Think Green Land Limited

19th August 2026

Maldon District Council,
Planning Services,
Council Offices,
Princes Road,
Maldon,
Essex,
CM9 5DL

Dear Sir or Madam,

Application for Reserved Matters Approval Re: Outline Planning Permission OUT/MAL/22/000887 for Completion Phase of the Burnham Waters Retirement Community

Re: Outline Planning Application with all Matters of Detail Reserved for Future Determination (Except for Layout and Means of Access to the Site) to Extend Approved Retirement Community to North and East Including Additional Affordable Housing: Erect 203 Dwellings Comprising 143No. One, Two and Three-Bedroom Bungalows, 60No. One, Two, and Three-Bedroom Apartments in Two-Storey Buildings. Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure Including Swales and Detention Basins. Form Public Open Spaces Including Greenway, Orchards and Allotments and Lay out Hard and Soft Landscaping

Land North West Of 2 Maldon Road Burnham-On-Crouch Essex (UPRN - 010013994764)

Further to the grant of Outline Planning Permission ('OPP') on 1st September 2023 for this development, known by the applicant as 'Completion Phase', in which the principle of the development, its quantum, site access, and layout arrangements were approved, please find enclosed an application for Approval of the three matters reserved by condition 1 of the OPP: namely appearance, scale, and landscaping.

For the avoidance of doubt, it is helpful to reiterate that the principle of the development, unit numbers, and access and site layout matters have been approved by virtue of the OPP and are beyond challenge. These considerations, and their merits, are not the subject of this Reserved Matters application.

In addition, matters relating to the S106 Agreement entered into in relation to the grant of OPP for Completion Phase and indeed those Agreements entered into in relation to Phases 1 and 2 of the Retirement Community are, as a matter of planning law, also not relevant to the determination of this application, which solely concerns the acceptability of the submitted details of the scale, appearance and landscaping of the development granted outline planning permission in September 2023.

Think Green Land Limited
Telephone: 07960 917174 / 01268 744001
Email: stewart@thinkgreenland.co.uk
Registered Office 15 Fanton Hall Farm, Wickford, Essex, SS12 9JF
Company Number 8612911
Incorporated in England and Wales

THINK GREEN LAND
INVEST IN THE FUTURE

This application is submitted on behalf of *Burnham Waters 3 Limited*, and comprises the following documents:

1. Completed application form;
2. Application fee £62,566.00;
3. Letter dated 19th August 2026, Planning and Design Statement (i.e. this letter, *Think Green Land Ltd*);
4. Drawing 6888-A-1101-P1 - Site Location Plan (exactly as per OPP OUT/MAL/22/000887);

(*Elegant Architectural Ltd* Documents)

5. Drawing 2167 01 Revision C - Existing Site Plan;
6. Drawing 2167 02 Revision D - Proposed Site Plan Dimensioned;
7. Drawing 2167 03 Revision D - Partial Site Plan 1 of 5 (with dimensions);
8. Drawing 2167 04 Revision D - Partial Site Plan 2 of 5 (with dimensions);
9. Drawing 2167 05 Revision D - Partial Site Plan 3 of 5 (with dimensions);
10. Drawing 2167 06 Revision D - Partial Site Plan 4 of 5 (with dimensions);
11. Drawing 2167 07 Revision D - Partial Site Plan 5 of 5 (with dimensions);
12. Drawing 2167 08 Revision C - Proposed House Type A;
13. Drawing 2167 09 Revision C - Proposed House Type B;
14. Drawing 2167 10 Revision C - Proposed House Type C;
15. Drawing 2167 11 Revision C - Proposed House Type D;
16. Drawing 2167 12 Revision C - Proposed House Type E;
17. Drawing 2167 13 Revision C - Proposed House Type F;
18. Drawing 2167 14 Revision C - Proposed House Type G;
19. Drawing 2167 15 Revision C - Proposed House Type H;
20. Drawing 2167 16 Revision B - Proposed Flat Block A (Floor Plans);
21. Drawing 2167 17 Revision B - Proposed Flat Block A (Elevations);
22. Drawing 2167 18 Revision A - Proposed Flat Block B (Floor Plans);
23. Drawing 2167 19 Revision A - Proposed Flat Block B (Elevations);
24. Drawing 2167 20 Revision A - Proposed Flat Block C (Ground Floor Plan);
25. Drawing 2167 21 Revision A - Proposed Flat Block C (First Floor Plan);
26. Drawing 2167 22 Revision A - Proposed Flat Block C (Elevations);

(*Stanley Bragg Architects Ltd* Documents)

27. Drawing 7001-S-1312-P1 – Affordable Bungalow 1A – Elevations;
28. Drawing 7001-S-1313-P1 – Affordable Bungalow 2C – Elevations;
29. Drawing 7001-S-1315-P1 – Affordable Bungalow 1A – Proposed Floor and Roof Plans;
30. Drawing 7001-S-1316-P1 – Affordable Bungalow 2C – Proposed Floor and Roof Plans;

(*Wynne-Williams Associates* Documents)

31. 2224-WWA-XX-XX-T-L-0601-P01 – Landscape Management and Maintenance Plan (August 2026);
32. Drawing 2224-WWA-ZZ-ZZ-D-L-0301 S1 P01 Planting Plan Sheet 1 of 8;
33. Drawing 2224-WWA-ZZ-ZZ-D-L-0302 S1 P01 Planting Plan Sheet 2 of 8;
34. Drawing 2224-WWA-ZZ-ZZ-D-L-0303 S1 P01 Planting Plan Sheet 3 of 8;
35. Drawing 2224-WWA-ZZ-ZZ-D-L-0304 S1 P01 Planting Plan Sheet 4 of 8;
36. Drawing 2224-WWA-ZZ-ZZ-D-L-0305 S1 P01 Planting Plan Sheet 5 of 8;
37. Drawing 2224-WWA-ZZ-ZZ-D-L-0306 S1 P01 Planting Plan Sheet 6 of 8;
38. Drawing 2224-WWA-ZZ-ZZ-D-L-0307 S1 P01 Planting Plan Sheet 7 of 8;
39. Drawing 2224-WWA-ZZ-ZZ-D-L-0308 S1 P01 Planting Plan Sheet 8 of 8;
40. Drawing 2224-WWA-00-ZZ-D-L-0309 Sheet 1 P01 Planting Plan Sheet 1 of 6;

41. Drawing 2224-WWA-00-ZZ-D-L-0310 Sheet 2 P01 Planting Plan Sheet 2 of 6;
42. Drawing 2224-WWA-00-ZZ-D-L-0311 Sheet 3 P01 Planting Plan Sheet 3 of 6;
43. Drawing 2224-WWA-00-ZZ-D-L-0312 Sheet 4 P01 Planting Plan Sheet 4 of 6;
44. Drawing 2224-WWA-00-ZZ-D-L-0313 Sheet 5 P01 Planting Plan Sheet 5 of 6;
45. Drawing 2224-WWA-00-ZZ-D-L-0314 Sheet 6 P01 Planting Plan Sheet 6 of 6;

(*Ardent Consulting Engineers* Documents)

46. Drawing 191450_B-ACE-XX-00-DR-C-0100 Vehicular Tracking Plan Sheet 1;
47. Drawing 191450_B-ACE-XX-00-DR-C-0101 Vehicular Tracking Plan Sheet 2;
48. Drawing 191450_B-ACE-XX-00-DR-C-0102 Vehicular Tracking Plan Sheet 3;

Other Drawings and Documents

49. Schedule of Accommodation and Dwelling Types;
50. Planting Specification for Soft Landscaping;
51. Hard Landscape Materials Palette;
52. Drawing UKP 9461-DWG 103 - Construction Details Freestanding Brick Built Substation;
53. 12 x Foul Pumping Station detail drawings FW/010-11/01 – 12;
54. Refuse, Recycling and Cycle Storage, and Air Source Heat Pump Provision Brochure;
55. Dimplex Water Heater EDL200UK-630 Data Sheet
56. Marshalls Tegula Datasheet;
57. Marshalls Tegula Priora Datasheet;
58. Moordale Textured Paving Datasheet;
59. KBI Flexipave Brochure;
60. KBI Flexipave Colour Chart;
61. Pet Fence Detail;
62. Planning and Design Statement - Appendix A – Waterside Planting to the Phase 1 Burnham Retirement Village Landscape Specification and Management Plan;
63. Planning and Design Statement - Appendix B – Planning Policy Context (August 2026).

Introduction

This letter holistically comprises a Planning and Design Statement relating to the accompanying Reserved Matters ('RM') application, and I would be grateful if it is considered in the decision-making process. It also contains a Renewable Energy Strategy for the development. The Statement is set out using a series of headings that address key considerations that influence the scale, appearance and hard and soft landscaping matters that are sought agreement now, including the design of the buildings - of which their scale and appearance are a part.

This Statement is also cognisant of the very recent grant of Reserved Matters Approval[1] for Phase 2 of the Retirement Community to which Completion Phase is coterminous, connected, and forms a seamless continuation of the wider development. This current application, and in particular the details of scale, appearance and landscaping depicted on the submitted drawings, therefore very closely reflects those details found acceptable by the Council last month as part of the Reserved Matters Approval for Burnham Waters Phase 2.

Further, matters and considerations relating to the grant of Outline Planning Permission at appeal for Phase 2 of the Retirement Community, as raised in the Planning Inspector's Decision Letter ('DL') of 21st March 2022, are also relevant to this RM application since that document provided an objective basis for the consideration of matters of scale, appearance and landscaping on the adjacent land to the south and west.

[1] 25/00131/RESM approved on 16th July 2026

In relation to Phase 1 of the Retirement Community and following the refusal to grant Approval for the first, contemporary styled Reserved Matters application, the applicant formally consulted with the Council, including with elected Members via a series of meetings. A revised Reserved Matters application was then prepared, which was approved in October 2020 (LPA application reference RES/MAL/20/00846). Accordingly, and to ensure consistency across the Phase 1, Phase 2 and Completion Phase developments, the approach to building scale, design, and hard and soft landscaping employed in Completion Phase directly reflects those same elements of Phases 1 and 2, which have already been found to be acceptable and approved by the District Council.

The design of buildings, particularly their heights, and the approach to hard and soft landscaping also directly reflects matters discussed and agreed during the course of the Public Inquiry into the Council's refusal to grant planning permission for the Phase 2 outline planning application. This Reserved Matters application is therefore consistent with the basis on which the OPP was granted at appeal on the adjacent land and with the terms of the inspector's decision letter.

This application should also be considered in the light of the original Planning Statement and the Design and Access Statement submitted at outline application stage for Completion Phase. These documents set out the over-arching design and layout ethos for the development approved by the Council in September 2023, and they provide the framework for the scale, appearance and landscaping matters submitted now. The OPP Planning Statement, in particular, provides a description of the application site, and the intentions of relevant adopted local planning policies, which have not changed in the interim period. Accompanying this Statement as **Appendix B** is a planning policy context updated to reflect the recently amended National Planning Policy Framework (August 2026). It is not proposed to provide a treatise on policy matters, but to simply provide support for references to relevant policies in the discussion below.

Means of Access

The positions, alignments and overall design of the means of access to the site were agreed as part of the OPP application approved in September 2023. Primary site access for both pedestrians and vehicles is from two points from where the spine road in Phase 2 penetrates the Completion Phase site boundaries. Secondary pedestrian/cycle and equestrian, accesses to the site from the Phase 2 development were also approved as part of the layout of Completion Phase approved at OPP stage. This RM application does not seek to change the position or hierarchy of any accesses to the application site: whether vehicular, pedestrian, equestrian, or cycle.

Public Rights of Way, Permissive Footpath, and Permissive Bridleway

Public Rights of Way

Three public rights of way ('PROW') cross the application site: PROW 1, 14 and 33. The submitted drawings show that the route of these rights of way have been maintained unobstructed and, for the most part, will remain unsurfaced as existing. To be clear, the alignment, width and orientation of the PROW will remain as they exist at present.

As per the other main pathways in the development, the east-west element of PROW1 is proposed to be surfaced in *KBI Flexipave* (see accompanying Hard Landscape Materials Palette materials details and the submitted drawings). This same material that was agreed by the District Council in relation to surfacing of pedestrian paths, including PROW 1, on its route through Phases 1 and 2, and the Highway Authority ('HA') has not objected to the principle of hardsurfacing part of the PROW.

In relation to the north-south dogleg of PROW 1, examination of Essex County Council's PROW Interactive Map appears to indicate that this is routed along the eastern side of the existing ditch and hedgerow on the western side of and within the present application site. However, in practice walkers

seem to simply follow the western side of the ditch/hedgerow and continue their journeys eastwards/westwards along the northern side of the east-west oriented element of the hedge and ditch. No gap through the north-south oriented hedgerow exists at present and no bridge to cross the ditch is visible. In relation to the recently approved Phase 2 RM Approval, the applicant addressed the same matter as follows

> *"I should point out that there does not appear to be a break in the north-south hedgerow at its southern end at present, and so it might be that it has become overgrown, or that for convenience walkers have simply elected to follow a path along the western side of the hedgerow and re-join the PROW again to the north-east. To allow for either eventuality, the enclosed amended drawings show an internal pedestrian path to the development, surfaced in the same manner as that proposed for the PROW, on the route of the existing path used by walkers on the western side of the north-south hedgerow. A small gap is also now shown to be formed in the north-south hedgerow. In this way, there would be no obstruction to the PROW in any eventuality."* (see 25/00131/RESM - letter dated 8th August 2025 from *The Planning & Design Bureau Ltd*)

The applicant proposes to address the matter in Completion Phase in exactly the same way. Gaps will be formed in the existing hedgerow to maintain the lawful route of PROW 1, and provision has already been made in the Phase 2 Approval for the alternative permissive route should walkers elect to continue to use it. Matters pertaining to the surfacing of part of the PROW will be subsequently addressed with the Highway Authority via a separate appropriate application under the Highways Acts.

During the course of consideration of the Phase 2 RM application, the HA expressed concern at the lack of information concerning the manner in which PROW 1 crossed the spine road, which was not initially addressed in the applicant's submissions. Details were subsequently devised and amended drawings were submitted which addressed the HA's concern.

In the case of the current application PROW 1 crosses a pedestrian and cycle link that connects the 'broken' spine road in the Completion Phase development. Both the PROW and the footway/cycleway will be at grade, and no motorised vehicles will use either route. On that basis, it is considered that the technical/construction details of this crossing point can be addressed via either planning condition or, as the matter is satisfactorily controlled by other legislation, a future submission under the Highways Acts. If a planning condition is utilised, it can be negatively worded that restrains commencement of the Completion Phase development until full details of the surfacing of the PROW and its crossing point over the connecting footway/cycleway, have been submitted to and approved in writing by the LPA. At that point, the District Council will consult with the HA in relation to the minutiae of the design details and the latter can be assured that it will have full control over construction details. Such a pre-commencement condition is acceptable to the applicant.

A final point of relevance: the Outline Planning Permission granted by the District Council in 2023 for Completion Phase approves the layout of the development, including the position of the spine roads and connecting paths/cycleways, and was granted in the full knowledge of the existence of the PROW concerned and the crossing point. It is not the case then that the principle of the crossing is before the decision-maker but instead it is the technical manner in which it is to be realised.

<u>Permissive Footpath</u>

The S106 Agreement entered into by the applicant in respect of the OPP for Completion Phase requires at clause 3.19 that "*No more than 180 Dwellings shall be Occupied until a footpath is laid out in accordance with the approved landscape strategy drawing or similar written scheme approved by the*

County Council and made available to the public giving access from the Site to Tinkers Hole Road such footpath being laid and located to the written satisfaction of the County Council. The footpath will then be available to the public in perpetuity" This obligation relates to the applicant's intention in completion Phase development to provide a public footway link between Tinkers Hole Road to the west and PROW14 at the point that it crosses Pannels Brook along the application site's northern boundary. This is to improve public access to the wider countryside. The Obligation will be satisfied separately, but for the avoidance of doubt, the submitted drawings maintain the route of that footway, as shown on the OPP Landscape Masterplan.

Permissive Bridleway

The S106 Agreement entered into by the applicant in respect of the OPP for Completion Phase requires at clause 3.18 that "*No more than 180 Dwellings shall be Occupied until a bridleway is laid out and made available to the public in accordance with the approved landscape strategy drawing or similar written scheme (which can be amended from time to time with written approval from the Council) approved by the Council from a point in Phase Two through the Site to a rural location such bridleway being laid out and located to the written satisfaction of the Council."* This is because the applicant has consistently supported local horse riding and, in the Phase 1 development offered to provide a permissive bridleway through the site, the route of which was subsequently agreed via an obligation in the S106 Agreement. Although not a requirement in the Phase 2 development (there does not appear to be either a planning condition or a S106 Agreement obligation requiring such) the applicant has nevertheless required the scheme designer to continue the permissive bridleway from Phase 1 through Phase 2 so that a connection into Completion Phase can be made.

The Obligation will be satisfied separately, but for the avoidance of doubt, the submitted drawings maintain the route of the bridleway, as shown on the Completion Phase OPP Landscape Masterplan, which connects from a point along the northern edge of Phase 2 and crosses the Completion Phase land in a northeast-north direction to exit at the point PROW14 crosses Pannels Brook.

Layout

'Layout' is defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO') as to mean "*the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development."*

The layout of the site has been approved at OPP stage and is not therefore a matter to consider in this RM application. The current layout reflects the approved OPP layout with only refinements to the shape of the approved buildings and some minor adjustments in position (although still over the approved footprints) as a normal part of the evolution of the 'scale', 'appearance' and 'landscaping' reserved matters.

In a pre-application consultation meeting of 17th October 2019 relating to the first (refused) reserved matters application for Phase 1, a drawing overlaying the approved OPP layout with the then submitted RM layout was tabled for discussion. LPA planning officers expressed the opinion, in the light of Court of Appeal case law in which the District Council had been involved, that the minor refinements to layout then proposed were within the scope of the approved layout. Accordingly, they did not need to be considered as either non-material or minor material amendments. In paragraph 5.1.4 of the Officer Report to the District Planning Committee of 3rd June 2020 concerning that first RM application for the Phase 1 development, Members were specifically advised that "*In the case of The High Court in Pearl, R (on the application of) v Maldon District Council & Anor [2018] EWHC 212, the High Court found that as scale could be approved without layout, or vice versa, a change in one at reserved matters and whether this results in a material departure from the arrangement approved at*

outline is a matter of planning judgement. The Judge stated that care should be taken in assessing the interrelationship between the details granted and whether the details submitted for reserved matters approval constitutes a material departure from the former within the context of the nature of the development, which is part of the planning judgment as a decision maker." Further, "*having regard to the above Judgement and the fact that the alterations primarily relate to appearance and landscaping, which are for consideration as part of this application and that the proposed changes are considered minor refinements to the layout and therefore not a material departure from the arrangement shown and approved at Outline, it is considered that these alterations can be considered within the scope of the approved layout*." (OR, paragraph 5.1.5)

This current Reserved Matters application for Completion Phase retains the approved building positionings and footprints to a similar degree to that found in the Phases 1 and 2 RM applications: i.e. with only minor changes to the footprints and positions of buildings made that reflect refinements resulting from the design of the appearance and scale reserved matters. Having regard to case law and the Council's earlier consideration of the matter on Phase 1 and Phase 2, it is considered that the layout of the development shown remains entirely within the scope of the OPP.

Dwelling Numbers, Housing Mix, Housing Standards and Affordable Housing

The number of dwellings in the development is fixed by the description of development approved at OPP stage as being 203 dwellings comprising 143 bungalows and 60 apartments. Control over the mix of market units is established by the particulars of the outline application, and by OPP condition 24, which requires the following mix and type of market dwellings unless otherwise agreed in writing by the Council:

- 27 one-bedroom bungalows;
- 54 two-bedroom bungalows;
- 18 three-bedroom bungalows;
- 7 one-bedroom flats;
- 16 two-bedroom flats; and,
- 20 three-bedroom flats.

The number and type of market bungalows submitted as part of this Reserved Matters application conforms to condition 24 of the OPP. However, the number of three-bedroom bungalows has proved impossible toa chieve whilst also ensuring that each apartment meets Building Regulations M4(3) Wheelchair User standard. This is because of the need to include lifts in the apartment buildings and, critically, to ensure that the required space is provided in each and every habitable room and each apartment hallway and the overall building corridors for wheelchair access and manoeuvring. Accordingly, it is requested that the District Council agree in writing to the following mix of apartments:

- 27 one-bedroom flats (45%);
- 29 two-bedroom flats (48%); and,
- 4 three-bedroom flats (6%).

In relation to social rented affordable accommodation, the Council's most recent Local Housing Needs Assessment 2025 ('LHNA') states in paragraphs 9.52 and 9.53 that "*If a development is to include housing specifically for older people (e.g. forms of age-restricted housing) then a 50:50 split between 1- and 2-bedroom homes is recommended, as set out below. The inclusion of some 2-bedroom homes is considered sensible with the aim to promote the opportunity for older person households to downsize – a 2-bed offering being more likely to encourage this than 1-bed homes. In addition, whilst technically*

most older person households may only have a 'need' for a 1-bed home, a larger property remains affordable as most older person households are not impacted by the bedroom tax/spare room subsidy due to pension-age and other exemptions. There are also reasons that an older couple may want or require a second bedroom including due to disabilities, health issues, the need for different types of beds or providing room for a carer.[2]"

For affordable home ownership tenures, the LHNA considers that "*the provision of affordable home ownership should be more explicitly focused on delivering smaller family housing for younger households and childless couples. The conclusions also take account of the earlier observation that it may be difficult to make larger homes genuinely affordable for AHO* [affordable home ownership]. *Based on this analysis, it is suggested that the following mix of affordable home ownership would be appropriate:"*

15-20% one-bedroom;
40-45% two-bedrooms;
30-35% three-bedrooms, and
5-10% four+ bedrooms.

In the market sector, the recommended mix, in the LHNA is:

5-10% one-bedroom;
30-35% two-bedrooms;
35-40% three-bedrooms, and;
20-25% four+ bedrooms.

However, this recommendation is for all types of market homes across the housing market area, including for young families, and it is not specifically related to older persons accommodation needs. In this regard, the LHNA explains that "*it is not recommended that this housing mix should be applied prescriptively on every development scheme. Instead, housing mix recommendations should be adapted to the context and size of a given scheme*." (paragraph 9.59)

In relation to three-bedroom bungalows constructed to date in Phase 1, the applicant's experience is that there is significantly lesser interest in them, and a longer period to sell them when compared to the one and two-bedroom homes. Of the currently 9No. three--bedroom units in Phase 1 - sub-phases C, D and E – only three have sold, with two reserved, leaving four unsold and vacant.

Taking these matters into account and having regard to the lack of popularity of three-bedroom units amongst the over 55s experienced on site to date, and the need for a 50/50 split between one- and two-bedroom homes in the affordable rent sector (i.e. no three-bedroom homes recommended), skewing these older persons apartments towards one-bedroom and two-bedroom units is considered to be acceptable and appropriate to the specific older persons housing segment of the wider Maldon District housing market.

The Council's agreement in writing is sought for this aspect of the development. If the Council considers that an application for non-compliance with OPP condition 24 is necessary to agree the revised housing mix for the apartments, an application will be submitted concurrently.

[2] Maldon local Housing Needs Assessment Update Final Report, September 2025 *Iceni Projects*

Turning now to affordable housing, the Section 106 Agreement ('S106') entered into in relation to the OPP defines:

- 'Affordable Housing' as being "*housing for sale or rent that will be* [sic] *meet Local Housing Need for people whose needs are not met by the market"*

- 'Affordable Housing Unit(s)' means "*61 of the Dwellings to be provided in accordance with the Affordable Housing Scheme*.

- Affordable Housing Tenure as meaning "*75% of the Affordable Housing Units as Affordable Rent and 25% of the Affordable Housing Units as Intermediate Housing, unless otherwise agreed"*.

With the exception of definitions of Intermediate Housing and Affordable Rent, all other details of affordable housing are to be agreed via a S106 requirement to submit an Affordable Housing Scheme. This must be submitted to and approved by the LPA prior to commencement of development and requires the affordable homes to be delivered thereafter in accordance with the agreed Scheme.

The S106 is silent on the mix of affordable homes (i.e. the proportion of one and two-bedroom units).

The OPP approved a total of 44 affordable bungalows and 17 affordable apartments, with the bungalows being positioned in the north-western and south-eastern corners of the application site. This approach, and the mix of 19 x one-bedroom and 25 x two-bedroom affordable bungalows has been maintained for the purpose of this initial submission. The mix of the affordable apartments, and thus their locations within the site can be altered without change to the layout since is simply involves the assigning of flats as either market or affordable. **The locations and mix of affordable apartments indicated in the accompanying *Schedule of Accommodation and Dwelling Types* are therefore speculative and will be finalised as part of the future agreement of the Affordable Housing Scheme pursuant to the S106**.

However, notwithstanding what is shown on the submitted plans, it is noted by the applicant that the Council's Strategic Housing Services Officer advised in response to consultation at OPP stage that the preferred mix at that time was 45 x one-bedroom units and 16 x two-bedroom units to meet the then need, but that only 21 affordable units were actually requested on site with a commuted sum proposed for the remainder. However, the OPP and related S106 Agreement require on-site provision of the entire compliment of affordable homes, which the applicant is agreeable to.

It is likely that the affordable need has changed sill further in the three years intervening since the grant of the OPP and so **it is proposed to liaise with the Council's Strategic Housing Services Officer during the course of this RM application and refine the mix between one and two-bedroom affordable homes (bungalows and apartments) to suit the housing need as it exists at the present time**. This would require only minor changes to the mix of homes and to the footprint of bungalows, and can therefore be addressed through the submission of amended layout plans as soon as the Council's preference is known.

Registered Providers do not purchase affordable homes that are significantly larger that the Government's *Technical Housing Standards - Nationally Described Spaces Standards* because, it is understood, they cannot obtain funding for the additional floor space. Accordingly, the affordable bungalows submitted as part of this application, which exactly reflect those agreed as part of the Phase 2 RM Approval last month, have been tailored by the scheme Architect to only exceed the relevant national space standards for one- and two-bedroom dwellings where necessary to comply

with Building Regulations M4(3) standards (see later discussion). This has resulted in floor areas of ranging between 26% and 37% larger than the minimum standards.

In order to avoid a clumsy townscape relationship between the smallest affordable units and the larger market ones, and because Registered Providers prefer affordable homes to be grouped together for maintenance and servicing purposes, the affordable bungalows have been arranged in two distinct cul-de sacs as described earlier and as approved at OPP stage. This will negotiate any material contrast between market and affordable homes because the differences in size and scale between homes in each cul-de-sac will not be noticeable in townscape terms. This addresses the Framework and Policy H1 criteria relating to achieving high-quality design, and also the requirement of Policy H1 in relation to delivering tenure blind affordable housing.

As required by condition 26 of the OPP, the scheme Architect has designed all of the dwellings to meet Building Regulations M4(3) Wheelchair User standard. As a result of meeting the M4(3) spatial standards and the applicant's desire to provide a very high standard of accommodation, all market bungalow types in this RM application have floor areas that very significantly exceed the Government's Technical Housing Standards (more than twice the minimum size in some cases). This meets the aspirations of Policies H2 and H3 in relation to meeting the needs of an ageing population and those with disabilities/specialist housing needs.

Scale

The overarching planning scale of the development, or its quantum, was set at OPP stage through the reference in the Notice of Decision to specific numbers and types of buildings and associated facilities. It is also set through the Council's approval of the various layout plans (OPP, condition 4), which show the number and location of dwellings and the disposition of land uses and other buildings throughout the site. The density of the development, both wholistically and intra site, has also been approved by virtue of the OPP, associated planning conditions, and the approved layout, which grants permission for a specific number of dwellings, of specified types and locations, on a defined overall site area. The planning scale and density of the development is therefore a settled matter that is beyond the scope of this RM application.

Turning to architectural scale, for the purposes of a planning application the term is defined in Article 2(1) of the DMPO as meaning "*the height, width and length of each building proposed within the development in relation to its surrounding*".

As with those in Phases 1 and 2, all buildings in the Completion Phase development have firstly been designed to be of human scale. This is considered to be a fundamentally important point and an over-arching guiding principle for the development. This is because whilst Giant or Grand scale buildings may be appropriate in town and city centres, they can appear to be forbidding or oppressive in a domestic/residential context such as a retirement community, particularly to those with mental health conditions such as dementia.

In this regard, the bungalows and apartment buildings are overtly and obviously proportioned to respond to anthropology. Internal floor to ceiling heights are in the region of 2.5 metres and the arrangement of massing/built form (see 'Appearance' section below), and related architectural elements such as windows and doors are of domestic proportions and size. Ancillary outbuildings (refuse and cycle stores, etc) are also of human scale in terms of their proportions, massings and heights.

As the DMPO definition describes, the scale of a building is also a product of its footprint (width and length) and of its height. The general footprint of all buildings in the Completion Phase development

– apartments, bungalows and the community building, were approved as part of the layout matter at OPP stage, leaving only their height to consider now. The description of development approved at OPP stage explicitly refers to bungalows (i.e. single-storey buildings) and two-storey apartment buildings, and so these forms (storeys) are therefore already approved in a general sense.

Further with regard to building heights generally, during the Phase 2 OPP appeal (determined following a Public Inquiry), the appellant's landscape witness Mr Smith of *SLR Consulting* explained in paragraph 61 of his Proof of Evidence[3] that:

"*The height of proposed buildings within Phase 2 would be largely single storey, with some areas of two storey development. Most buildings would have pitched roof planes. The scale of proposed buildings is thus the same as those in Phase 1, and also comparable with the existing homes at the settlement edge on Maldon Road and Green Lane.* "

This evidence was not contested by the Council during the Inquiry, and building heights and the assumptions made about them as a basis for ZTVs and other technical documents were not, of themselves, an issue that either the Council's witness, the Inquiry, or the Inspector in his DL were concerned with. In fact, the heights utilised for single and two-storey buildings in production of landscape evidence in the Phase 2 OPP appeal were those already approved by the Council in the Phase 1 RM Approval.

This is relevant to Completion phase because this current RM application incorporates two-storey buildings no higher to eaves or ridge (indeed lower in most cases) than those two-storey buildings that were found to be acceptable by the Council when it granted Approval for the Phase 1 RM application and the very recent grant of RM Approval for the Phase 2 development. Thus, the scale and massings of buildings in Completion Phase have been closely guided by those buildings found to be acceptable by the Council through the grant of RM Approval in both the Phase 1 and Phase 2 developments.

It should also be noted that three of the market bungalow types approved in Phase 1, and under construction now, were agreed by the Council last month in relation to the Phase 2 RM Approval. The same three bungalow types (Types A, B and C) have been re-used without modification in this Completion Phase RM application. Their acceptability in terms of scale (and indeed appearance) should therefore be beyond dispute.

The remaining three market bungalow types, which have been purpose designed for the dwellings around the outer (north-eastern) edge of the Completion Phase, reflect the massings and heights of the other three market bungalow types and (coupled with the use of matching materials and fenestration, eaves detailing, porches etc) will therefore appear as part of the family of bungalow forms already approved.

The one- and two-bedroom affordable homes bungalows (Types D and E) were also approved as part of the Phase 2 RM application in July 2026, and so their scale is also acceptable in the context of the market bungalows in Completion Phase.

The architectural scale of buildings in the development is thus acceptable: it specifically responds to the functions of the buildings and the needs of residents, and reflects the scale of domestic buildings found adjacent, including those approved and under construction in Phase 1, approved very recently

[3] Proof of Evidence of Jeremy Smith BSc (Hons), Dip LA, CMLI on Landscape and Visual Matters (CD5.9) Prepared for Think Green Land, appeal reference APP/X1545/W/21/3283478

in Phase 2, and seen in the wider locality along the Maldon Road and in Green Lane. The scale of development and its constituent parts (buildings) is therefore appropriate to the site and surroundings and conforms to the requirements of Local Plan Policy D1 and to the aspirations for high quality design expressed in the Framework.

Appearance

The term *appearance* is also defined in Article 2(1) of the DMPO as meaning '*aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.'*

The applicant's engagement with the Council concerning scale, appearance and landscaping during the Phase 1 RM applications provides a helpful basis for consideration of the current Completion Phase RM application, since the Development Plan policy environment of the two cases is identical and the physical circumstances nearly so.

In relation to the first Phase 1 RM application seeking approval of the scale, appearance and landscaping of that closely adjoining part of the wider retirement community, notwithstanding a recommendation of approval by the LPA's Chief Planning Officer, the Council's Planning Committee almost unanimously considered that the originally proposed contemporary design (appearance) was unacceptable in the context of the existing buildings in the area, and were particularly critical of the flat roofs then liberally employed. The applicant thereafter worked closely with the Council, and particularly with elected councillors, in order to recognise and address the concerns of Members of the Planning Committee. It was patently clear from Members comments expressed in the Planning Committee meeting for the first Phase 1 RM application that contemporary designed and elevated buildings would not be found acceptable. Members were also clear during subsequent pre-application Presentations that traditionally elevated buildings were required, with generous, pitched roofs. Whilst small elements containing flat roofs might be acceptable, councillors were also clear that buildings need to have pitched roofs specifically to appropriately assimilate into the local area.

The importance of light and outlook was also discussed during pre-application Presentations. There was no requirement for small, 'Victorian' windows or paired windows as such, and larger areas of glazing, particularly on the larger two-storey buildings were not objectionable to the Council provided that they fitted into the overall design ethos.

Discussion was also had during earlier pre-application Presentations for the Phase 1 RM scheme as to the choice of external materials, with contemporary brightly coloured brickwork and areas of modern grey cladding being of particular concern. Members seemed generally supportive of traditional facing brickwork and weatherboarding, and the subsequent Phase 1 and Phase 2 RM Approvals agreed to the use of both materials.

Turning then to this, current, Completion Phase RM application, as with Phases 1 and 2, all buildings are created from traditional forms using additive architecture based upon rectangular massings of elements at a domestic scale, that are assembled to create the whole, with roofs pitched over the narrowest spans. All buildings incorporate pitched roofs at traditional pitches, with vernacular external materials used in a traditional manner to attenuate/accentuate elements of massing and to add interest to elevations.

Three of the bungalows proposed are identical to those currently under construction in Phase 1, which were approved by the Council in the same policy circumstances as part of the amended RM Approval for Phase 1 and modified by S96A application in November 2021 to permit slightly lower roof pitches

and ridge heights (LPA S96A application reference 21/01009/NMA). As explained earlier, the two affordable bungalow types were found acceptable in the adjacent Phase 2 RM Approval, and the remaining three, new, bungalow types have been created by utilising very similar elements of massing and exactly the same detailing and materials to the approved five. Bungalow types are mixed in each mini-community (cul-de-sac) and arranged to create interesting streetscapes and to ensure that corners are properly demarked and 'turned' and relationships to the larger apartment buildings are appropriate.

The submitted two-storey apartment buildings follow the approved footprints of the three apartment buildings shown on the layout plans approved as part of the Completion Phase OPP. The heights to ridge of these apartment building vary between 9.4m and 9.9m but are lower than the ridges of the two-storey care home (13.7m rising to 14.7m) and the three interlinked independent living buildings (10.9m rising to 12.3m), both approved by the Council in Phase 1. The ridge heights of the apartment buildings proposed now are also lower than the ridge heights of the two apartment buildings (10.7m and 13.1m), which were resolved to be approved in January 2024 in lieu of the approved care home in Phase 1 (known as Phase 1B see application reference 23/00853/FULM). The tallest proposed apartment ridge height in Completion Phase (9.9m) is also equivalent to the lowest ridge height of the apartments approved in the Phase 2 RM application last month (those ranging from 9.9m to 12.4m). At 5.1 metres, the eaves heights of the three proposed apartment buildings are all slightly lower than those equivalent buildings in Phases 1 and 1B described above, and in the Phase 2 RM apartments approved in July 2026. As a consequence, the massings of the three apartment buildings reflect components of buildings that have been found to be acceptable already by the Council and an inspector at appeal, reflect assumptions made in relation to the landscape impact issue in the Phase 2 OPP Public Inquiry, and are therefore considered to be acceptable.

In terms of detailed design, articulation is provided to building facades of the necessarily large apartment buildings utilising vertically arranged 'columns' of windows, and with protruding and recessive elements, including two-storey bays having pitched roofs, all to attenuate the large massings, to convey a domestic scale, and to enable a resident to recognise 'their home' within the overall composition. Together with hard and soft landscaping and signage, this design approach intends to help residents with conditions such as early onset dementia with 'wayfinding': to recognise their physical surroundings and to maintain their sense of place, both physically and mentally, in the wider retirement community. Excellent outlook into high-quality communal gardens is also a design aspiration for the apartment units. In this regard, large windows have been incorporated wherever appropriate to ensure that generous outlook and levels of light are achieved in all units. Materials are intended to be drawn from a palette consistent across the entire development and favouring orange/red facing brickwork and faux timber boarding – both materials approved and in use as part of the Phase 1 development.

On the matter of the electricity sub-station/s, these are small, well-designed brick and tile buildings having pleasing proportions and using materials that match the bungalows, and so will be seen as part of the family of forms associated with the wider Retirement Community development. Their design has already been found acceptable by the Council through the grant of a specific planning permission for the same in Phase 1 (25/00977/FUL), and two have been constructed and are operational.

A Design and Access Statement prepared by the original scheme Architect accompanied the application for outline planning permission for Completion Phase. It explains the key factors that have influenced the design of the final buildings and provides a snapshot of the evolution of the overall scheme. The Statement also identifies broad external materials choices for each building type having regard to the surrounding context formed by the wider development and by the District's largest settlements: Burnham-on-Crouch and Maldon. The OPP stage Design and Access Statement is

commended to the decision-maker and, in concert with the information contained in this letter (Design Statement), provides justification for the scale and appearance of the proposed buildings.

Having regard to the matters discussed earlier, it is averred that the appearance of the buildings is acceptable and conforms to Local Plan Policy D1 and to the requirements for high quality design set out in the Framework.

Hard and Soft Landscaping

In relation to a site or any part of a site for which outline planning permission has been granted the DMPO defines landscaping as "*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes*

(a) screening by fences, walls or other means;
(b) the planting of trees, hedges, shrubs or grass;
(c) the formation of banks, terraces or other earthworks;
(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
(e) *the provision of other amenity features*"

Conditions 5 and 6 of the OPP identify detailed requirements for hard and soft landscaping (and means of enclosure) information necessary to accompany the RM application/s. This information is incorporated into the submitted drawings and the accompanying Specifications, Schedules and Hard Surfacing Materials Palette. In particular, details of hard surfacing materials and their locations, boundary treatments, tree, shrub and plant species, plant sizes, heights, densities and maintenance schedules are provided by way of these documents. In addition, the submitted landscaping drawings show the position and size of all vehicular accesses to individual properties and the apartments buildings as required by OPP condition 6.

This application is also accompanied by a Landscape Specification and Maintenance Plan and by a Planting Specification for Soft Landscaping - both required by condition 6 of the OPP,

The proposed soft landscaping (planting) firstly seeks to preserve and improve the important (ecologically and visually/in landscape terms) existing hedgerows and trees along the site's boundaries, and the tree line, hedgerow and ditch bisecting the site on an east-west axis. In these regards, the Tree Survey and Arboricultural Impact Assessment[4] submitted at OPP stage identifies all trees and hedgerows on the site and the Tree Protection Plans (drawings 0708 and 0708) propose measures to protect all existing trees and hedgerows that are to remain within the development (which is almost all of them). This approach is consistent with Policy N2(d) of the Framework, which seeks the conservation of established trees and hedgerows wherever possible (only removed to permit the formation of the approved routes of paths/cycleways) .

Onto the framework established by existing ecological and landscape features and the positions of mini-communities, buildings and roads as approved at OPP stage, the scheme Landscape Architect has developed a semi-Arcadian approach to soft landscaping. The site is 'compartmentalised' by new trees lines and shrub planting, separating the mini communities and demarking the routes of roads and footpaths. However, the degree of compartmentalisation is deliberately less than the earlier two phases, so that the Completion Phase development, which is at a lower density than Phases 1 and 2, dissolves gently into the public open space on its outer edges (northern, north-eastern and eastern

[4] Burnham Waters Phase 3: Tree Survey & Arboricultural Impact Assessment, WWA, August 2022 – see application OUT/MAL/22/000887

edges) and the surrounding countryside. The amount of new native tree planting in particular is very substantial, includes three small copses/stands of trees, and comprises native species including Oak, Willow, Maple, Harthorn, Silver Birch, Flowering Cherry and Hazel. This significant tree planting accords with the aspirations for such set out in the Framework.

Within that strategic framework, and identical to the ethos of Phases 1 and 2 as approved by the Council already, each new bungalow will have a small patio, enclosed with ornamental shrub planting but otherwise with no formally defined boundaries, fencing or means of enclosure. The submitted bungalow landscaping drawings (WWA, drawings No. 0301 – 0308 inclusive) show the extent of each property's patios, paths, and on-plot planting. Communal grass, trees and shrub planting, maintained by the community's management company, will intervene between and wrap around each dwelling and mini community as shown on the submitted wider Planting Plans (WWA, drawings No. 0309 – 0314 inclusive).

Strategic planting is almost entirely proposed to utilise native species, including amenity and wildflower grasses, with some ornamental planting specified directly adjacent to dwellings. The precise details of soft planting (species, locations, densities, sizes etc) are shown on the accompanying 14No. WWA Planting Plan drawings 0301 -0314.

As with Phase 1, each bungalow will be sold freehold to include the driveway, pedestrian paths, patio and ornamental planting beds adjacent to the patios, together with land on which the refuse, recycling and cycle stores are constructed, and the land on which the air source heat pump is installed. Maintenance of these spaces will be the responsibility of the homeowner (although the applicant's management company will offer a maintenance service if the homeowner is unable to undertake such work). All other land and spaces within the development, including the communal gardens surrounding the apartment buildings will be managed and maintained by the applicant's existing management company.

The surface water scheme has been designed in principle and will be submitted for agreement in the future as required by condition 19 of the OPP. This proposes a SuDS system which from pre-OPP design stage has been considered by the applicant to be both a landscape/visual amenity and an ecological opportunity. In particular, the placement of the two wet detention basins/lakes in a prominent position in the public open space/greenway on the outer (north-eastern) edge of the development at OPP stage was to provide the greatest visual benefit for residents of and visitors to the retirement community when utilising the open space. Rainwater from roofs and hard surfaces will be discharged to the large detention basins sited in the greenway, where they would be a prominent feature in the public open space. Water from the basins will be released at an appropriate rate to the adjacent Pannels Brook.

The main water detention basins have been designed as predominantly permanently wet lakes – to have visual amenity and ecological benefits. However, the OPP Landscape Masterplan also indicated the positioning of two 'dry' attenuation basins, the purpose of which is to accommodate additional surface water during extreme rainfall events. These basins would be shallow depressions laid to grass and would be dry or damp for much of the year, filling during extreme rainfall and draining straight away into Pannels Brook afterwards.

The depths and edge profiles of the wet and 'dry' lakes will be specifically designed at condition 19 discharge stage in concert with the scheme ecologist to provide a variety of habitats ranging from permanently wet to seasonally wet and dry in order to support the broadest range of flora and fauna possible. A specification for the basin planting will accompany the surface water discharge application because, as the Framework Policy N2 suggests is desirable, specific plants will be proposed that clean

water in addition to having visual amenity and ecological benefits. However, accompanying this application is *Appendix A – Waterside Planting* to the Phase 1 *Burnham Retirement Village Landscape Specification and Management Plan*. The Appendix contains a summary of the approved plant species which are being used in the pond areas and water margins of Phase 1 of the retirement community. This was prepared by the Phase 1 scheme ecologist (*Surface*). The same species were proposed as part of the Phase 2 development and are intended to be carried through into Completion Phase to ensure consistency and the extension/continuation of habitats. Full planting details will be prepared in consultation with the project ecologist as part of the condition 19 surface water discharge application. Planting will be undertaken using pre-seeded mats on drier ground and using submerged, planted baskets along wetter margins. Baskets will be placed on planting shelves and secured in place.

Turning now to hard landscaping, the precise locations and extents of all proposed surfacing materials are shown on the accompanying Detailed Layout Plans (*Elegant Architectural Ltd* drawings 2167 03 - 06 Rev C inclusive). A hierarchy of materials is proposed, with grey tarmacadam used for the spine road carriageway and for the primary pedestrian footpaths alongside it, with concrete block paving to the mini-community cul-de-sacs and vehicle parking spaces. Pedestrian intra-site footways through the site will be finished in *KBI Flexipave* recycled rubber and stone (coral pink). The circular combined footway/exercise trail around the outside of the development, in places accommodating a permissive bridleway, will also be surfaced in *KBI Flexipave* recycled rubber and stone surfacing (coral pink). The accompanying The submitted drawings also show the position of the concrete bases for the refuse, recycling and cycle stores. A specification for the heat pumps is provided in the accompanying *Bin and Bikes Storage, and Air Source Heat Pump Provision Brochure*.

It should be noted that the approach to hard and soft landscaping employed in this Completion Phase 2 development is identical to that utilised in Phases 1 and 2 and found to be acceptable by the District Council, including down to the selection of hard surfacing materials and the plant species employed.

Fencing and Means of Enclosure

Condition 05 of the OPP requires that "*As part of the application for the 'appearance' reserved matter, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted*."

The Burnham Waters Retirement Community was conceived as a low-density, open plan estate, with no fences or other formal demarcations of ownership or property boundaries. Indeed, condition 09 of the RM Approval for Phase 1 (LPA reference RES/MAL/20/00846) withdraws permitted development rights, inter alia, for means of enclosure on that Phase, it being reasoned by the Council that this was necessary in the interest of the amenity of neighbouring properties and to safeguard the character of the area. Phase 1 of the development does not include any fences or walls, and none are intended within Phase 2 or Completion Phase with one exception.

Experience from Phase 1 has shown that some bungalow residents have pet dogs and want a low fence around their patio to prevent their pets from wandering off. The applicant does not consider this to be an unreasonable position, and so in Phase 2 the optional inclusion of a pet fence was agreed via the recently approved Reserved Matters application. On the submitted bungalow drawings (*Elegant Architectural Ltd* drawings 08 – 15 inclusive) the route of the proposed pet fencing is shown, which would follow the ownership boundary of the bungalow in relation to the patio and associated planting. Accompanying this application is a Pet Fence Detail document which shows the design, appearance and manufacturer of the proposed fence. The pet fence would be 0.9m (3') high finished in black recycled plastic with a timber effect surface and a single gate. The pet fence would be an option for each homeowner: supplied and installed by the applicant if it is requested by the property's first purchaser. If not requested, it will not be installed.

Waste Management Plan

Condition 25 of the OPP states "*A Waste Management Plan shall be submitted as part of either the appearance and/or the landscaping reserved matter(s) application(s), and shall hereafter be implemented as agreed.*" The submitted details include the necessary details and together with this Statement comprise a Waste Management Plan.

It is intended that the Council's refuse freighters are employed to collect refuse and recycling from each bungalow, and that the apartment blocks have refuse and recycling collected by a commercial waste management contractor, all in the normal manner. Accompanying this application are three drawings which show vehicle tracking on the proposed access roads and parking courts by an *Essex Large Refuse Vehicle (3-axle)* (10.34m overall length). The tracking checks demonstrate that the road geometry is appropriate for the aforementioned refuse vehicle. In places the vehicle is required to utilise the full width of the cul-de-sacs for manoeuvering but this is not an unusual circumstance on modern residential estates, and the vehicles would be operating at low speeds with good visibility for drivers and pedestrians on shared surfaces. The submitted tracking has also required the inclusion of some additional turning heads into the layout, again not an unusual circumstance on new housing developments. In addition to the main spine road, all access roads and parking courts will be constructed to a design and thickness capable of withstanding the loads of the intended service vehicles.

Within the curtilage of each bungalow, refuse and recycling stores are proposed (combined with a secure cycle store): to be sited on a concrete hardstanding adjacent to the property's driveway or a pedestrian path connecting to the cul-de-sac road – as shown on the submitted detailed layout plans (*Elegant Architectural Ltd* drawings 01 – 07 inclusive). Accompanying the application is a *Bin and Bikes Storage, and Air Source Heat Pump Provision Brochure*, which shows the design and appearance of the store. These have been sourced specifically to accommodate the bin and recycling storage requirements set out in the Council's Planning and Waste Management Guide (2017). These details are exactly the same as those found to be acceptable by the Council in July 2026 when granting approval for the Phase 2 RM application and are as used successfully on Phase 1.

With regard to the three apartment buildings, each has been designed with a refuse and recycling store at ground floor inside the building, both large enough to accommodate the requisite sized communal waste and recycling bins, with direct external access to paths leading to collection points within the private car parks. The tracking drawings accompanying the application demonstrate that a refuse freighter can enter and leave these car parks in a forward gear (i.e. turn around within the car park) for collection purposes.

The Refuse Vehicle used for the tracking checks is somewhat larger than a fire appliance, and so it is fair to assume that a fire appliance vehicle can also access and manoeuvre in any of the roads or parking courts shown in the refuse vehicle tracking checks. However, the attached drawings are not a comprehensive Fire Access assessment – which would be part of a Layout Review exercise undertaken as part of the Building Regulations process. Since this matter is addressed by other legislation, it is not necessary to consider it further at this Reserved Matters stage.

Allowance will be made for temporary turning head/s to be provided along the length of the main spine roads, so that refuse and other service vehicles will be able to turn around if the two limbs of the spine road itself are not constructed as far as the proposed permanent turning heads in the early stages of construction.

Taking these matters into account, the submitted Reserved Matters details constitute an acceptable Waste Management Plan and accord with Development Plan LP Policy D2.

Vehicle Parking

Condition 6 of the OPP requires that the details submitted to address the landscaping reserved matter include, inter alia, car parking layouts. OPP condition 22 requires that parking provision is in accordance with the Council's adopted Standards.

Vehicle and Cycle Parking – Bungalows:

As with Phases 1 and 2, all bungalows in Completion Phase (i.e. each of the 143No. one, two and three-bedroom units) are provided with two parking spaces, at least one of which meets disabled bay design standards. This complies with, and in relation to the one-bedroom units exceeds, the Council's adopted parking standards. It also addresses Building Regulations M4(3) 'Wheelchair User' requirements. In addition, in each of the cul-de-sac communities, visitor parking is provided within the central communal space or along access routes, at the rate of (or exceeding) one space per four dwellings: meeting the Council's adopted parking standard and providing conveniently positioned visitor parking close to the bungalows.

Turning now to cycle parking, each bungalow will be provided with a cycle locker located adjacent to the rear patio or driveway (neatly combined with the refuse and recycling store) that can accommodate up to 4 cycles. This level of provision exceeds the Council's adopted standards and provides cycle storage for visitors to each bungalow in addition to residents' cycles. The design for each locker is shown in the accompanying *Bin and Bikes Storage, and Air Source Heat Pump Provision Brochure* and their locations are shown on each plot on the submitted Detailed Layout Plans. This proposed provision, both in numerical terms and in the design of the cycle stores, is exactly as approved recently in relation to the Phase 2 RM application and successfully installed in Phase 1.

Vehicle and Cycle Parking – Apartments:

Vehicle parking to the apartments is provided on an unallocated basis at the rate of 1 space per one-bedroom dwelling and two spaces for two and three bedroom units, with one visitor space per four units – all provided within the three parking courts shown on the OPP approved layout plan and the currently submitted drawings (*Elegant Architectural Ltd* drawings 01 – 07 inclusive).

Cycle parking is provided in secure internal cycle storerooms in each of the three apartment buildings positioned close to entrances, at the rate of one cycle space per one-bedroom unit and two spaces per two- and three-bedroom unit. Internal doors from communal corridors provide access for residents, with external doors onto paved footways linking the buildings to the footways/highways. Sheffield stands are proposed to be located close to the entrances of the apartment buildings to provide casual visitor cycle parking at the appropriate Standard.

The Council's adopted parking standards for cars and cycles are fully met, and in some cases exceeded, across the entire development and individually for each building. The submitted drawings and details therefore address the relevant requirements of LP Policies D1 and T1 concerning the provision of appropriate vehicle parking, and cycle storage facilities that encourage the use of this sustainable means of transport.

Levels

It is requested that a planning condition be imposed that requires the final agreement of site levels, including finished floor levels for all buildings, because the provision of drainage for the development: foul and surface water infrastructure and the falls associated with drain runs, often dictates local finished floor and ground levels. Alternatively, the Council may be content, as it was in the Phase 1 development, to agree finished site and building levels as part of the discharge of associated foul and surface water conditions on the OPP.

Private Amenity Space

Whilst the wider Retirement Community (Phases 1 and 2) has been planned and approved on the basis of shared open space and no fences or separation of garden areas, condition 31 of the OPP requires "*Each of the dwellings hereby permitted shall be provided with private amenity space in compliance with the standards set out in the Maldon District Design Guide SPD."* The minimum Standards for gardens sizes are:

- for houses 3+ bedroom = 100m2 per unit;
- 1-2 bedroom = 50m2 per unit;
- for flats = 25m2 per unit

It is clear from the submitted drawings that areas considerably in excess of the relevant Standard at the rear of each bungalow type are available for recreation by the occupiers. The apartment buildings also have ample open space around them in which their occupants can recreate – far in excess of that required by the Council's adopted Standards. If required by the case officer, a drawing showing notional gardens and private amenity areas to the apartments can be provided.

Locally Equipped Area for Play ('LEAP')

The S106 Agreement entered into at OPP stage requires the provision of a LEAP as part of the area of Local Open Space. The S106 Agreement defines the LEAP as "*an area of open space specifically designed and laid out with features including equipment for children who are beginning to play independently. by provision of a minimum number of six play experiences provided in accordance with the written approval of the Council, including when it should be fully operational*". Whilst the precise specification of the LEAP is a matter for agreement through the discharge of the relevant S106 Obligation, its general location is shown for information purposes on the submitted drawings (*Elegant Architectural Ltd* drawings 02– 03 inclusive)

Utilities Buildings and Compounds

The application is accompanied by drawings showing the design of electricity sub-station/s and a foul water pumping station required to service the development. The locations of these structures and associated compounds are shown on the various submitted site layout drawings. The electricity sub-stations design is exactly the same as that approved in Phase 1 (see planning application 25/00977/FUL) and that approved recently as part of the Phase 2 RM application. The foul water pumping station is illustrative in that it is the same design as approved in Phase 1 and Phase 2, but may be the subject of minor change when the final foul water drainage scheme is submitted for approval pursuant to condition 21 of the OPP.

Renewable Energy Scheme

Condition 29 of the OPP requires that "*As part of the application for approval of 'appearance' reserved matter, details of a scheme of renewable energy technologies to be incorporated into the development shall be submitted. The details as approved shall be constructed prior to occupation of the relevant part of the development, and thereafter shall be retained*."

The applicant proposes to install air source heat pumps to the bungalows, as per the Phase 1 development under construction. This will provide energy for space and water heating. ASHP are anticipated to achieve a seasonal efficiency of at least 302% in the winter and 184% in the summer.

In relation to the apartment buildings, renewable energy will be generated by an Air Source Heat Pump for water heating (Dimplex EDL200UK-630) with space heating via electric panel heaters. Details of the ASHPs selected for the bungalows and apartments accompany this application.

In addition, solar photo voltaic ('PV') panels are proposed to be installed on the roofs of the bungalows and the three apartment buildings, and the submitted drawings show their location in illustrative terms.

In relation to the recently submitted application to amend the Burnham Waters Phase 1 development including an increase in the number of apartments, the Energy Statement[5] accompanying that application (application reference 26/00431/FULM) explains that PV panels on apartment buildings "generate electric current when exposed to light and when properly designed and installed are still able to produce some power in the UK on cloudy days. The system will be wired into the incoming fuse board and would divert to the National Grid when there is no electrical demand within the dwellings. This means that on sunny days, a suitably sized array could potentially provide 100% of a dwelling's electricity demand with excess going to the Grid.

The P.V system generates no greenhouse gases and saves approximately 325kg of CO2 per year or about 8 tonnes over the systems lifetime - for each kWp. The estimated payback time for photovoltaics varies significantly from site to site, however over recent years the cost per panel has more than halved, making it a far more economically feasible.

Photovoltaic panels currently have a life expectancy of at least 25-30 years. Based on an average output of 700-900kWh per panel in the UK payback times for a 1kWp array with optimal sunlight hours can range from between 2.5-7.5 years.

To meet ADL2021 compliance, PV is not required for the residential units. However, it would be required to meet Future Homes Standards compliance." This means that the new dwellings proposed would be 'future proofed' against the anticipated change in the Building Regulations.

The final locations for solar PV panels will be determined by the installer since it is dependent upon aspect, orientation and shading from adjacent trees.

Ecological Management Plan

Condition 32 of the OPP requires that "*Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (ECMP) shall be submitted to the Local Planning Authority for approval. The ECMP shall include the provision of circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW), dedicated 'dogs-off-lead' areas, signage/information leaflets to householders to promote these areas for recreation, and dog waste bins. The EMP shall also include an Ecological Conservation Management Plan Statement that demonstrates how the development accords with the aims and objectives of the ECMP along with details of the specific ecological measures proposed and the timing for their delivery.*"

A concurrent application to discharge condition 32 has been submitted, but whilst this parallels the RM application one is not contingent upon the other.

Conclusions

The applicant intends to deliver the final extension of the retirement community as proposed at OPP stage and to honour the commitments made then in respect of the very high quality of the development, including in respect of the standard of accommodation, and enhancements to landscape and ecology. This RM submission demonstrates that continuing commitment.

The aspirations and detailed requirements of the LPA's planning policies in relation to design and

[5] Prepared by *Stansted Environmental Service Ltd*, June 2026

architecture; affordable housing; the quality of accommodation; ecology; landscape; access, movement and parking; service provision; utilities and amenity are met. It is accordingly recommended that RM Approval is granted.

Finally, the applicant wishes to continue to work in concert with the LPA to ensure that a very high-quality scheme is delivered. This collaborative approach may mean that amendments are desirable, or further information is required following consideration of the application by the LPA's planning staff and internal and external consultees. In that event the applicant is willing to agree to an Extension of Time and this Statement may be taken as the applicant's formal agreement to such.

I would be grateful if you would register the application, provide a receipt for the application fee, confirm the name of the case officer, and inform me of the timetable for determination.

If you have any queries regarding the application or require further information, please do not hesitate to contact me.

Yours faithfully

Stewart Rowe, Dip TP, MRTPI
Planning Director

CC Mr J Mocock - *Burnham Waters 3 Ltd,* Mr I Holloway - *Burnham Waters 3 Ltd*.