

Appeal Decision

Hearing held on 30 June 2020

Accompanied site visit carried out on 14 July 2020

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/X1545/W/19/3243280

Maldon Wycke, Spital Road, Maldon, Essex CM9 6SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Crook of Lancet Property Limited against the decision of Maldon District Council.
 - The application, No FUL/MAL/19/00786, dated 7 July 2019, was refused by a notice dated 20 September 2019.
 - The development proposed is three detached dwellings.
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Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for three dwellings at Maldon Wycke, Spital Road, Maldon, Essex, in accordance with the terms of the application, No FUL/MAL/19/00786, dated 7 July 2019 and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Background and Procedural Matters

2. Two previous applications, one for three detached dwellings and one for two detached dwellings, were refused by the Council and were subsequently dismissed at appeal.¹ The main issues in both cases related to living conditions for future occupiers in terms of noise, effect on the character and appearance of the area and effect on Maldon Wycke, a grade II listed building.
3. In relation to both schemes, the Inspector concluded that the development would sit comfortably within the site with no harm to the character and appearance of the area, that there would be no harm to the setting and significance of the grade II listed farmhouse, Maldon Wycke, immediately to the north of the appeal site, and that the site provided a suitable location for development in terms of access to services and facilities notwithstanding that it lay outwith the settlement boundary. She did, however, find that absent any proposals to mitigate noise from the adjacent road to an acceptable level, she could not be sure that future occupiers would be provided with satisfactory living conditions. In the overall planning balance, that harm was sufficient to lead to dismissal of the appeals.
4. The scheme the subject of this current appeal largely reflects the earlier three dwelling scheme. The main difference relates to the inclusion of two acoustic screens within the site. The application was refused for reasons relating to continuing concerns about the living conditions for future occupiers in terms of

¹ APP/X1545/W/18/3212041 and APP/X1545/W/18/3211510 Both dismissed 9 April 2019

- noise from the main road, and in relation to the effect of the acoustic screening on the character and appearance of the area.
5. To address the outstanding concerns in relation to noise, an amended plan was submitted with the appeal, showing minor revisions to the internal layout of the first floor of the dwelling on plot 1 with associated alterations to the fenestration, together with an updated noise impact assessment. At the Hearing, the Council confirmed, having regard to the Wheatcroft principle,² that neither the additional information nor the minor revisions have any material implications for others who may have an interest in the outcome of the appeal. I have no reason to come to a different view. The Council also accepted that the alterations overcame its concerns in this regard and, as a consequence, it did not pursue that aspect of the reason for refusal. I have determined the appeal on that basis.
 6. There is a slight discrepancy in the detailing shown between drawing Nos 1918|03 and 1918|04. It was agreed that drawing No 1918|04 is to be preferred.
 7. The appeal was accompanied by a completed planning obligation, executed as a Deed in the form of a unilateral undertaking pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended). It secures the submission of an Amenity Areas Specification and a Management Plan, the Amenity Areas comprising the land between the southern site boundary and the innermost of the proposed acoustic screens.
 8. Although the officer's report indicated that Natural England had no objection to the proposal subject to standing advice, the representation actually sets out that the appeal site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). I asked the parties for their views on this. The appellant's response³ included a second planning obligation in the form of a further unilateral undertaking securing a contribution towards mitigation measures.

Main Issue

9. As agreed, the main issue relates to the effect of the proposed acoustic mitigation screens on the character and appearance of the surrounding area.

Reasons for the Decision

10. The appeal site lies on the northern side of Spital Road (A414) adjacent to but outwith the settlement boundary for Maldon as defined by the Maldon District Local Development Plan (2017). The dwellings proposed would be set a considerable distance back from the boundary with the road, behind a substantial belt of trees and vegetation. As a consequence, and as noted by my Inspector colleague, the development would be largely hidden from view. She also found that in spatial terms, the location of built form would be seen in the context of the existing pattern of development at the edge of the settlement and would not appear out of place. In light of those findings, the Council accepted that the principle of the development now proposed was acceptable here. The design and siting of the proposed dwellings is virtually

² Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

³ Listed as Documents 1-5 below

identical to that of the previous appeal and there has been no material change in terms of the physical setting of the site. I have no reason therefore, to come to a different view in these regards.

11. In order to secure an acceptable noise environment for future occupiers, the development now includes two acoustic screens. The one nearest the road would be some 2.5 metres in height, with the 'inner' screen having a height of 1.8 metres for the most part, but with a short section of 2.5 metres in height along part of the garden enclosure to plot 1, as shown on drawing No 1918|04.
12. The inner screen would comprise brick walling, a material the Council confirmed as being acceptable. It was also confirmed that the previous scheme for three dwellings included a 1.8 metre high brick wall on the same alignment, with the previous Inspector taking no issue in terms of any impact of the wall on the character and appearance of the area. Whilst a short section is now increased to 2.5 metres in height, that would not be out of context in terms of the courtyard style layout of the development proposed and would not be seen from any public vantage point, or indeed from any residential property other than within plot 1 itself. I find no material harm in this regard.
13. The taller, outer screen would weave through the existing vegetated belt across the front of the site and in places, would come close to the back of the footway on Spital Road, particularly along that length between the bus layby and the access drive to Maldon Wycke. Whilst the structure would be screened by existing vegetation during the summer months, during winter months, when there would be less foliage, a structure of the height and length proposed could be more apparent, seen in stark contrast to its verdant setting.
14. In seeking to address the Council's concerns about the appearance of the outer screen, the appellant produced details of a planted living screen (as opposed to a close boarded fence and/or brick wall) as referenced in the Plater|Claiborne report titled '*Acoustic screening at Spital Road, Maldon*' dated May 2020 (Ref 1822).⁴ That arrangement was discussed in some detail at the Hearing. In my view, were the screen to be of such construction that would, in combination with the existing planting, sufficiently mitigate its visual impact whilst still providing the necessary acoustic mitigation and there would be no material harm to the character and appearance of the area. That is a matter that could be secured by condition were the appeal to succeed.
15. The Council was concerned that the enclosure of what would, in effect be a 'corridor' between the two acoustic screens would be uncharacteristic of the area. Be that as it may, that area would not be seen or experienced by others beyond the site and I find no harm in this regard.
16. The Council was also concerned to control maintenance of the space within the 'corridor', fearing that it could become unkept and untidy. It was confirmed for the appellant that the area would provide additional enclosed garden space for the occupiers of plots 1 and 2, which would be accessible from the respective rear gardens via gates/doors within the inner wall. Exactly how that space would be used would be a matter for future occupiers. In my view, other than the need to retain the existing trees within that space, which do make a contribution to the character and appearance of the area in views from outside

⁴ Letter (and attachments) from Holmes and Hills LLP dated 16 June 2020.

the site, I do not see a need to control the planning or ongoing maintenance of that space in the interest of visual amenity.

17. Further concerns were raised about the ability to secure the planting belt across the front of the site in perpetuity. However, it was agreed at the Hearing that those concerns could be addressed by either a landscaping condition or the submitted planning obligation, both matters that I return to later. Suffice it to confirm at this point that, subject to retention of the existing vegetation belt and the use of a living planted acoustic screen on the alignment shown on the plans for the taller of the two acoustic screens, I find that there would be no harm to the character or appearance of the area as a consequence of the development proposed. There would be no conflict therefore, with policy D1 of the Local Development Plan which seeks, among other things, to ensure that development is visually attractive, respecting and enhancing the character and local context.

Planning Obligations

18. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the national Planning Policy Framework (the Framework) set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development proposed.

Amenity Areas

19. The first of the submitted planning obligations secures the submission of an Amenity Areas Specification and a Management Plan for the land between the southern (roadside) boundary and the innermost of the two acoustic screens proposed.
20. As worded, if the Council fails to give notice of approval or rejection of any submitted scheme within a period of eight weeks, the obligation sets out that the scheme would be deemed to be approved, with nothing in the obligation that allows for an extension of that period even by mutual agreement. The Council was concerned that the eight week period for consideration of submitted details could be insufficient. To my mind however, having regard to the size of the of the area concerned, eight weeks is not an unreasonable period within which to consider any scheme. If the Council was unhappy with the details, it would be within its gift to reject the scheme, with a new eight week period commencing as and when a further scheme was submitted for consideration. Whilst that approach may not be as positive as might be preferred, it was agreed that it provided control and did not invalidate the obligation.
21. However, as set out earlier, I am not persuaded that there is a need to control planting/landscaping within the corridor between the two screens, which would form an adjunct to the rear gardens to two of the plots. Not only would it be inappropriate to seek to control planting within private gardens, but even if the area did become neglected and overgrown, there would be no harm to the character and appearance of the area generally, since it would be hidden behind the well vegetated belt across the site frontage, behind the taller outer screen. To the extent that the obligation includes this area, it goes beyond what is necessary to make the development acceptable in planning terms.

Accordingly, that aspect of the obligation relating to the corridor between the two acoustic screens carries no positive weight in my overall decision.

22. I cannot amend the unilateral undertaking, nor can I impose a condition to vary it. That does not, however, invalidate the necessity of the obligation insofar as it relates to the land in front of the outer screen, given the need to protect the character and appearance of the area in this regard. That aspect of the obligation does meet the relevant tests in this case and is a material consideration.

European Protected Sites

23. On 16 August 2018, Natural England sent an interim advice letter to all Essex local authorities relating to its emerging strategic approach for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It set out revised interim advice to ensure that any residential planning applications coming forward ahead of the Essex Coast RAMS, which have the potential to impact on the interest features of ten Essex-based European designated sites, are compliant with the Conservation of Habitat and Species Regulations 2017 (the Habitats Regulations).
24. Article 6 of the Habitats Directive,⁵ which has been transposed into UK law through the Habitats Regulations, requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (myself in this instance) is required to make an Appropriate Assessment of the implications of that development on the integrity of the European site in view of the site's conservation objectives.
25. I am assisted in carrying out that Assessment by the documents referred to above. As established in the Strategic Approach to Mitigation set out in the Essex Coast RAMS⁶ and accompanying draft SPD,⁷ both of which are informed by Natural England, all new residential development within the Zones of Influence, when considered either alone or in combination with other plans and projects, is likely to result in increased recreational pressure, a pathway that could lead to significant adverse effects on the integrity of the Habitats (European) sites on the Essex Coast. The appeal site lies within the Zone of Influence for two European designated sites, namely the Blackwater Estuary SPA⁸ and Ramsar site, and the Dengie SPA and Ramsar site, both of which are designated for their role in supporting nationally and internationally important assemblages of birds, waders, waterfowl and wildfowl.
26. Natural England and relevant partner authorities, including Maldon, have adopted a strategic approach to mitigation of the likely significant effects, ensuring maximum effectiveness of conservation outcomes and cost efficiency. Ahead of the production of the Essex Coast RAMS, the partner authorities have taken an interim approach to delivering the requirements of the Habitats Regulations, allowing them to collect developer contributions towards the costed mitigation measures package detailed in the Essex Coast RAMS toolkit. Pursuant to that, Maldon District Council requires all applications for residential developments that fall within the Zone of Influence to execute a Unilateral

⁵ Habitats Directive 1992/43/EEC

⁶ DOC 5 below

⁷ Listed as DOC 4 below

⁸ Special Protection Area

Undertaking to pay £125.58 per dwelling from the start of this financial year ie from April 2020. This has been calculated as a per dwelling tariff which will cover the overall cost for the Essex RAMS mitigation package, estimated to cost around £9 million up to 2038.

27. The appellant's second planning obligation secures the required contribution to mitigate the impact of the development. This approach is in full accordance with the Essex Coast RAMS which is supported by Natural England. Based on the evidence before me, I am satisfied that the undertaking provided would enable the delivery of suitable mitigation that would address the level of harm likely to be caused by the development proposed. In this respect, the Undertaking is entirely compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Accordingly, subject to the necessary mitigation, I conclude that the development proposed would not adversely affect the integrity of the particular European sites and that the sum of £125.58 per dwelling is fairly and reasonably related in scale and kind to the development and so meets the relevant tests set out above.

Conclusion

28. There was disagreement at the time of the previous appeals as to whether the Council could demonstrate a five year housing supply. For the purposes of carrying out the planning balance at that time, the Inspector dealt with the housing land supply on a worst case scenario, namely that the Council could not demonstrate the required supply thus engaging the so-called tilted balance. At the current time however, the Council maintains, and it is not disputed, that it can demonstrate a five year housing land supply. There is no suggestion either that the policies most important for determining this appeal are otherwise out of date. That leaves the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
29. As recorded by the previous Inspector, the appeal site lies next to the A414, approximately 1 mile from the town centre of Maldon. Segregated footpaths and street lighting are provided along this section of the A414, with a crossing point in close proximity to the appeal site. Bus stops are within easy walking distance, as is a large supermarket, and Maldon itself. As such, the physical experience of this particular part of the main road is that it forms an artery of the settlement. I agree with the sentiments of my colleague in this regard. I also concur with her finding that, whilst there would be some conflict with Policies S1 and S8 of the Local Development Plan (on the basis that the site lies adjacent to, but outwith the settlement boundary, as defined by the development plan) the services and facilities required on an everyday basis by future occupiers would be readily accessible and they would not be dependent on the private car, with the proposal chiming with the aims of the Framework in this regard.
30. Like the previous Inspector, I find no material harm in terms of character and appearance, or in terms of any heritage impacts. As before, the development proposed, which is design-led, employs a range of materials and styles, creating an interesting and unique development which I consider to be a benefit of the scheme. However, since all development should be of high-quality design, that is a consideration that attracts only limited positive weight.
31. In terms of other benefits, the development would support construction jobs and associated supply businesses and there would be social and economic

benefits in terms of sustaining local services and facilities. Although the weight to be afforded to these benefits is tempered by the scale of development, they nevertheless carry modest weight in favour of the proposal. The ecological report that accompanied the application sets out that, subject to conditions, the recommended biodiversity enhancements will improve local wildlife and provide a net biodiversity gain. Again, given the scale of the development proposed, I can afford those benefits only modest weight.

33. Although the benefits I have identified are necessarily modest given the limited scale of the development scheme, they are benefits nonetheless. When added to the absence of any material harm, and being mindful that the Council takes no issue with the principle of development on the site notwithstanding its location outwith the settlement boundary, I am of the view that the combination of these other material considerations is sufficient, in this case, to warrant a decision other than in accordance with the development plan. I conclude therefore, that the appeal should succeed.

Conditions

32. Possible conditions were discussed in detail at the Hearing on a without prejudice basis, in the light of the related advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the attached Schedule reflect that discussion. Three of the conditions suggested were deleted by agreement on the basis that they did not meet the test of necessity (foul drainage, contamination, archaeological assessment⁹).
33. One of the suggested conditions related to the removal of permitted development rights in relation to Classes A, B, C, D, and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (essentially extensions, alterations to the roof and curtilage buildings). However, paragraph 53 of the Framework and the Planning Practice Guidance make it very clear that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity and should not be used unless there is clear justification to do so. The appeal scheme comprises substantial plots on a well screened site. Notwithstanding the relatively rural setting, there was nothing in the evidence before me to demonstrate that the exercise of permitted development rights would cause significant harm to the character of the area or to the amenities of occupiers of other dwellings in the vicinity. The suggested condition is not reasonable or necessary in this instance and I have not imposed it.
34. The condition numbers referred to in brackets below reflect those in the attached schedule. In addition to the standard condition on commencement of development (1), it is necessary to identify the plans to which the decision relates in order to provide certainty. (2)
35. Conditions 3-5 are necessarily worded as pre-commencement conditions, since the matters they cover could have implications for the construction process from the outset.
36. Given its location on the edge of the historic town, adjacent to Maldon Hall and related listed buildings, close to extensive archaeological remains in the form of

⁹ Suggested condition 10 required submission of an archaeological assessment. One had already been submitted with the application. A programme of archaeological site investigation is still required though.

- earthworks and presumed buried deposits, it is necessary to secure a programme of archaeological investigation pursuant to the provisions of policy D3 of the Local Development Plan. (3)
37. In order to minimise disruption during construction for local residents, and those travelling through the area, in the interests of highway safety and protection of the environment, condition (4) secures a Construction Management Plan. Conditions (5) relating to tree protection for the whole of the site is necessary in the interest of visual amenity. Control over external materials is necessary for the same reason. (6)
38. It was agreed at the Hearing that a planning condition could be used to control landscaping and planting for the whole of the appeal site. However, part of the site is covered by the first planning obligation. Whilst both the Framework and the Planning Practice Guidance prefer planning conditions over planning obligations where possible, a condition cannot override, supersede or revoke a completed planning obligation. A landscaping condition for the whole of the site would, in part therefore, duplicate the provisions of the planning obligation and thus would not meet the test of necessity. It is necessary however, to secure hard and soft landscaping details for that part of the site behind the inner acoustic screen (outwith the private rear garden areas) in the interest of visual amenity. (7) Condition (8) secures details of all boundary treatments, including the use of a living wall for the outer acoustic screen in the interests of both visual amenity and in order to provide acceptable living conditions for future occupiers in terms of noise from the adjacent road.
39. Details of surface water drainage and ongoing maintenance are necessary to avoid risk of flooding and pollution. (9)
40. Parking and garaging for occupiers of each property and their visitors is required in the interest of highway safety pursuant to policies D1 and T2 of the Local Development Plan. (10) The Council's Vehicle Parking Standards SPD requires that garages be of sufficient size to accommodate a modern car and allow for storage, particularly for cycles. The dimensions of the garage on plot 1 would not facilitate that. Condition (11) secures secure cycle parking provision for that plot in the interest of promoting sustainable modes of transport pursuant to the SPD and Development Plan policy D1.
41. Glazing to a particular standard is required for windows in certain elevations to the dwellings on plots 1 and 2 in order to ensure satisfactory living conditions for future occupiers in terms of the noise environment within those properties. (12)
42. Condition (13) is needed to secure the biodiversity mitigation and enhancement measures set out in the Update Preliminary Ecological Appraisal & Protected Species Scoping Assessment carried out by Skilled Ecology Consultancy Ltd. (July 2019) pursuant to policy N2 of the Local Development Plan.
43. A condition relating to external lighting is necessary in the interest of visual amenity and to mitigate disturbance to wildlife, in accordance with policy CS14. (14)

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steven Hopkins	Solicitor - Holmes and Hills LLP
Karen Fardell	Partner Plater Claiborne Architecture + Design
Heulwen Peters	Senior Acoustic Consultant with SRL Technical
BSc(Hons) MIOA	Service Limited
Simon Plater	Partner Plater Claiborne Architecture + Design
David Clarke MIOA	SRL Technical Service Limited

FOR THE LOCAL PLANNING AUTHORITY:

Devan Hearnah	Specialist: Development Management
Michael Johnson	Specialist: Development Management
David Cant MCIEH	Senior Specialist: Environmental Health

DOCUMENTS SUBMITTED AFTER THE HEARING

- DOC 1 Appellant's Note on Natural England's Edict and the draft RAMS
- DOC 2 Planning Obligation dated 23 July 2020
- DOC 3 Natural England letter to numerous local authorities dated 16 August 2018
- DOC 4 Essex Coast RAMS HRA Strategy document 2018-2038
- DOC 5 Essex Coast RAMS draft SPD (Consultation Document) January 2020

Schedule of Conditions

APP/X1545/W/19/3243280

Maldon Wycke, Spital Road, Maldon, Essex

Commencement of development

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.

Plans

- 2) Unless required otherwise by any of the following conditions, the development hereby permitted shall be carried out in accordance with drawings Nos: 1918|loc1, 1918|02, 1918|04, 1918|05 Rev A, 1918|06, 1918|07 and 1918|08.

Pre-Commencement Conditions

- 3) No development, including any site clearance or groundworks, shall take place within the site unless and until implementation of a programme of archaeological work by an accredited archaeological contractor has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 4) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved Plan which shall remain in force for the construction period. The Plan shall include but is not confined to: site management arrangements including provision for on-site storage of materials, plant and machinery; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials to take place within the site.
- 5) No operations shall commence on site, including any site clearance or groundworks, unless and until a tree protection method statement, prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority. The statement is to include a tree protection plan and ground protection measures for all those trees and areas of vegetation shown as being retained on drawing No 1918|04. Development shall be carried out in accordance with the measures set out in the approved statement during the construction period. No trees or vegetation retained pursuant to this condition shall be cut down, removed or uprooted without the prior written approval of the local planning authority.

Commencement of works above ground level

- 6) No development above ground level shall take place until samples of the external materials for all buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development above ground level shall commence unless and until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority for that part of the site to the

north of the innermost acoustic screen as shown on drawing No 1918|04, excluding rear garden areas to the plots. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby permitted. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) No development above ground level shall take place until details of all boundary treatments around and within the site, as well as the acoustic screening, have been submitted to and approved in writing by the local planning authority. The outer, 2.5 metres high acoustic screen shown on drawing No 1918|04 is to be of Greenscreen construction, as referred to in the Plater|Claiborne document titled '*Acoustic Screening at Spital Road, Maldon*' dated May 2020 (Ref 1822). The boundary treatments and acoustic screens shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby permitted and shall be retained and maintained as such in perpetuity.
- 9) No development works above ground level shall take place until details of a surface water drainage scheme, have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme to be submitted shall include, but is not limited to:
 - i) a timetable for implementation;
 - ii) measures to manage surface water on site for 1 in 100 year events (plus 40% climate change allowance);
 - iii) measures to restrict the run-off rate to the 1 in 1 greenfield rate, or equivalent greenfield rates with long term storage (minimum rate 1 litre per second) or 50% betterment of existing run off rates on brownfield sites provided this does not result in a runoff rate less than greenfield. For the purposes of this condition, run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change, is taken as no higher than 10 litres per second and no lower than 1 litre per second);
 - iv) details of a management and maintenance plan for the scheme for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Pre-occupation Conditions

- 10) Prior to first occupation of the development hereby permitted, the vehicle parking areas and garaging shown on the submitted plans shall be provided in accordance with the details shown on those plans. The vehicle parking/associated turning areas shall be retained thereafter for the intended purpose.

- 11) The dwelling approved on Plot 1 shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. That facility shall be retained thereafter for the intended purpose.
- 12) Glazing to the dwellings on plots 1 and 2 shall be installed in accordance with the specification and to the facades referred to in Figure 4 and Section 4.1 of the SRL Noise Impact Assessment (dated 19th June 2019). Glazing to those windows shall be retained and maintained thereafter in accordance with those specifications.
- 13) Prior to first occupation of any dwelling, the bat and bird boxes referred to at Section 5.2.2 of the Update Preliminary Ecology Appraisal & Protected Species Scoping Assessment of Land at Maldon Wycke, Maldon (Skilled Ecology Consultancy Limited dated July 2019) shall be installed in locations that have previously been agreed in writing with the local planning authority. Once installed, the bat and bird boxes shall be retained thereafter in accordance with the approved details.

Lighting

- 14) No external lighting (other than within residential garden areas) shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

.....END OF SCHEDULE.....