



Appeal Decision

Site visit made on 10 August 2021

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2021

Appeal Ref: APP/X1545/W/20/3263644

Land off Brights Path, rear of 63/65 High Street, Maldon CM9 5EP

- 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 Mr M Salisbury against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/01021, dated 15 September 2019, was refused by notice dated 13 July 2020.
 - The development proposed is demolition of outbuilding. Erection of four x 1 bed almhouse type dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of outbuilding and erection of four x 1 bedroom almhouse type dwellings at Land off Brights Path, rear of 63/65 High Street, Maldon CM9 5EP in accordance with the terms of the application ref FUL/MAL/19/01021 and the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr M Salisbury against Maldon District Council. This application is the subject of a separate Decision.

Preliminary matters and Main Issues

3. On 20 July 2021 the Government published revisions to the National Planning Policy Framework (NPPF). Both main parties to the appeal were invited to make written submissions on this and I have taken all responses into account.
4. The main issues in this appeal are:
 - i. whether the appeal proposal would provide acceptable living conditions for future occupiers, with regard to outlook; and
 - ii. the effect of the proposed access arrangement and proposed car-free occupancy of the scheme on the highway safety in this part of Maldon town centre.

Reasons

Living Conditions

5. The site is located to the rear of the High Street and is generally surrounded by existing buildings. This includes recent development of varying height at Brights Path to the south-east, the tall structure of the United Reformed Church

(URC) building immediately to the north and other development a short distance to the north-west and west related to Market Hill. The site is in large part bounded by a tall brick wall. The site is, however, not entirely hemmed-in, with a degree of spaciousness provided by the relatively open aspects to the south and south-west towards the grounds of the Plume Library/St Peter's Church and across to the east at Old Mill Close with surface car parking and open yard areas beyond.

6. The proposed single storey dwellings would be arranged in a terrace, orientated diagonally across the site on a broadly south-east to north-west axis. The layout of each property would involve a principal open-plan living area, including kitchen, with openings onto south-facing private amenity areas. A wider sense of openness and verdancy would be provided by the grounds of the Plume Library beyond. The proposed layout would provide good standards of outlook and daylight levels in the main habitable space of the dwellings.
7. The bedrooms in each property would have a single window with an outlook towards the brick boundary wall of the appeal site and the proximately positioned tall side elevation of the URC building. Notwithstanding the diagonal layout and retention of trees along the boundary with the URC site, the church building due to its scale and massing would be dominant in the outlook from all bedrooms in the terrace. This would be particularly so for proposed unit 4, which would be closest to the URC building, at the north-western end of the diagonal layout. The Maldon Design Guide Supplementary Planning Document 2017 [the MDGSPD] refers in Section C17 that habitable room windows should normally be at least 12 metres away from the flank wall of the neighbouring property. The bedroom windows in proposed units 3 and 4 would be below this 12 metres guidance.
8. I share the Local Planning Authority (LPA) submission that the intended occupants of the appeal proposal are more likely to spend time in the property due to age and potential limited mobility. However, the majority of any confined occupation would be likely to occur within the attractively laid out open-plan living space with its direct connection and intervisibility to the south-facing private garden areas. I note the proposed size of these gardens would meet the requirements set out in Section C7 of the MDGSPD and would provide pleasant, tranquil spaces to both experience and look out on to from the main habitable space of the proposed dwellings.
9. For the very modestly sized north-facing bedrooms, principally designed for sleep, some flexibility should be applied in terms of the quality of the outlook, particularly when seeking to optimise sustainably located land to provide much needed elderly persons housing accommodation. Given the relative openness to the east of the site and a moderate degree of openness to the north-west between the URC building and the Sunday School Building the outlook from the bedrooms would not be oppressively gloomy. The shared amenity space to the north of these dwellings would also provide some visual interest in the outlook depending on final landscaping details. As such the outlook from the proposed bedrooms of units 3 and 4, despite the proximity of the URC building, would be at the margins of being acceptable.
10. I therefore conclude that the appeal proposal would provide acceptable living conditions for future occupiers, with regard to outlook. The proposal would broadly accord with Policies D1 and H4 of the Maldon District Local

Development Plan 2014-2029 (adopted July 2017) [the MDLDP] which require development, amongst other things, to provide sufficient and usable private amenity space, be of appropriate layout, orientation and density, make effective use of land and have no unacceptable material impact upon the living conditions and amenity of nearby properties. Policy H4 encourages the effective use of land, including 'backland' development, and the proposed density would be acceptable having regard to the impact on living conditions of future occupants. The appeal proposal would be contrary to the guidance on a 12 metres separation advised in the MDGSPD. The SPD is referred to in Policy D1 and is a material consideration. However, for the reasons set out above, I find that site specific circumstances at the appeal location would mean the overall quality of outlook for future occupants in the appeal proposal would be, on balance, acceptable.

Highway Safety and Accessibility

11. There are two means of access to the site from the High Street. The first is via Brights Path, a paved courtyard of moderate width serving a mix of commercial and residential uses. The second is the smooth, tarmacadamed surfaced Old Mill Close, a vehicular passageway serving various dwellings and a large gateway access to the appeal site. Both means of access involve under-croft arrangements which would inhibit access for larger vehicles, including delivery vehicles and emergency vehicles.
12. Policy T1 of the MDLDP seeks to promote sustainable transport across the District including, amongst other things, modal shift from private car to other modes of transport including walking, cycling and public transport. The policy also refers to the need to ease traffic congestion in the historic core of Maldon. Policy T2 of the MDLDP seeks to create and maintain an accessible environment, including the provision of safe and direct walking and cycling routes, the provision of sufficient parking facilities having regard to the Council's adopted parking standards and providing safe and sufficient access to service and emergency vehicles. MDLDP Policy D1 also requires safe and secure vehicle and cycle parking, having regard to the adopted standards. These policies are consistent with Section 9 of the NPPF on promoting sustainable transport.
13. The Council's vehicle parking standards are contained in the adopted 2018 Supplementary Planning Document (the VPSSPD). They were prepared in the context of the latest NPPF content on car parking standards together with district specific evidence on higher than national average car ownership levels. Table 10 of the VPSSPD sets out the residential parking standards and specifies that new build dwellings in town centres should provide at least one car parking space per dwelling. Table 10 also sets out the approach to securing communal car parking including options for residents to accommodate visitors (health & social care professionals, deliveries etc). Paragraph 42 of the VPSSPD identifies that the concept of zones for car free housing and variances in parking standards were considered but discounted due to limited public transport options available. The paragraph, does state, however, that where there is robust evidence, provision below the standards in the VPSSPD may be acceptable. I also note that the VPSSPD identifies that numbers of households with driving licences significantly tapers downwards after the 70 year-old age cohort and that 30% of older persons households do not have access to a car (based on recent National Travel Survey data).

14. I have observed that vehicles can access the appeal site via Old Mill Close to reach a sizeable area laid out to gravel which could accommodate at least two parked cars and associated manoeuvring. The extent of the availability of this parking area to the appeal proposal is an ambiguous matter. The submitted plans show the existing parking area within the 'red line' of the site plan for the planning application. The submitted Design and Access Statement and the appellant's appeal statement advises that the parking spaces are for "the benefit of the applicant" rather than for the proposed development per se. It is clear to me, from everything that I have read, that the appeal proposal is intended to be a "car-free" development and should be primarily assessed on that basis.

Highway Safety

15. The appeal site is located in the town centre of Maldon, within very easy walking, cycling and mobility scooter distance of the High Street with its various retail, commercial and community services. The wider town centre and peripherally located retail towards Heybridge are also within comfortable walking, cycling and mobility scooter distances. There are bus stops including shelters with perch seating in both directions on the High Street adjacent to the Brights Path and Old Mill Close entrances. The west-bound shelter also benefits from the display of real-time information. Accordingly, those occupying or visiting the appeal site would be able to very readily access what can reasonably be described as good bus infrastructure and service provision. This part of the High Street also benefits from a dedicated 4 bay taxi rank, which would provide an additional means of collecting or dropping-off occupants and visitors very close to the appeal site. Consequently, the appeal site is accessible by various modes of transport and to be regarded as a highly sustainable location.
16. The appeal site is a short, safe and unimpeded walk from the large surface car park at Butt Lane car park. I also observed that the Friary Fields public car park is similarly related to the appeal site and the large car park at White Horse Lane is only marginally further away. Overall, there would be ample, easily accessible off-site parking for those wishing to visit occupants of the appeal site by car, including health visitors and relatives.
17. The public highway in the vicinity of the appeal site comprises the High Street and Market Hill, both of which have extensive and clearly demarcated double yellow line restrictions preventing any on-street parking. With such visible and established restrictions in place, there would not be the risk of vehicles cruising to look for parking spaces or temporarily dropping off or picking-up. Delivery vehicles would have to make safe arrangements comparable to those that must already exist for other recent residential properties built at Brights Path and Old Mill Close which cannot be accessed by vans from the High Street. Emergency vehicles can, by law, park in restricted areas when attending callouts and so would be able to park on the High Street outside Brights Path. The highway at this point is wide enough for vehicles to pass and of straight alignment with good visibility. As such temporary parking by emergency vehicles on the High Street would be safe and not impede traffic circulation. Overall, I am satisfied that the appeal proposal would not interfere with the safe circulation of vehicles and pedestrians on the public highway in this part of the town centre.

18. I note that there is a demarcation between the remit of the Local Highway Authority (LHA) and the LPA, with the latter being responsible for implementing MDLDP Policy T2 and its adopted parking standards. I nonetheless give appreciable weight to the lack of objection from the LHA (subject to conditions) on highway safety grounds and the assessment of the LHA that Maldon town centre is a sustainable location with "...good access to public transport and other facilities".
19. I have been referred to other developments in Maldon town centre where parking provision has been an issue including a recent appeal decision¹ at Nos.197-199 High Street. I observed that the circumstances at Nos. 197-199 are materially different to those at the appeal location, including, amongst other things its peripheral location at the eastern end of the town centre and consequently its relative distance from off-street public car parks and public transport infrastructure. I also noted the presence of controlled on-street parking (with permits), particularly in North Street, reflecting the transition of the town centre in this location to more established residential areas. As such I recognise my colleague's concerns in that case around parking pressure and displacement arising from its car-free credentials but because of the particular circumstances at this appeal location, described in paragraphs 13-17 above, I do not find a similarly harmful effect would arise in this case.
20. Taking all of the above into consideration, I am satisfied that the car-free nature of the appeal proposal would not result in any detriment to highway safety in this part of Maldon town centre.

Accessibility

21. In relation to the LPAs concerns regarding lack of vehicular access for future occupants of the appeal scheme, it would be evident from their location that the properties could only be marketed and lived-in on a car-free basis. The appeal proposal, being sustainably located within a thriving town centre, would likely appeal to an appreciable number of elderly persons households that may no longer be able to, or wish to, own or drive a car (as evidenced by the data in the VPSSPD). An occupancy condition could ensure that the scheme would be resided in by this elderly age group.
22. It seems reasonable that the access via Old Mill Close could function as a limited dropping off/collection point, on those sporadic occasions when more immediate access is required. However, I have not considered the existing parking spaces linked to No.63 High Street being widely available to serve the appeal proposal on a regular basis. Accordingly, access to the appeal site via Brights Path or Old Mill Close would be primarily restricted to foot, dismounted cycle, wheelchair or mobility scooter. As set out above, the distance to the High Street would be negligible for all these modes and the quality of the short connecting routes would be safe and unhindered. Whilst the submitted plans show no areas for mobility scooter and bicycle storage, the proposed site plan shows sufficient areas to accommodate modest storage structures that would not harm the character or appearance of the Maldon Conservation Area, the setting of nearby listed buildings or the outlook of future occupiers or those in neighbouring dwellings. The details around the provision of scooter and bicycle storage would be a matter that could be reasonably dealt with by condition.

¹ APP/X1545/W/19/3233747

23. Access to the site would be restricted via small under-crofts either in Brights Path or Old Mill Close. Whilst making deliveries and furniture removals etc. would be more cumbersome, the size of the under-crofts are not unduly restrictive for goods to be hand carried through or delivered by smaller vans. The same access arrangements already exist for the larger, modern dwellings at the rear of Old Mill Close. The proposed dwellings are relatively modest, reflecting the option to 'downsize', including the physical volume of possessions and furniture that could be accommodated in the proposed dwellings. Overall, I do not find that the proposed access arrangements, including the restricted ability to directly drop-off and collect future occupants of the scheme by car, to be particularly arduous on the living conditions of elderly future occupiers or detrimental to highway safety more generally.
24. I therefore conclude that the proposed access arrangement and proposed car-free occupancy of the scheme would not have a significantly harmful effect on the safety of highway safety in this part of Maldon town centre. There would be no conflict with the general aims of Policies T1 and T2 of the MDLDP as outlined above. The proposal would also accord with NPPF at paragraphs 110, 111 and 112 in terms of securing modal shift, achieving safe and suitable access and only refusing development on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst there would be a technical deviation from the standards in the adopted VPSSPD, I find there to be material circumstances, including the highly sustainable location and the intended age of occupiers, that support a car-free development in this instance.

Other Matters

25. The appeal site is situated in the historic core of Maldon and so is within the Maldon Conservation Area (MCA). The site is also either adjacent to or proximate to various listed buildings including the Grade I listed Plume Library including the tower of the former church of St Peter and the Grade II listed: URC building (and separately listed railings); 63 & 63a High Street; 63b High Street; No.4 Market Hill; and the three K6 Telephone Kiosks (on Market Hill).
26. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I must give special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The NPPF states that heritage assets are an irreplaceable resource (paragraph 197) and should be conserved in a manner appropriate to their significance when considering the impact of a proposed development on the significance of a designated heritage asset (paragraph 199).
27. The heritage significance of the MCA is its encapsulation of the wider historic fabric of the core of the town as a centre of mercantile activity and settlement on the south bank of the River Chelmer. This is reflected in a reasonably dense pattern of medieval, Georgian and Victorian buildings, predominantly on the higher land around the High Street and Market Hill at the appeal location, including the various listed buildings identified above. Notwithstanding the dense pattern of historic development, and notable levels of later infilling, the appeal site has survived as a small pocket of private undeveloped land to the

rear of various listed buildings. It is not a conspicuous space that makes a particularly positive contribution to the character or appearance of the MCA. There is very little evidence before me that the openness of the appeal site is of a particularly direct value to the heritage significance of either the MCA or the setting of any of the nearby listed buildings. Given the intervening distances, the existing height to brick wall boundaries to the appeal site, the retention of existing trees on the site and the proposed low profile and attractive, traditional design proposed, the appeal proposal would be largely inobtrusive within the MCA. The roof profile and chimneys would be visible in various glimpsed views but design detailing and the quality of materials used (secured by condition) means these would not be discordant features and would not harm the character or appearance of the MCA or the setting of any of the identified Listed Buildings.

28. It is notable that significantly taller and prominent development now occupies a position intervening the appeal site and the nearby listed buildings at Nos. 63, 63a and 63b High Street. This is reflective of the fact that various modern developments are visible around the appeal site as part of a pattern of infilling in locations behind the High Street. The appeal proposal would fittingly add to this continuing densification of the town centre whilst conserving the identified heritage assets in a manner appropriate to their significance. Overall, I conclude there would be no harm to the heritage significance of the MCA or any proximate listed buildings, including their setting and as such no conflict with Policy D3 of the MDLDP or Section 16 of the NPPF.
29. In terms of wider character and appearance considerations, and concerns expressed regarding overdevelopment, for the reasons set out above the proposed development would deliver an appropriately gentle optimisation of a sustainably located town centre site. This would be consistent with the aims of the NPPF to make more effective use of land in meeting housing needs (notably at NPPF paragraphs 125 and 130).
30. The site falls within a zone of influence for European designated habitats. New residential development considered alone or in combination is likely to significantly affect the European sites through increased recreational pressure. The agreed mitigation mechanism would be to secure a financial contribution in the terms sought by the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The appellant has submitted a signed Unilateral Undertaking which would secure a contribution to fund mitigation measures in line with the RAMS. This ensures the appeal proposal would not adversely affect the integrity of the European sites. I therefore conclude that, as the requisite contribution has been secured, the proposal would not adversely affect the integrity of European designated habitats. The proposal would protect the natural environment as required by Policies S1, D1, N1 and N2 of the MDLDP.

Conclusion and Conditions

31. I have found that the appeal proposal would provide appropriate living conditions for future occupants and that generally the scheme would provide an appropriate standard of accommodation for elderly persons. There is clear evidence of a need for both smaller housing units (1-2 bedrooms) and homes for elderly persons in the District. I am satisfied, that subject to an appropriate occupancy condition, the appeal proposal would enable elderly households, who

are capable of living independently, to access appropriate housing. I attach significant weight to the wider public benefit of providing a specific housing product for the elderly in a highly sustainable town centre location being especially close to shops, facilities and bus services.

32. I am also satisfied that the appeal proposal could be adequately accessed. A condition requiring details of secure mobility scooter and bicycle storage would further militate in favour of the appeal proposal in terms of ensuring the site is genuinely accessible and suitable for its intended occupation. Whilst the proposal would be contrary to the Council's adopted parking standards, I have found that the car-free nature of the scheme would not result in an unacceptable impact on highway safety or have any other residual severe impacts on the highway network.
33. On balance, the significant public benefits of the scheme, and the absence of any significant harms, means that when taken as whole, the proposal would accord with the development plan and national planning policy in the NPPF. I have taken into account all other matters raised, but there is nothing that leads me to conclude other than the appeal should be allowed.
34. The LPA has suggested a number of proposed conditions which it considers necessary were the appeal to be allowed. I have considered the suggested conditions in light of the content of the Planning Practice Guidance on the use of conditions and the guidance at paragraphs 55 and 56 of the NPPF. The LPA has proposed a small number of pre-commencement conditions. In accordance with the requirements at Section 100ZA(5) & (6) of the Town & Country Planning Act 1990 (as amended) the appellant has provided written agreement to the terms of these conditions.
35. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans is needed in the interests of proper planning and for the avoidance of doubt. The intended occupation of the scheme is for elderly persons and this provides the design rationale for the standard of accommodation and the car-free nature of the development. Accordingly, an appropriate occupancy condition (14) restricting the scheme to those persons over 60 years of age is necessary.
36. Further conditions requiring details to be agreed and implemented prior to first occupation of boundary treatments (3), hard and soft landscaping (4) and refuse storage (13) are also necessary to maintain the character and appearance of the area. I have slightly amended condition (3) to remove the unjustified specificity that only timber posts should be used on boundary fencing. The precise details on boundary posts can be adequately determined to the LPAs reasonable satisfaction through the amended condition. In order to achieve the high-quality design and successful assimilation of the development into its historic context, conditions (5 & 6) requiring large-scale drawings of the window details and the submission of samples of materials to be used are both necessary. Various trees on the site make a positive contribution to the character of the area and where necessary are shown on submitted plans to be retained. To ensure this is effective, a pre-commencement condition (11) is justified, requiring an arboricultural method statement which would include details of tree protection measures during the construction, including the demolition and removal of the existing outbuilding.

37. To ensure the car-free development optimises the sustainable location and construction work does not harm highway safety conditions requiring the management of construction traffic (7), the timely provision of residential travel information packs (8) and the details of storage for scooters and bicycles (10) are necessary. Additionally, it would be justified as a pre-commencement condition to require the submission of a construction method statement prior to the undertaking of any works, including demolition of the existing outbuilding. Given the access arrangements of the site and proximity of nearby dwellings, the condition (15) would be necessary for highway safety and protecting residential amenity.
38. Notwithstanding the condition relating to mobility scooter and bicycle storage, a further condition (12) removing permitted development rights for outbuildings, extensions and other separate buildings would be necessary to ensure that an appropriate amount of private amenity space is retained and that the character and appearance of the area is maintained. The scheme would involve developing what is currently undeveloped and permeable land. It is therefore necessary, in order to minimise the risk of flooding, to impose a condition (16) requiring details of a sustainable urban drainage scheme, a further a further condition (17) requiring details of a foul drainage scheme. The site is within the historic core of the MCA where previous archaeological fieldwork in the vicinity of the adjacent Grade I Listed St Peter's Church/Plumes Library has yielded medieval and post-medieval deposits. Consequently, a pre-commencement condition (9) requiring an archaeological assessment to be submitted and potentially a programme of archaeological works is necessary to ensure that the archaeological potential of the appeal site is appropriately recorded.

David Spencer

Inspector.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; and drawing nos. 1191/01A; 1191/02; 1191/03 and 1191/04.
- 3) Prior to the first occupation of any of the proposed residential units, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the proposed residential units, details of both hard and soft landscape works to be carried out shall 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. The development shall be carried out in accordance with the approved details.

- 5) Prior to their installation, large-scale drawings of all windows, illustrating elevations at 1:20 and sections through head, cill, meeting rails and glazing bars at 1:2, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details
- 6) There shall be no development above slab level unless and until sample of the bricks, slates and ridge tiles to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details. All brickwork shall be in Flemish bond.
- 7) All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken clear of the public highway
- 8) Prior to first occupation of the proposed development, the occupiers of each dwelling shall be provided, free of charge, with a Residential Travel Information Pack for sustainable transport details of which shall have been submitted to and gained the prior approval in writing of the local planning authority. The Pack shall include six one day travel vouchers for use with the relevant local public transport operator
- 9) No development (including any site clearance or groundworks of any kind) shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority. If the approved assessment concludes that a programme of archaeological work is required, no development (including any site clearance or groundworks of any kind) shall take place until a programme of archaeological work has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 10) The development hereby permitted shall not be occupied unless and until storage for bicycles and mobility scooters has been provided in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The storage facility shall be retained as approved in perpetuity.

- 11) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The development shall only be carried-out in accordance with the approved details.
- 12) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- 13) None of the dwellings hereby permitted shall be occupied until details of the means of refuse storage including details of any bin stores to be provided have been submitted to and approved in writing by the local planning authority. The bin storage approved shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 14) The dwellings hereby permitted shall not be occupied except by those persons over 60 years of age.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, where appropriate:
 - 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 erection and maintenance of security hoarding;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - working hours.
- 16) No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and shall include but not be limited to:
 - Discharge rates/location
 - Storage volumes
 - Treatment requirement
 - Detailed drainage plan

Where the surface water drainage scheme proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016 shall be submitted. In order to satisfy the soakaway condition the following details

will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled. Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. The rate shall be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site run-off shall be limited for a storm event that has a 100% chance of occurring each year (1 in 1 year event) or demonstrate 50% betterment of the current rates.

It shall be demonstrated that the system has an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site, then it shall be demonstrated that the necessary permissions and or agreements to achieve connection are possible. Where the local planning authority accepts discharge to an adopted sewer network written confirmation from the statutory undertaker that the discharge will be accepted will be required. Prior to first occupation 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, shall be submitted to and agreed in writing, by the local planning authority

- 17) No development work above ground level shall occur until details of the foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be provided prior to the first occupation of the development.

Schedule ends.