25 to 32 spaces, provision of mobility scooter storage
- 3.1.7 The current application seeks full planning permission for the erection of a 3 storey, 66 bed care home (Class C2 use) with associated landscaping, car parking and access. This will be a purpose-built, three storey, sixty-six bed residential care facility for older people. The proposed three storey scale exceeds the agreed building height parameters of 2.5 storey heights set out within the hybrid application and therefore the application is submitted as a full detailed application rather than a reserved matters to ref 15/00419/OUT.
- 3.1.8 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.

- 3.1.9 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. It is stated that the care home would comply with the National Care Standards Act 2000 and the Care Quality Commission (CQC).
- 3.1.10 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.
- 3.1.11 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).
- 3.1.12 Across the site, 32 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.
- 3.1.13 The application is accompanied by a number of supporting documents:
- Design and Access Statement (including Economic Statement and Statement of Community Involvement) Rev A
  - Planning Statement
  - Travel Plan
  - Sustainability, Renewable Energy & Health Impact Assessment
  - Arboricultural Survey
  - Arboricultural Impact Assessment
  - Extraction/Ventilation Statement
  - Geotechnical Appraisal
  - Preliminary Ecological Appraisal
  - Reptile Survey
  - Electric Vehicle Charging Details
  - PV panels information/spec sheet
  - Noise Impact Assessment
  - Lighting Assessment
  - Biodiversity Metric
  - Biodiversity Net Gain Report
  - Draft Heads of Terms
  - SUDS Checklist (LLFA Technical Assessment ProForma)
  - Drainage Calculations
  - Habitat Regulations Assessment
  - Reptile Mitigation Strategy

- Highways Technical Note
- A Unilateral Undertaking as a s106 legal agreement

3.1.14 The key elements of the proposals are set out in the table below:

<b>Site Area (Gross)</b>	0.5 ha
<b>Floorspace</b>	3,320 Gross Internal Area (GIA)
<b>Height</b>	3 storeys (10.75 metres high)
<b>Units (All)</b>	66 Bedroom Care Home each bedroom would have en-suite wet room facilities and would be 14.6 sqm  Care Home would include cafes/bar/dining rooms, lounges, family room, a library, garden room, cinema and a hair salon
<b>Job Creation</b>	50-60 jobs working on rotational shift pattern with a maximum of 24 members of staff present at all times
<b>Car parking</b>	Spaces: 24 Electric Charging Spaces: 6 Accessible Spaces: 2 Total: 32 spaces
<b>Cycle parking</b>	16 cycle spaces and 1 motorcycle space Designated areas for mobility scooter storage and charging
<b>Amenity Space</b>	Communal Amenity Space: 876 sqm

## 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). The proposal has addressed the 3 reasons of refusal from the previous application and would create a high-quality sustainable development that would provide a care home that would benefit the District and its aging population. In addition, the proposal would provide between 50-60 jobs once the care home is operational which would be beneficial to the local economy.

## 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
- 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 2014 – 2029 approved by the Secretary of State:**

- 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
- D6 Advertisements
- E1 Employment
- E6 Skills, Training and Education
- 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
- I2 Health and Wellbeing

#### **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 Improvements Required and/or Affordable Housing**

4.4.1 A legal agreement pursuant to section 106 Agreement of the Town and Country Planning Act 1990 (as amended) is required to secure the following financial contributions:

- NHS (National Health Service) contribution of £13,600 towards local healthcare provision
- Travel Plan monitoring fee of £7,037.16

### **5. MAIN CONSIDERATIONS**

5.1 The main considerations for this application are as follows:

- Principle of the Development
- Design and Impact on the Character of the Area
- Living Conditions and Amenity Space
- Impact upon Neighbouring Amenity
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity
- Viability and Planning Obligations
- Other Matters

#### **5.2 Principle of Development**

##### Background

5.2.1 The hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the North Heybridge Garden Suburb 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.

5.2.2 Whilst this application is not a reserved matters application to 15/00419/OUT the application can still be considered in the context of that permission with regard to the approved parameter plans, the North Heybridge Garden Suburb Strategic Masterplan Framework, the North Heybridge Garden Suburb Strategic Design Code, and relevant Local Development Plan (LDP) policies in terms of placemaking.

##### Policy Position and Principle of the Development

5.2.3 Policy H3 identifies that the Council will support and enable the provision of housing to meet specialised needs for older people and specific groups subject to certain criteria including sustainability, access to services and addressing need. The PPG 'Housing for older and disabled people' identifies that there is a critical need for providing housing for older people including specialist housing with high levels of care and support.



- 5.2.4 The 2021 Maldon Housing Needs Assessment has been published and identifies the need for older person housing and that includes the need for residential care homes. The Housing Needs Assessment also recognises that the population of older persons aged 65 and over are expected to grow by 7,600 persons to 2040 equal to 46% of the population of the District. The Housing Needs Assessment identifies that this generates a need for around 151 additional care and 446 nursing bedspaces by 2040.
- 5.2.5 Taking account of the above policy and needs position, and that a care home is included in the hybrid permission (15/00419/OUT) for the North Heybridge Garden Suburb, it is considered that no objection is raised to the principle of this care home development within this parcel of the approved development within the North Heybridge Garden Suburb.
- 5.2.6 This application is a resubmission of the previous refused application reference 24/00569/FUL. That application was refused for 3 reasons which in summary were the proposed buildings, size scale and design being out of keeping with the character and appearance of the locality; insufficient parking and mobility scooter storage and insufficient information on access arrangements for deliveries and servicing vehicles; and in the absence of a completed s106 legal agreement for a contribution towards healthcare. Each reason of refusal is stated in full and assessed through the relevant material planning considerations of this assessment.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 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.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2024). 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'.*
- 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.*
- 5.3.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG. The North Heybridge Garden Suburb Strategic Masterplan Framework (SMF) does not specifically refer to a care home use. In terms of the location of this site the North Heybridge Garden Suburb Strategic Design Code (SDC) includes design code GE03 which refers to an arrangement overlooking the sports pitches and allotments through the provision of a shared access way alongside the green edge. In this location there is a public right of way (PROW 17) that runs along the site's eastern boundary. The development would have windows facing the public right of way.

5.3.4 The previous application was subject to the following reason of refusal

1. The proposed building by reason of its size, scale and detailed design, would fail to secure a high quality development and would be out of keeping with the context of the site. As such the development would result in harm to the character and appearance of the locality and would therefore be contrary to Policies S3, D1 and H4 of the Local Development Plan 2017 and the National Planning Policy Framework.

5.3.5 The reason of refusal is considered in light of the headings and paragraphs below:

#### Layout

5.3.6 Layout wasn't specifically referred to in the reason of refusal. The layout of the site shows that the proposed development would occupy an 'L' shaped footprint with communal gardens around the edge of the building. The site includes the access and 32 parking spaces. Landscaping is proposed around the edges of the site. The proposed layout of the site is considered acceptable and 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.

#### Size and Scale

5.3.7 This will be a purpose-built, three storey, sixty-six bed residential care facility for older people. The reason why this is a full planning application rather than a reserved matters application is because the proposal, at three storeys in scale exceeds the agreed building height parameters of 2.5 storey heights set out within the hybrid application for this part of the North Heybridge Garden Suburb.

5.3.8 There are parts of the North Heybridge Garden Suburb that permit buildings of 3 storeys in height and within Parcel 7 of Phase 4 there are consented apartment buildings that would be 3 storeys in height with a pitched roof measuring 11m high. This application's proposed building would be 9.5m high and this is a reduction in size, scale and height in comparison to the previous refused application building that was proposed to be 10.5m in height. Whilst the proposed building would be taller than any existing buildings to the south it is considered acceptable in height in this location and within the context of the site's location on the edge of the future local centre within the North Heybridge Garden Suburb.

#### Appearance

5.3.9 In comparison to the previous refused application, it is considered that the revised design of the building would provide a high-quality design within the site's proposed layout. The proposed materials palette is different with buff facing brick and grey facing brick proposed as opposed to the red brick and cream cladding from the previous scheme. On the roof of the proposed building solar/PV panels would be installed for energy efficiency and these are unlikely to be visible from the ground level. A single storey battery storage building is proposed where electricity can be stored for use for this site. Overall, it is considered that the design and appearance of this development would be acceptable.

#### Impact upon the Area

5.3.10 Taking account of the layout, scale and appearance the proposed development would be acceptable within the North Heybridge Garden Suburb in this location on

the edge of the future local centre. The Council's Place Officer also has no objection as the proposal would successfully integrate visually and socially with the local centre and surrounding residential parcels, bus stops and general access and movement to landscaped/open space areas.

- 5.3.11 Therefore, overall, the proposed development is considered acceptable in terms of policy D1 of the LDP and the guidance of the NPPF and addresses the points raised in the previous reason of refusal.

#### **5.4 Living Conditions and Amenity Space**

- 5.4.1 In terms of amenity for future occupiers, the applicant states that the care home has been designed to meet and exceed the provision of the Care Standards Act (the last relevant legislation which stipulated room sizes). All bedrooms would be a minimum of 14.62m<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 communal amenity areas.
- 5.4.2 The building includes a number of facilities such as a 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 care home, 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 875 sqm which equates to a ratio of 13.2 sqm 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 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 To the south of the site are existing neighbouring buildings. These are located at least 35 metres from the building. It is recognised that there could be impacts to neighbours during the construction, from noise disturbance and similar. A condition requiring the submission of a Construction Management Plan (CMP) is recommended, and would control, access and parking, storage of plant and materials including topsoil, 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.

- 5.5.3 In terms of impacts to neighbours once the development is operational, due to the distance and the siting of these neighbours with the proposed care home building (the care home would be sited at an angle from the neighbours and at least 35 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 of light or harm to outlook. There would be some impact from traffic movements associated with the development, but not to a level that would be unacceptable.
- 5.5.4 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring

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

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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. The NPPF/PPG also provide policy and guidance through paragraphs 108 to 117.
- 5.6.2 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.
- 5.6.3 The previous application was subject to the following reason of refusal
2. The proposed development fails to provide sufficient on-site provision for vehicle parking and mobility scooter storage, with insufficient information on access arrangements for deliveries and servicing vehicles. The development would be contrary to Policies D1 and H4 of the Local Development Plan 2017, the Vehicle Parking Standards Supplementary Planning Document, and the National Planning Policy Framework.
- 5.6.4 The reason of refusal is considered in light of the headings and paragraphs below:

### Access

- 5.6.5 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). There would be a footpath link from the main spine road which would incorporate pedestrian dropped kerbs together with tactile paving. ECC Highways have no objections to the access arrangements.

### Traffic generation

- 5.6.6 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. The applicant's Technical Highways Note explains that the shift pattern changeover would take place at 08:00 and 20:00 hours. It is considered that the level of traffic movement would be limited and would have a limited impact within the surrounding highways or at nearby junctions

- 5.6.7 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.
- 5.6.8 ECC Highways have no objections to the application in terms of traffic generation.
- 5.6.9 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. The travel plan details can be secured through a planning condition and monitoring fee for the travel plan can be secured via a planning obligation.

#### Parking

- 5.6.10 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.
- 5.6.11 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.
- 5.6.12 To address the previous reason of refusal this application proposes 32 spaces, which is an increase of 7 spaces from the 25 spaces provided with the previous application. This increase in on-site parking provision is considered to address the reason of refusal. 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 32 parking spaces (2 of which are accessible spaces, with a further 6 spaces 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.
- 5.6.13 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 of 16 cycle spaces would be in line with standards and would assist with encouraging sustainable patterns of travel.

- 5.6.14 For mobility scooter storage, the floor plans show that designated areas of mobility scooter storage would be provided towards the southern end of the building providing space for 3 mobility scooters. Previously this provision wasn't shown on the plans and the plans with this application include the addition of mobility scooter storage to address the previous reason of refusal. The applicant has explained that due to the level of care provided at the site, it is unlikely that residents would be leaving the care home very often. The applicant explains that trips out would be by minibus as residents would not be leaving unaccompanied due to their age. Because of this the applicant explains that actual usage of mobility scooters is relatively low with no more than 1 being used at once. The Design and Access Statement also identifies that additional parking for mobility scooter would be available in the entrance lobby in case residents need a scooter to leave the home, the applicant has explained the lobby is wide enough to accommodate informal parking for mobility scooters.

#### Deliveries and Servicing

- 5.6.15 In terms of servicing and delivery requirements, the Highways Technical Note explains the frequency and size of vehicles visiting the site will be relatively low. It is stated that on average, the proposed care home would generally receive two refuse collections per week and one delivery per day. The deliveries are likely to be undertaken using 7.5t vans and these would deliver food/drink and perishables.
- 5.6.16 For refuse vehicles the proposed access and parking area within the site can accommodate a standard refuse vehicle which can access and egress the proposed site in a forward gear. The application includes a swept path analysis exercise to demonstrate this turning ability within the site and this would not impact upon the parking spaces.
- 5.6.17 It is considered that the servicing and delivery arrangements would be acceptable and would address the concerns raised in the previous application's reason of refusal on this.

#### Travel Plan

- 5.6.18 The application includes a Travel Plan which aims to achieve a 15% shift away from the use of private cars by staff and visitors to use public transport and other means of travel to the site. To achieve this a Travel Plan Co-ordinator would be appointed to implement and monitor the Travel Plan. The Travel Plan Co-ordinator would also promote cycling, the use of electric vehicle charging, taxi and bus services and walking to the site. In addition to this, for staff, sustainable transport options would be promoted such as a car sharing and staff shower and changing facilities for those that cycle or run to work.

#### Conclusion

- 5.6.19 The ECC Highways 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), that the vehicle and cycle parking provision be provided prior to first use and an updated workplace travel plan along with a monitoring fee of £7,037.16, the fee can be secured through a s106 legal agreement. 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 and 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 site does not fall within in a high risk flood zone as it is located in Flood Zone 1, the lowest risk flood zone.
- 5.7.3 The application has been submitted with drainage details which shows that the surface water drainage arrangements would be provided through an attenuation tank that would be positioned in the centre of the car park with all gulleys on site draining to this location. Permeable block paving is proposed to the car parking spaces. The attenuation tank then pumps water into the rising main which then feeds into a system that connects the surface water drainage systems that have been created throughout areas of the North Heybridge Garden Suburb.
- 5.7.4 This has been assessed by the Lead Local Flood Authority (LLFA) (ECC SUDS team) who advise that there is no objection subject to the imposition of conditions for the development to be carried out in accordance with the Flood Risk Assessment (FRA) and its mitigation; ; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; details of maintenance arrangements; and the recording of yearly logs of maintenance carried out. On this basis, the proposal is acceptable in relation to flooding and drainage.
- 5.7.5 The application identifies that foul drainage would be connected to the main sewer.
- 5.7.6 The application includes a topographical survey of the site's existing ground levels and a plan showing the proposed finished ground and floor level. This shows an increase in ground levels by up to 0.9m in places but the increases are closest to the centre of the site and away from the boundaries which would maintain similar ground levels to the existing ground levels.

## **5.8 Ecology and Biodiversity**

- 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 hybrid planning consent (reference 15/00419/OUT). The development falls within the red line boundary of the hybrid 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. 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 hybrid 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.
- 5.8.6 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)

- 5.8.7 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.
- 5.8.8 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. The Place Services Ecology Advisor to the Council has identified that 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)

- 5.8.9 The hybrid 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 planning 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.
- 5.8.10 The application has been submitted with a Biodiversity Net Gain Report (Thompson Ecology Ltd, February 2025) and identifies that the site, post development, would result in a biodiversity net loss of habitat areas but a biodiversity gain of hedgerows. In order to claim biodiversity net gain off site compensation in the form of credits to achieve 10% net gain would be needed. A Biodiversity Gain Plan shall need to be submitted through a planning condition as identified by the Place Services Ecology Advisor to the Council. 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

- 5.8.11 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.
- 5.8.12 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.
- 5.8.13 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.

## **5.9 Viability and Planning Obligations**

- 5.9.1 Paragraph 58 of the NPPF sets out the three tests required for planning obligations (as set in regulation 122(2) of the Community Infrastructure Levy Regulations) with all three tests needing to be met:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

5.9.2 The previous application included the following reason of refusal:

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal fails to include adequate provision to secure the provision of the necessary contribution towards healthcare such that the impact of the development cannot be mitigated. The development would therefore be contrary to Policies S1 and I1 of the Local Development Plan 2017 and the National Planning Policy Framework.

5.9.3 Through the consideration of this application a financial contribution of £13,600 towards local healthcare provision is required by the NHS and a travel plan monitoring fee of £7,037.16. In light of paragraph 58 of the NPPF the proposal would give rise to increase demand on the local health service so the financial contribution towards local healthcare services are considered to meet the three tests. The applicant has confirmed that they are agreeable to the provision of this financial contribution which shall need to be secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The applicant has provided a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, which has been checked and agreed by the Council's Planning Solicitor.

## **5.10 Sustainability**

5.10.1 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.

5.10.2 For the economic objective, the proposal would create 50-60 jobs for the operational phase of the development as well as jobs for the construction phase of the development.

5.10.3 For the social objective, the development would help create a new community at this site. For both the social and economic objective the development would provide much needed care facilities for an aging population.

5.10.4 For the environmental objective, the proposed developments would deliver a high-quality designed development. Energy efficient measures are proposed through this application and would also be secured through the Building Regulations. The development would be built to surface water management measures to reduce flooding. As identified above the site is accessible by a range of transport modes.

5.10.5 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

## **5.11 Other Matters**

5.11.1 With regards to archaeology, Place Services Archaeology Advisor has stated that no further archaeological fieldwork is required as the development has been previously evaluated.

5.11.2 With regard to ground conditions, the applicant's Geotechnical Report identifies that the site has remained undeveloped and agricultural use from as early as 1874 so there are no known land contamination risks associated with this site.

## 6. **CONCLUSION**

- 6.1.1 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). It is considered that the proposal has addressed the 3 reasons of refusal from the previous application.
- 6.1.2 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 hybrid 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.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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.
- 6.1.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 6.1.7 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 Relevant planning history within the red outline and within close proximity.

Application No.	Description	Decision
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	Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019.

Application No.	Description	Decision
	<p>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>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>	<p>47 Planning conditions S106 agreement</p>
24/00911/VARM	<p>Variation of condition 20 on planning permission 15/00419/OUT approved on appeal (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>The proposed change to the condition would alter the trigger for the provision of that part of the relief road that lies between Langford Road and</p>	<p>Approved</p>

Application No.	Description	Decision
	Maypole Road to be fully completed from 'prior to the occupation of the 100th dwelling' to 'prior to the 26 September 2025'.	
24/00569/FUL	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.	Refused 12.12.2024

## 8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 8.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No response	Noted
Heybridge Parish Council	Recommend the granting of planning permission subject to there being sufficient parking allocated for staff and visitors. That there is sufficient access for emergency vehicles and deliveries. The application must offer mobility scooter access. Ask that the evidence be provided that this application complies with parking standards	See section 5.4 of the report
Langford and Ulting Parish Council	No response	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No objection	Noted
Environment Agency	No response	Noted
Essex County Fire and Rescue Service	No objection as access is satisfactory and other requirements regarding fire safety are covered under the Building Regulations.	Noted and See section 5.4 of the report regarding access
Essex County Council Adult Social Care	No response	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions for a Construction Management Plan, dropped kerbs and tactile paving to be provided at access junction, vehicle parking to be implemented, Cycle parking to be provided, and an updated workplace travel plan along with a monitoring fee of £7,037.16	See section 5.4 of the report
Essex County Council SUDS team	No objection subject to conditions requiring the development to be carried out in accordance with the FRA and its mitigation, measures to minimize off site flooding, details of maintenance arrangements and a record to be kept of yearly logs of the maintenance carried out	See section 5.6 of the report
Essex Police	No objection	Noted
Natural England	No objection	Noted
NHS England	No objection subject to a financial contribution of £13,600 towards healthcare provision	See section 5.8 of the report
Place Services – Archaeology	No further archaeological fieldwork is required as the development has been previously evaluated	Noted
Place Services - Ecology	No objection subject to securing biodiversity mitigation and enhancement measures through conditions for a Construction Environmental Management Plan, actions required in accordance with ecological appraisal recommendations, the agreement of a biodiversity enhancement strategy, wildlife sensitive lighting design and a	See section 5.7 of the report



<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	Biodiversity Net Gain condition	
Place Services – Tree Consultant	No objection subject to conditions regarding landscaping and aftercare maintenance of landscaping	See section 5.4 of the report

### 8.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection	Noted
Housing	Residential nursing/care home would be a C2 use so not counted as housing provision but would advise they seek the view of social care and CCG regarding the impact this may have	Noted
Place Officer	No objection as the proposal would successfully integrate visually and socially with the local centre and surrounding residential parcels, bus stops and general access and movement to landscaped/open space areas	See section 5.2 of the report
Waste Management	No response	Noted

### 8.4 Representations received from Interested Parties (*summarised*)

8.4.1 No written representations have been received.

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

### **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

#### **Highways:**

A financial contribution of £7,037.16 for monitoring of an updated workplace travel plan.

#### **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.

The applicant has provided a Unilateral Undertaking, which is a s106 legal agreement for these payments which has been checked and agreed by the Council's Planning Solicitor.

## **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) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents:
  1. Location Plan Cm9 4dt - A-01.B
  2. Topographical Survey Cm9 4dt - A-02
  3. Site Plan Cm9 4dt - A-03
  4. Floor Plans Cm9 4dt - A-04
  5. Elevations Cm9 4dt - A-05
  6. 3d Visual Cm9 4dt – A-06
  7. 3d Visual Cm9 4dt – A-06-1
  8. 3d Visual Cm9 4dt – A-06-2
  9. Cycle Store Details Sdl-034
  10. Bin Store Details Sdl-033
  11. Meter House & Garden Store Sdl-090b
  12. Landscape Masterplan 24\_310\_101.B
  13. Drainage Strategy Chhm-Bsp-Zz-Zz-D-C-240-P06
  14. Pv Battery Housing Pv-01a
  15. Substation Details Ss01
  16. External Lighting Scheme E104a
  17. Proposed Levels Plan - Cm9 4dt - I-14-D-
  18. Proposed Site Sections - Cm9 4dt - A-07REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 The development hereby permitted shall be constructed in accordance with the finished ground and floor levels as specified on the Proposed Levels Plan - Cm9 4dt - I-14-D- and the Proposed Site Sections - Cm9 4dt - A-07.  
REASON: In order to safeguard the amenities of nearby neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017.
- 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 or 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
- Construction vehicle routing
- 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
- Identification of biodiversity protection zones
- The location of timing of sensitive works to avoid harm to biodiversity features
- The times of construction when an ecologist needs to be present on site
- 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, ecology and neighbouring amenity in accordance with Policies S1, D1, D4, N1, N2, T1 and T2 of the approved Maldon District Local Development Plan

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 0.5l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.

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. 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, January 2025).

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 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;
- h) locations, orientation, and heights of proposed enhancement measures;
- i) A timetable for implementation; and
- i) details of persons responsible for the 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 use or occupation of the development shall occur until the hard and soft landscape works as detailed in Landscape Masterplan 24\_310\_101.B have been 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

- 21 The trees and hedges identified for retention in the Arboricultural Survey Report and Arboricultural Impact Assessment (AIA) shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with



policy D1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

- 22 Notwithstanding the Travel Plan provided with this application, no use or occupation of the development shall occur until an updated workplace Travel Plan has been submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the building hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use / occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

REASON: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with policy S1 and T1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

## **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.