



**REPORT of
CHIEF EXECUTIVE**

**to
COUNCIL (EXTRAORDINARY)
18 MAY 2017**

Application Number	RES/MAL/17/00126
Location	Land South Of Marsh Road Burnham-On-Crouch Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00108 (Outline planning application for the provision of up to 75 dwellings, provision of public open space, a pavilion building, a new vehicular access from Pippins Road and a temporary haul road access from Marsh Road.)
Applicant	Matthew Homes Ltd.
Agent	Mr Matthew Driver - Thrive Architects
Target Decision Date	22/05/17 (as by agreement)
Case Officer	Mark Woodger, TEL: 01621 875851
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 9 of this report).

2. SITE MAP

Please see overleaf.

Land South Of Marsh Road - Bunrham On Crouch
RES/MAL/17/00126



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Maldon District Council 100018588 2014

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Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Committee 17/00126
Date:	11/05/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 As set out below this application proposes reserved matters for the appearance, landscaping, layout and scale following the granting of outline planning permission for application OUT/MAL/14/00108, granted on appeal for the provision of 75 dwellings, provision of a public open space, provision of public open space on land to the east of Pippins Road, Burnham-on-Crouch.
- 3.1.2 Approval was granted following a Public Inquiry held between 4 - 6 November 2015. The development was approved in outline with all matters reserved apart from access which is proposed off Pippins lane. Access for construction vehicles was permitted via Marsh Road to the north via an internal haul road; this is to be removed on the completion of the site.
- 3.1.3 Whilst the Inspector found that the Council had a five year housing land supply, significant weight was attached to the contribution to housing this site would have given, bearing in mind that the site was considered a sustainable location and its visual impact was not considered sufficient to warrant the refusal of planning permission.
- 3.1.4 The Inspector said:
- "I conclude that the scheme represents sustainable development. Given the development plan context, and in line with the Framework, permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits. In this case the limited harm that I have identified is clearly outweighed by the development's benefits, in particular its contribution to the delivery of market and affordable housing in a sustainable location."*
- 3.1.5 At the outset it is important to state that the principle of development here has been approved by the Planning Inspectorate at appeal. Whilst the Council could, and indeed can, demonstrate a five year housing land supply this did not count against the scheme. The Inspector indicated that additional oversupply at a site which he considered was sustainable in an economic, social and environmental context, was acceptable and in accordance with Paragraph 7 of the National Planning Policy Framework (NPPF). In granting permission, the Inspector considered additional matters such as design and the impact of the development on the character of the area.

3.2 Conclusion

- 3.2.1 The outline application was approved with all matters save for access reserved for later application. Therefore, this submission seeks permission for the appearance on the site, landscaping, layout and scale.
- 3.2.2 Conditions were attached to the outline approval which have been complied with in part. Any additional conditions which are considered to be necessary are added at the end of this report.

- 3.2.3 It is important to note that despite Members' previous objection to the scheme, in principle outline permission for this development exists, therefore all Members are asked to consider are the detailed matters as set out above.
- 3.2.4 It is necessary to report this matter to the Council as the recommendation is contrary to the views as expressed by Burnham Town Council in consultation. These are set out and commented on in the report. The application was submitted following a formal pre application meeting with the Council which took place on the 21 September 2016 and has the case reference PreApp/MAL/16/03132.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Decision Taking
- Annex 1 – Implementation

4.2 Maldon District Replacement Local Plan 2005 (RLP) – Saved Policies:

- S1 - Development Boundaries and New Development.
- S2 - Development Outside Development Boundaries.
- CON5 – Pollution Prevention.
- CC5 – Protection of Wildlife on Development Sites.
- CC6 - Landscape Protection.
- H1 – Location of New Housing.
- H9 – Affordable Housing.
- BE1 – Design of New Development.
- BE3 – Public and private amenity spaces.
- BE18 – Control of Development at a Site of Local Archaeological Value.
- REC3 – Children's Play Space associated with new housing developments and elsewhere in the district.
- T1 – Sustainable Transport and Location of New Development.
- T2 – Transport Infrastructure in New Developments.
- T8 - Vehicle Parking Standards.

- PU1 – Provision of Education Facilities.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- 4.3.1 The Maldon District Local Development Plan (LDP) was submitted to the Secretary of State for Examination-in-Public on 25 April 2014. At the initial Inquiry into the Maldon District Local Development Plan (the Plan) it was considered unsound as the then Inspector considered the then policy as it applied to Gypsy and Traveler provision was insufficient.
- 4.3.2 The LDP was then called in for consideration by the Secretary of State, with him communicating to the Council that the Plan in general was not unsound, scheduling a re-convened Hearing into the Plan in January 2017. The Council augmented its previous submitted appeal documents as requested by the Inspector and provided evidence on matters not covered by the original hearing, these being employment, retail, tourism, housing growth, provision of travellers, transport, the natural environment, design and climate change.
- 4.3.3 The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.
- 4.3.4 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.
- 4.3.5 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focused consultation and no new matters previously not examined, or matters already examined, will be considered by the Inspector.
- 4.3.6 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.
- 4.3.7 The following policies are considered relevant to this application:
 1. S1 – Sustainable Development.
 2. S2 – Strategic Growth.
 3. S3 – Place Shaping
 4. S5 – Settlement Hierarchy and Boundaries.
 5. S6 – Burnham-on-Crouch Strategic Growth.

6. S8 – Settlement Boundaries and the Countryside.
7. D1 – Design and Quality and Built Environment.
8. D2 – Climate Change and Environmental Impact of New Development.
9. D3 – Conservation and Heritage Assets.
10. D4 - Renewable and Low Carbon Energy Generation.
11. D5 - Flood Risk and Coastal Management.
12. H1 – Affordable Housing.
13. H2 - Housing Mix.
14. H4 – Effective Use of Land.
15. N1 - Green Infrastructure Network.
16. N2 - Natural Environment and Biodiversity.
17. N3 – Open Space, Sport and Leisure.
18. T1 – Sustainable Transport.
19. T2 – Accessibility.
20. I1 – Infrastructure and Services.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site measures 5.10 ha / 12.6 acres. It lies immediately outside, but abutting the development boundary for Burnham-on-Crouch, on open, slightly sloping arable land. The site is bounded by housing on Pippins Road and Russet Way to the west, designated allotment gardens to the south, and agricultural land to the north and east.
- 5.1.2 The site is currently in use as an agricultural field and contains hedgerow and tree planting along its boundaries. It is gently undulating, and a series of allotments exists beyond the southern boundary separated from the site by a chain linked fence.
- 5.1.3 In the original iteration of the Maldon District Local Plan, the site was shown allocated as a “reserved site” for housing. The Plan went through a number of modifications and refinements before original examination in 2014 when the site was not shown as a “reserved” site.
- 5.1.4 Access for construction vehicles is proposed via Marsh Road. On completion of the works future vehicular traffic for the development will be via Pippins Road to the south west of the site.
- 5.1.5 This application seeks reserved matters approval for those matters not submitted with the original outline application, namely detailed layout, appearance, scale and landscaping for a total of 75 individual dwellings. Of the total units 30% will be affordable dwellings, which is to say 23 dwellings in a social rented tenure.

- 5.1.6 The site is set in landscaped grounds indicated as both Public Open Space (POS) and Informal Play Space.
- 5.1.7 The dwellings are proposed to back onto the existing dwellings in Pippins Road, and throughout the site are set in blocks so all dwellings face either onto the road network or out over the open space and the countryside beyond. Landscaping is proposed to further green what is already a loose and fluid form of development. The used open space effectively breaks up the blocks of buildings, bringing the open space into the development. The street scenes as proposed cut down on through-traffic and use private drives where appropriate. This development has been conceived with the assistance of the Council's Urban Design Officer.
- 5.1.8 All dwellings are either detached or semi-detached. No flats are proposed. All buildings will be a maximum of two storeys in height. No rooms in the roof spaces are proposed.
- 5.1.9 The dwelling mix will be as follows: 29 x two bedroomed units, 13 x three bedroomed units, and 33 x four bedroom units. 23 of the two bed units will be for affordable housing, 6 of these will be lifetime homes, 11 will be affordable / social rent, and the remaining 6 will be in shared ownership.
- 5.1.10 The vast majority of houses will have garages, available private amenity space and on-plot parking.
- 5.1.11 The dwellings have been designed to be red brick with tiled roofs, and detailing in the form of rendering and weatherboarding will be used on certain elevations.

5.2 Layout and Impact on the Character of the Area

- 5.2.1 The access to the site is set at the southern end of Pippins Road, this being approved at outline stage at appeal, and is at the edge of the urban settlement in a rural field. Therefore the site needs to both coalesce with its neighbouring surroundings as far as existing residential dwellings are concerned, and open land to the east, south and north, the onus being to create a softer edge to the development along these edges.
- 5.2.2 To seek to develop a design context the applicants entered into a pre-application discussion with the Council and Members were present at the subsequent design meeting on the 21 September 2016. As a result of expressed concerns, and being mindful of the recommendations of the Council's Urban Design Officer, the layout of the development has changed as a result.
- 5.2.3 The layout is in linear form similar to the surrounding pattern of development. On the western side of the development houses back onto existing houses, in the centre of the site the development is in rectangular form with all houses facing onto the road, whilst in the east the development layout is softened with private drives accessing dwellings overlooking open space which surrounds the built form.
- 5.2.4 Although houses will back onto the existing dwellings in Pippins Lane they will be over the required 25 metres back to back distance and will not result in additional overlooking / overbearing of the existing dwellings whose outlook will, as a result of the development approved at outline, be affected.

- 5.2.5 The layout is simple, fluid and complements the edge of the built form. It is not considered that the layout will be to the detriment of the character of the area.
- 5.2.6 In terms of density the site equates to 13 units per hectare, appropriate to the edge of rural location. This also allows for an extensive area of open space within the layout, including provision for the same within the central area. All open space and play space will be overlooked by dwellings increasing the security of the scheme. It will be possible to differentiate between public and private open space and follow the “secure by design” principles.
- 5.2.7 The access to Pippins Lane includes cycle and footpath access to the main area of Burnham-on-Crouch.
- 5.2.8 30% of the dwellings as proposed represent affordable housing, in accordance with the Section 106 (S106) agreement as attached to the outline permission and in accordance with a mix of size and tenure which is considered acceptable by the Strategic Housing Manager.

5.3 Appearance and Scale

- 5.3.1 Adjacent to the application site are a variety of buildings with a variety of styles and materials. What is key however is that predominantly the buildings are at a maximum of two storey, constructed of brick with coloured roof tiles.
- 5.3.2 Where the proposed street scene turns a corner, double frontage buildings are proposed to complement and provide overlooking of the street scene.
- 5.3.3 The development includes houses only, and no flats. All the development is in the form of detached, semi-detached and some terraced housing. All houses will have dedicated parking for each house in accordance with the Council’s currently adopted standards. Limited areas of parking courts are used for the terraced dwellings but these will be visually broken up and overlooked. No rear parking courts are proposed.
- 5.3.4 All dwellings are traditional in form, materials will be the subject of a separate reserved matters application but are shown typically of brick and tiles. The use of weatherboarding and render will create variety and break up the street elevations. It is intended that the visual style of the buildings will complement the character of the local area. Chimneys will also be a feature.

5.4 Landscaping

- 5.4.1 Dwellings are well positioned on the layout enabling the provision of front gardens in many cases and tree planting within the verges which gives an open green layout. The detailed landscaping plan has been designed to use native planting to create an attractive place for people to live, with the concept of providing a visually attractive development which will also enhance biodiversity and the ecological value of the site. Strategic planting will provide visual enhancement and form the public spaces of the development.
- 5.4.2 Matters relating to a sustainable urban drainage scheme, a construction method statement, traffic improvements, ecological method statement, street lighting and

archaeological works are controlled by condition on the outline application which was approved at appeal.

6. ANY RELEVANT SITE HISTORY

- OUT/MAL/14/00108 Up to 75 dwellings, provision of public open space, new vehicular access from Pippins Road and a temporary haul road access from Marsh Road. REFUSED. Allowed on appeal 07 December 2015.
- 16/05223/DET Compliance with condition 8 (details of the vehicular and pedestrian access. Approved 16 January 2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	OBJECT to the development as submitted as all the affordable housing will be built in observation of the site contrary to Policy H2 of the emerging Local Development Plan. There are no one bedroomed properties available contrary to Policy H8 in the emerging Local Development Plan.	On development proposal of this size affordable housing providers have to manage their housing stock in the most efficient way, for the purposes of good efficient management; it is not considered appropriate to pepper pot affordable housing in such a small development. As far as affordable housing mix is concerned this has been discussed with the Strategic Housing Manager who has confirmed that two bedroomed affordable dwellings are in demand in Burnham-on-Crouch and the provision of the same will free up existing one bedroomed stock in the Burnham-on-Crouch area.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	No objection.	
Essex County Fire and Rescue	Raise no objection to the plans as amended and adequate access is available for fire appliances within the scheme.	Noted.
Highways Authority	No response received at time of writing the report.	Comments received will be reported by way of Members' Update. However access has already been agreed at outline stage and this remains unchanged.
NHS Property Services	No response received at time of writing the report.	Comments received will be reported by way of Members' Update.
Essex County Council (ECC) Education	No response received at time of writing the report.	Comments received will be reported by way of Members' Update.
Environment Agency	No response received at time of writing the report.	Comments received will be reported by way of Members' Update.
Anglian Water	No response received at time of writing the report.	Comments received will be reported by way of Members' Update.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	No objection as per the response to the Town Council. The provision of one bedroom affordable housing units are not seen as being necessary in this edge of settlement location due to the expressed need.	Noted.
Tree Officer	The additional details as submitted by way of the application are considered acceptable.	Noted.
Urban Design Officer	No Objection.	In conclusion raise no objection to the application providing certain planning conditions are imposed.

Name of Internal Consultee	Comment	Officer Response
Leisure and Liveability	No response received at time of writing the report.	Comments received will be reported by way of Members' Update.

7.4 Representations received from Interested Parties (*summarised*)

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

- Mrs Susan Littlejohn 22 Russet Way Burnham-On-Crouch Essex
- Rod Eastham 9 Russet Way Burnham-On-Crouch Essex
- Ted Cannings 38 Pippins Road Burnham-On-Crouch Essex
- Mrs Zoe Bridges 2 D'Arcy Close Burnham-On-Crouch Essex
- Mrs Sally George 8 Ember Way Burnham-On-Crouch Essex
- Mr Keith Atkinson 29A Pippins Road Burnham-On-Crouch Essex

Objection Comment	Officer Response
Principle	
The application fails to take into consideration sufficiently the NPPF regarding appearance, landscaping, layout and scale.	Appearance, landscaping, layout and scale have been considered by the Council's Urban Design Officer in accordance with the principles set out in the NPPF and the development is considered to connect and integrate with the surrounding area and is sympathetic to the design principles in relation to existing dwellings. See sections 5.2, 5.3 & 5.4 of the report.
Design	
The first two houses on the left as you enter the new estate should be in line with the existing houses no's 29, 30 & 31.	Due to the distance between the existing and proposed properties the alignment is not considered to result in an unacceptable layout and provides rear garden areas that are consistent with dwellings on the site.
Concerns in relation to emergency access to the new estate through Pippins – this should be via Marsh Road.	In consultation Essex Fire and Rescue consider the development acceptable and fire access will be available for all dwellings in the case of emergency.
Are there any pavements for the pedestrians?	The layout shows pavements and private drives .
Nowhere in Burnham are dwellings built of this outlandish Red Brick (the predominant material) - construction of adjacent dwellings is predominantly buff brick, tile and weatherboarding.	A condition will be imposed for materials to be submitted for approval. See consultation response from the Urban Design Officer.

Objection Comment	Officer Response
Rendered finish has been the trend over the past 20 years.	Noted, render is proposed within the site.
Reference to Section 7 paragraphs 56, 60, 63, 64 in relation to “Requiring Good Design”.	Noted.
No provision for bungalows. This is a missed opportunity.	The housing mix consists of 2, 3 & 4 bed units and 6 of the affordable units will be built to Lifetime Homes standards.
Bungalows would reflect the style of some of the surrounding dwellings.	The development is considered to connect and integrate with the surrounding area and is sympathetic to the design principles in relation to existing dwellings. See sections 5.2, 5.3 & 5.4 of the report.
Highways	
Object if developers route traffic through the Pippins Estate to Alexander Road and Devonshire Road. No objection if they use Marsh Road.	Condition 6 of OUT/MAL/14/00108 requires a Construction Management Plan to be submitted to and approved in writing by the Council detailing the proposed haul road from its access point on Marsh Road.
Difficulty accessing the site through the Pippins Estate.	Access details have been approved by way of DET/MAL/16/05223 and re-examination of the principle of this is not a material consideration.
Will cause problems on surrounding roads.	Consultation response to OUT/MAL/14/00108 from Essex County Highways (dated 2.6.2014) states “the applicant submitted a comprehensive and robust Transport Assessment which demonstrates that the development will not have a detrimental impact upon the local highway network in the vicinity of the site and furthermore does not have a significant impact upon the wider highway network”.
The public consultation event showed a new crossing would be put in at the junction of Alexandra Road and Station Road and there would be passing bays in Alexandra Road.	Consultation response to OUT/MAL/14/00108 from Essex County Highways (dated 2.6.2014) advises “that the signal junction scheme would not be something ECC could support on safety and implementation grounds. A contribution towards future improvements at the junction to cover the development’s impact” is set down in the s106 agreement attached to the Outline application.

Objection Comment	Officer Response
There should be more car parking for the commuters that will be created from the development – should consider taking over the Railway car park	This is not a matter that can be addressed through this application.
Access to the site via a temporary haul road from Marsh Road is a clear endorsement and reflection of how inaccessible the site is from Pippins Road.	Access details have been approved by way of DET/MAL/16/05223 and the resulting reserved matters application.
Doctors Surgery	
The development will put further strain on the doctors which is already in special measures.	Discussions are ongoing in relation to the provision of a Health Centre at the Theadhams site OUT/MAL/14/00613 granted on appeal 1.8.2016.
Schools	
The development will put further strain on school places.	The report for OUT/MAL/14/00613 was presented to South West Area Planning Committee on 11.08.2014. Section 5 of the report (“Consultation Replies”) outlines the response from the Education Authority. A S106 contribution is required to mitigate its impact on primary education provision and early years and childcare provision.
Electricity Sub-station & pumping station	
The proposed positioning of the electricity sub-station and pumping station are too close to existing homes, proposed homes and children’s play area as they will be affected by the hum and possible pollution.	The use of such stations in housing development is commonplace and does not give rise to complaints.
The sub-station and pumping station should be at the back of the site near to the wind farm.	There is no justification to ask for this.
Archaeology	
Reference to comment from Conservation Officer on the original application OUT/MAL/14/00108 where a full condition was imposed but no archaeological fieldwork has taken place.	Condition 11 of Appeal Decision APP/X1545/W/15/3003529 dated 7 December 2016 states that “No groundworks shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority”.

Objection Comment	Officer Response
Other concerns	
A search for asbestos should be carried out [as] this has been found in gardens of nearby properties.	Environmental Health raised no objections to the application at outline where this would have been a material consideration.

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.
- 3 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers, including knee high rails around the road boundaries of the public open spaces, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure the external appearance of the development is appropriate to the locality, and to safeguard the amenities of adjacent residential occupiers, in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.
- 4 Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works as shown on the approved plan(s) drawing number(s) as may be agreed and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at 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 policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework., and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

- 5 No development shall commence until a landscape management plan, including long term design objectives (five year period), phasing, and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details as approved.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework., and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

- 6 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within three months following the first use / occupation of the development hereby permitted and retained and maintained as such thereafter.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.

- 7 The trees and hedges identified for retention on the approved plans and accompanying arboricultural reports which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by which accord with British standard 5837:2012 (trees in relation to construction). 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 protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1 and

CC6 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework. and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

- 8 The open space and informal play area as shown on the approved drawings shall be laid out and landscaped in accordance with condition 4. The open space shall be available for use prior to the first occupation / connection of utility services, whichever is the sooner of the 30th dwelling / development and shall be permanently retained for such amenity purposes thereafter.
REASON: To ensure that adequate public open space is provided within the development in accordance with policies BE1 and REC3 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policies D1 and N3 of the Maldon District Submission Local Development Plan.
- 9 Layout details of the proposed finished surfaces of the footpaths through the development site and through the approved areas of open space shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwellings intended to take access therefrom or within any such extended period that may otherwise be agreed in writing by the Local Planning Authority.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.
- 10 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
REASON: To prevent environmental and amenity problems arising from flooding in accordance with Maldon District Replacement Local Plan Policy CON5, the guidance and provisions of the National Planning Policy Framework and submitted Maldon District Submission Local Development Local Plan Policy D2.
- 11 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.
REASON: In the interests of highway safety, efficiency and accessibility in accordance with. Maldon District Replacement Local Plan, the NPPF, and policy T1 of the submitted LDP - the guidance and provisions of the National Planning Policy Framework, and policy T2 of the submitted Maldon District Submission Local Development Local Plan.

- 12 Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
REASON: In the interests of highway safety, efficiency and accessibility in accordance with. Maldon District Replacement Local Plan, the NPPF, and policy T1 of the submitted LDP - the guidance and provisions of the National Planning Policy Framework, and policy T2 of the submitted Maldon District Submission Local Development Local Plan.
- 13 No development shall commence until the details of a residential travel information pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved residential travel information pack shall be provided to residents on first occupation of each dwelling.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Maldon District Replacement Local Plan, the NPPF, and policy T1 of the submitted LDP. the guidance and provisions of the National Planning Policy Framework, and policy T2 of the submitted Maldon District Submission Local Development Local Plan.
- 14 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the council's adopted car parking standards. Prior to the occupation of any dwelling the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: : In the interests of highway safety, efficiency and accessibility in accordance with. Maldon District Replacement Local Plan, the NPPF, and policy T1 of the submitted LDP - the guidance and provisions of the National Planning Policy Framework, and policy T2 of the submitted Maldon District Submission Local Development Local Plan.
- 15 No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, 1st March to 31st August, unless otherwise agreed by a variation of condition application by the Local Planning Authority.
REASON: In order to ensure that the site is managed to protect the habitat of breeding birds in compliance with policy CC5 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policy N2 of the Maldon District Pre-Submission Local Development Plan.
- 16 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in

accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter

REASON: To ensure that adequate public open space is provided within the development in accordance with policies BE1 and REC3 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policies D1 and N3 of the Maldon District Submission Local Development Plan.

- 17 Notwithstanding the details submitted by way of this reserved matters application no development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, 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 policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework., and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan