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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

29 November 2016

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL (EXTRAORDINARY - PLANNING)

on **WEDNESDAY 7 DECEMBER 2016 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', is enclosed within a large, hand-drawn oval.

Chief Executive

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AGENDA
COUNCIL (EXTRAORDINARY - PLANNING)

WEDNESDAY 7 DECEMBER 2016

1. Chairman's notices
2. Apologies for absence.
3. **Disclosure of Interests**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **FUL/MAL/15/00419 - Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge** (Pages 7 - 114)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)*.

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 4.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

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Closed-Circuit Television (CCTV)

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BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
COUNCIL (EXTRAORDINARY)
7 DECEMBER 2016

| | |
|---|---|
| Application Number | OUT/MAL/15/00419 |
| Location | Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham/Heybridge Essex |
| Proposal | <p>Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) (Outline) (ii) Residential Care (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) Strategic flood relief infrastructure, including the construction of retaining earthworks, connecting ditches, pipe work and syphons, water flow control measures, and outfall to the Chelmer and Blackwater river systems (Detailed element) (vi) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vii) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (viii) Construction of initial gas and electricity sub-stations (Detailed); and (ix) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (viii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). |
| Applicant | Countryside Properties & EC, MA & DC Watson & KL Watson-Knee |
| Agent | Mr Kevin Coleman - Phase 2 Planning & Development Ltd |
| Case Officer | Debi Sherman, TEL: 01621 875862 |
| Parish | GREAT TOTHAM |
| Reason for Referral to the Committee / Council | <p>Environmental Impact Assessment</p> <p>Strategic Site within the submitted Local Development Plan</p> <p>Departure from the Local Plan 2005</p> <p>Major Application</p> |

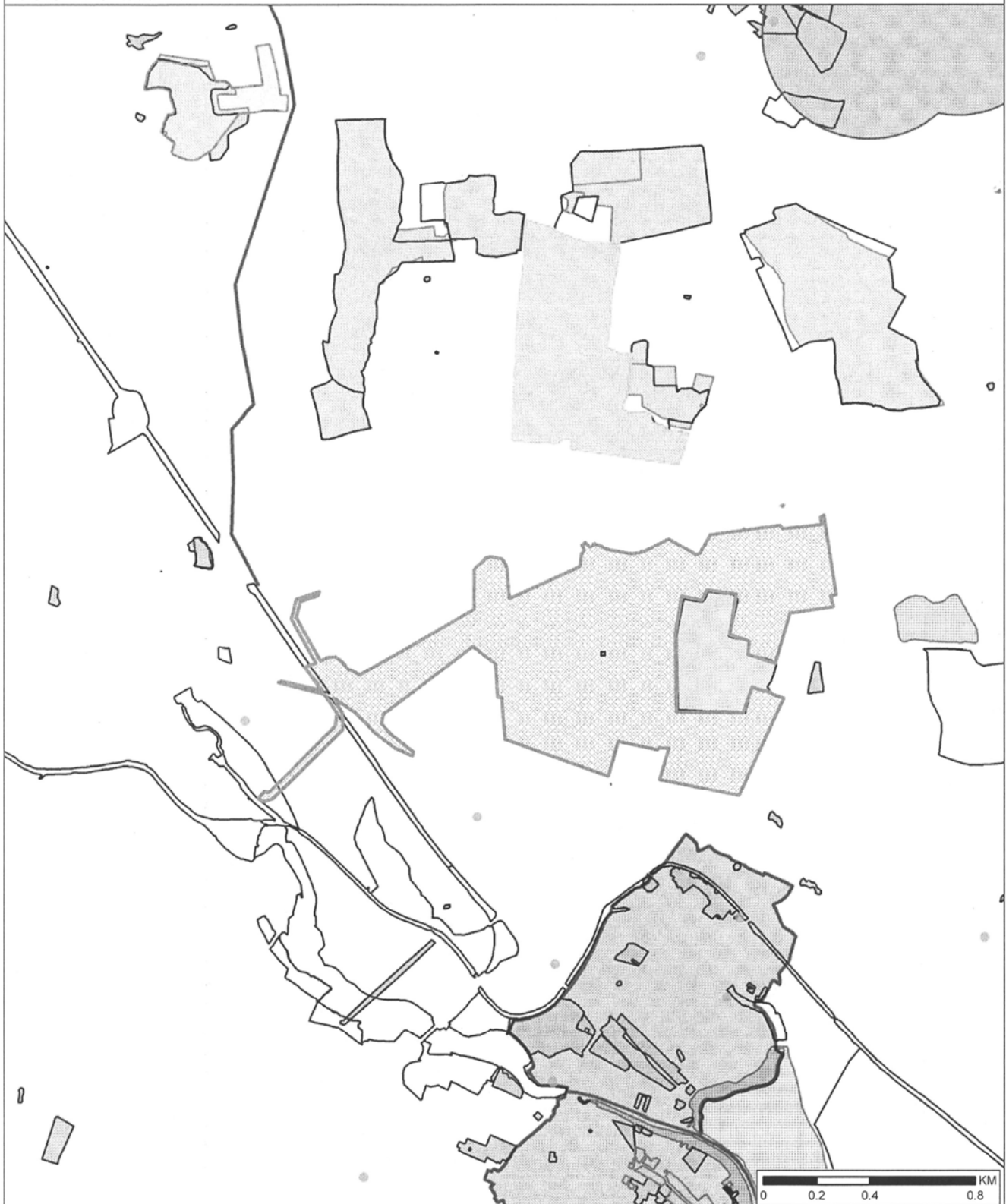
1. **RECOMMENDATION**

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. **SITE MAP**

Please see overleaf.

Land At Broad Street Green Road, Maypole Road And Langford Road, Great Totham
OUT/MAL/15/00419



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Maldon District Council 100018588 2014

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| | |
|---------------|-------------------------|
| Scale: | 1:20,000 |
| Organisation: | Maldon District Council |
| Department: | Department |
| Comments: | Committee 15/00419 |
| Date: | 18/11/2016 |
| MSA Number: | 100018588 |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The scheme has been submitted as a hybrid application with certain elements in detailed form and the remaining elements in outline with all matters reserved.

3.1.2 The application site is the largest of three sites allocated for development in the Submission Local Development Plan (LDP) which together comprise the North Heybridge Garden Suburb. The North Heybridge Garden Suburb Strategic Masterplan Framework was approved by the Council as a material consideration for Development Management purposes in October 2014.

3.1.3 The detailed part of the application relates to the following:

- Flood Alleviation Scheme (FAS) comprising embankments up to 3.8m in height, an associated diversionary channel, washlands to the north of the embankments, outfall watercourse with three culverted sections and water flow control measures with outfall into the River Blackwater.
- A new relief road (50mph speed limit) between Langford Road and Broad Street Green Road bisecting Maypole Road and creating a staggered junction with new roundabout junctions onto Broad Street Green Road and Langford Road.
- Gas and electricity sub-stations.

3.1.4 The outline part of the application is sought with all matters reserved except for access for the following development:

- 1,138 dwellings;
- a local centre (Use Classes A1, A2, A3, A4, A5 and D1 uses);
- Residential Care C2 use for 120 bed spaces;
- a primary school;
- two early years and childcare facilities;
- general amenity areas and formal open space including allotments, sports playing fields, landscaping;
- sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features.

3.1.5 All matters are reserved under the outline elements of the scheme. The access arrangements (excluding the relief road) layout, appearance, landscaping and scale will form the reserved matters.

3.1.6 The plans for determination include the following Design Parameter Plans:

1. Land Use
2. Green and Blue Infrastructure
3. Access and Movement

- 4. Building Heights
- 5. Residential Density

- 3.1.7 An illustrative layout plan and phasing plans have also been included with the application.
- 3.1.8 The application is supported by an Environment Statement (ES) which demonstrates an Environmental Impact Assessment has been undertaken for a development of up to 1140 residential units and is supported by a number of studies appended to the ES. In addition there are a number of documents including a Design and Access Statement (DAS), Statement of Community Involvement (SCI), Affordable Housing Statement (including viability information) (AHS), Arboricultural Impact Assessment (AIA), Transport Assessment (TA), Planning Statement (PS) and a package of contributions proposed to support the proposed development.
- 3.1.9 All of the parameters plans referred to in paragraph 3.1.6 above have been tested in Environmental Impact Assessment terms to test the impact of the proposals and understand the limits of the development proposed on this site.

3.2 Conclusion

- 3.2.1 The application site is allocated as site S2(d) in the submitted Local Development Plan (LDP) for the development of a minimum of 1035 dwellings. The site is one of three strategic allocations that make up the Garden Suburb. The principle of development is therefore established in the submitted LDP, the North Heybridge Strategic Masterplan Framework and the site has been acknowledged by the Council as being a sustainable location for growth. The site is a key part of the Council's strategy to achieve a five year housing land supply.
- 3.2.2 A resolution to grant outline planning permission was made for two of the other sites that make up the Garden Suburb, Site S2 (e) at the extraordinary meeting of the Council on 31 March 2016 (OUT/MAL/14/00990) and site S2(f) on 19 May 2016 (FUL/MAL/15/00885).
- 3.2.3 The scale of development exceeds the minimum level of growth proposed in the submitted LDP. The proposed development responds appropriately to the townscape, character, and historic environment within the surrounding area, and the overall design of the proposed development responds positively to the National Planning Policy Framework (NPPF) paragraphs 60 and 61, creating good design which integrates and connects the development to the natural, built, and historic environment.
- 3.2.4 The proposed scheme creates significant benefits for the wider community by bringing forward the Strategic Flood Alleviation Scheme as well as a new Relief Road, a new local centre, primary school, early years facilities, formal and informal open recreational facilities. The level of affordable housing provided in context of the wider infrastructure package has been subject to viability testing and is considered appropriate in this case, particularly as a review mechanism would enable a review of the level of affordable housing provision of up to 20% across the site.

3.3 Phasing

- 3.3.1 The development would be constructed over a ten year period and is identified as being built out in four phases. The table below sets out the indicative phases and their associated timelines:

| | |
|--|--|
| Phase One 0-18 months | <ul style="list-style-type: none">• Langford Road junction completed.• Broad Street Green Road junction completed.• FAS - outfall to River Blackwater and construction of embankment for largest washland.• Maypole Road staggered junction completed.• Haul road between Langford Road and Maypole Road. NO RESIDENTIAL DEVELOPMENT COMMENCED |
| Phase Two 18 months – 3 years | <ul style="list-style-type: none">• Completion of the FAS.• Completion of the Relief Road prior to the 350th occupation.• Completion of the principle road within the Garden Suburb.• Completion of one third of the residential development split between the western most sector of the site and the north eastern corner adjacent to the Broad Street Green Road junction.• Implementation of the standalone Early Years facility.• Implementation of the pedestrian route through from the existing development to the South into the Garden Suburb. |
| Phase Three 3-6 years | <ul style="list-style-type: none">• Completion of one further third of the residential development.• Implementation of the Maypole Road Bus Improvement Scheme (if required) by 500th occupation.• Completion of the local centre; primary school and second early years facility.• Provide land for medical centre within the Local Centre. |
| Phase Four 6-10 years | <ul style="list-style-type: none">• - Provide final third of the residential development.• - Formal sports facilities completed with allotments. |

3.4 Application for determination (Detailed Element)

3.4.1 Relief Road

- 3.4.1.1 The scheme proposes the construction of a relief road forming the northern boundary of the built development linking Langford Road in the west with Broad Street Green Road in the east. The alignment of the relief road is in accordance with the North Heybridge Garden Suburb Strategic Masterplan Framework. The Relief Road would be 7.3m wide and subject to a 50 mph speed limit. It would terminate in a roundabout junction at its western end linking the existing road network (Langford Road) close to

the existing roundabout junction with Heybridge Approach. There would also be a roundabout junction at the eastern end of the relief road where it meets Broad Street Green Road. The Relief Road would intersect Maypole Road, which would become a staggered junction off the Relief Road, offset by 90m with right hand turning lanes and slipways to ease access onto and off the relief road. The Relief Road would include the four principle points of access into the residential development area that forms part of the outline element of the scheme.

3.4.2 Flood Alleviation Scheme (FAS)

3.4.2.1 The development provides the opportunity to reduce the causes and impacts of flooding in accordance with the National Planning Policy Framework (NPPF) (para. 100). Fluvial and surface water flooding has occurred frequently in north Heybridge and a flood alleviation scheme proposed solely by the Environment Agency in 2006 failed to proceed on cost benefit grounds when Treasury was the sole scheme funder. The proposed flood alleviation works would deal with overland surface water flows from the North (Great Totham and Wickham Bishops) and reduce peak flows of peak flows of flood water by creating the means by which to capture those water flows, hold the excess water, initially in the proposed diversionary channel and in the case of significant flood events (1 in 75 year plus climate change) behind raised earthworks or embankments and then divert those water flows at attenuated rates through hydrobrakes and a diversionary watercourse (including three syphons) via an attenuated outfall into the River Blackwater just north of where it meets the River Chelmer.

3.4.2.2 The FAS would operate on a three stage system – Capture, Hold, Divert:

- CAPTURE – Excess overland flows from the north would first be captured in the diversionary channel to the north of the FAS embankments, when the diversionary channel overtops, the washlands would fill from east to west (the smallest ‘pond’ first working through via hydrobrakes to the two larger ‘ponds’).
- HOLD – Water would be held in the ‘ponds’ or washland areas for usually up to 2-3 days while the water is release at an attenuated rate.
- DIVERT – Water would be released in a controlled manner via the culvert (and syphons) under Langford Road and into the outfall structure at the River Blackwater.

3.4.2.3 The outfall would be north of the ‘Long Pond’ and Beeleigh Lock. Following discussions with Essex Waterways it has been agreed that additional lock gates would be provided within the lock itself so that the lock would have two sets of lock gates at either end of the lock.

3.4.2.4 The embankments would lie to the north of the proposed relief road and would be separated by a maintenance track and hedge. The western end of the FAS would be separated by a landscape corridor necessary to take account of the overhead pylon easement. The embankments would range from 3.8m in height at its western end to ground level at the eastern end. The washlands created would cumulatively hold 194,000 m³ of water. The topography of the land the water flows would be such that water would travel south until it meets the FAS and then would travel east to west, collecting in the washlands to be released in at acontrolled or attenuated rate. It is

estimated that the washlands would be dry and farmed for the majority of the time during the course of a year and would only need to hold water for a matter of days annually.

3.5 Electricity and Gas Substations

- 3.5.1 The proposed sub-stations are the only other element of the scheme that has been submitted in detail. They would sit alongside the Relief Road to serve the development in the south western corner of the site.

3.6 Application for determination (Outline Element)

- 3.6.1 The Design and Access Statement (DAS) includes details of the potential layout of the development in the form of illustrative plans and phasing arrangements and shows the following land use areas for the site:

| Use | Hectares (ha) |
|------------------------|---------------|
| Residential | 40 |
| Local Centre | 2.47 |
| Open Space | 17 |
| Roads (infrastructure) | 5.96 |

- 3.6.2 A package of infrastructure is proposed to support the development in accordance with the Infrastructure Delivery Plan and the Submission LDP. The applicant proposes to enter into a planning obligations to cover the following:

- Early years and childcare contribution including site provision.
- Primary school site contribution including site provision.
- Secondary education contribution.
- Health care contribution.
- Formal outdoor sports facilities.
- Youth facilities.
- Children's play areas.
- Open space.
- Allotment provision.
- Future management and maintenance of Green Infrastructure including provision of a Management Company.
- Off- site highway improvements.

3.7 Housing

- 3.7.1 The development would comprise of 1,138 dwellings. This has been increased from the initial indicative figure of 1,035 dwellings referenced with the application but it remains within the tolerances tested within the Environmental Statement submitted with the application. The increase in numbers has been subject to a re-consultation process. The indicative market housing mix would be split as follows overleaf:

| Bedroom numbers | Percentage % |
|------------------------|---------------------|
| 1 | 2.5 |
| 2 | 20 |
| 3 | 37 |
| 4 | 36.5 |
| 5 | 4 |

3.7.2 The level of affordable housing provided on site has been the subject of lengthy negotiation necessary in part because of the financial implications of providing the flood alleviation scheme. The following has been agreed:

- 15.5% affordable provision for first 450 units at a 70/30 Affordable Rented/ Shared Ownership split;
- full viability review on the occupation of the 450th unit with a minimum of 15.5% and a maximum of 20% over the whole development with a review of affordable housing tenure mix subject to viability. Full viability review to include all development costs and values.

3.8 Residential Care (C2)

3.8.1 The application includes a proposal for a residential care facility that could provide up to 120 bed spaces. It is indicated that this could be provided in more than one building in one of the residential areas identified on the Land Use parameter plan.

3.9 Local Centre and Education

3.9.1 A local centre Use Classes A1(etail), A2 (financial / professional services), A3 (food & drink), A4 (public house), A5 (public house) and D1 (health services, crèche / day nursery)uses would be created and is shown to be located in the south of the site. It indicates a floorspace of 2,250sqm in area with the potential for up to 1,000 sq m to be used for a medical centre. A pharmacy could also be included within the medical centre. The uses within the neighbourhood centre are at present shown as being flexible in floor space terms although it is anticipated that any one unit would be up to 500 sqm in floor area (with the exception of the medical centre subject to space requirements).

3.9.2 A 210 place one form entry (1FE) primary school would be provided within the local centre. One of the 56 place early years facility would be co-located with the primary school. The second 56 place early years and childcare facility could be located within the south western part of the development site but this would be subject to discussion at reserved matters stage and could be relocated elsewhere within the site in a position yet to be agreed.

3.10 Green Infrastructure

3.10.1 The illustrative layout and Design Parameter Plan shows a network of green infrastructure and a range of general amenity areas and formal and informal open space including allotments, play areas, playing fields and general landscaping. These will be integrated throughout the development. Heybridge Wood (whilst located outside the planning application boundary) forms an integral part of the Green

Infrastructure network and would be subject to a maintenance and management package to protect its biodiversity.

3.11 Flooding and Drainage

- 3.11.1 The DAS includes an on site proposed flood risk and drainage strategy incorporating SuDS and showing features including permeable paving, filter strips (shallow drainage channels alongside highways), ditches, swales and attenuation drainage systems (landscaped storage basins). This will ensure that run-off rates will not exceed greenfield run off rates and will not adversely impact on the surrounding area.

3.12 Amended and Additional Information

- 3.12.1 Since the application was originally submitted there has been a need for further information to be provided to address comments raised during the consultation process and to assist consideration of the application. This information has been subject to re-consultation.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 4 – Promoting Sustainable Development
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6- Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Section 10- Meeting the challenge of Climate Change, Flooding and Coastal Change (in particular para 100- using opportunities presented by new development to reduce the causes and impacts of flooding)
- Section 11 – Conserving and Enhancing the Natural Environment
- Decision Taking
- Annex 1 - Implementation

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development.
- S2 - Development Outside Development Boundaries.
- CC1 – Development Affecting an Internationally Designated Site
- CC2 - Development affecting a nationally designated nature

- CC3 - Development affecting locally designated nature
- CON5 – Pollution Prevention.
- CON6 – Pollution Prevention
- CC5 – Protection of Wildlife on Development Sites.
- CC6 - Landscape Protection.
- H1 – Location of New Housing.
- H6 – Housing Density.
- H9 – Affordable Housing.
- SH2 - Protection of the retail function of town and district centres
- BE1 – Design of New Development.
- BE3 – Public and private amenity spaces.
- BE17 - Preservation of Sites of Nationally Important Archaeological Remains and their Settings
- BE18 – Control of Development at a Site of Local Archaeological Value.
- REC2 - Provision of public playing pitches
- REC3 – Children’s Play Space associated with new housing developments and elsewhere in the district.
- T1 – Sustainable Transport and Location of New Development.
- T2 – Transport Infrastructure in New Developments.
- T4 – Cycle Routes
- T6 - Improvement to Pedestrian Facilities.
- T7 - Shared car parking in new development
- T8 - Vehicle Parking Standards.
- PU1 – Provision of Educational Facilities.
- PU2 – Recycling Facilities in New Developments

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014 and proposed modifications dated September 2016:

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S3 – Place Shaping.
- S4 – Maldon and Heybridge Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design and Quality and Built Environment.
- D2 – Climate Change and Environmental Impact of New Development.
- D3 – Conservation and Heritage Assets.
- D4 - Renewable Energy and Low Carbon Energy Generation.
- D5 - Flood Risk and Coastal Management
- E2 – Retail Provision
- E3 – Community Services and Facilities

- E6 – Skills, Training and Education
- H1 – Affordable Housing.
- H2 - Housing Mix.
- H3- Accommodation for ‘Specialist’ needs
- H4 – Effective Use of Land.
- N1 - Green Infrastructure Network.
- N2 - Natural Environment and Biodiversity.
- N3 – Open Space, Sport and Leisure.
- T1 – Sustainable Transport.
- T2 – Accessibility.
- I1 – Infrastructure and Services.
- I2 – Health and Wellbeing

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide for Residential and Mixed Use Areas 1997
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014)
- The Infrastructure Delivery Plan (IDP) and Infrastructure Phasing Plan (IPP) forms part of the evidence base of the Maldon District Local Development Plan. It sets out the key infrastructure required to support growth and details of phasing, costs and existing and potential funding sources.

5. MAIN CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is located to the north of the village of Heybridge. The application site extends to 91.7 hectares extending to Broad Street Green Road in the east and beyond Maypole Road in the west. To the north lies Poplar Chase.
- 5.1.2 The site encompasses Heybridge Wood and bounds Wood Road to the south east and Grapnells Farm to south with Holloway Road beyond.
- 5.1.3 The site is currently in agricultural use. There is a fall of 4.5m across the site from East to West and a fall of 3.5 m from North to South.
- 5.1.4 This site forms the largest part of three sites in the North Heybridge Garden Suburb (NHGS). Site S2(e) lies to the south of this site fronting onto Holloway Road and Site S2 (f) lies to the south west of this site bounding onto to part of Heybridge Wood and Broad Street Green Road. The Council has resolved to grant consent in respect of both applications subject to the completion of the respective Section 106 (S106)

agreements. Site 2(e) North of Holloway Road benefits from a resolution to grant planning permission for up to 100 dwellings in March 2016 (OUT/MAL/14/00990) and Site S2(f) West of Broad Street Green Road benefits from a resolution to grant detailed planning permission (FUL/MAL/15/00885) for 145 dwellings with associated landscaping, open space, access, parking and ancillary infrastructure.

5.2 Principle of Development

- 5.2.1 Notwithstanding the above and in accordance with paragraph 216 of NPPF, which advises that the ‘more advanced the preparation of the Plan the greater the weight that may be given’, it is considered that the LDP policies considered at the Examination in Public (EiP) are now at an advanced stage for substantial weight to be given in the decision making process to planning applications. A Planning Policy Advice Note (Version 5) has been produced to assist the Council in determining planning applications in regard to the LDP policies and provides the most up to date interpretation of the policy position. The Policies are consistent with the Framework and substantial weight may be given to them in the decision taking process. In May 2016 the Council published a Planning Advice Note (Version 5) to assist in an understanding of the Council’s position in relation to the emerging LDP policies, and an updated statement on the Council’s five year housing supply position has been produced by the Policy team (August 2016).
- 5.2.2 In terms of the progress of the LDP, the Plan has been published and submitted for EIP. It has been the subject of extensive consultation at each stage of the Plan’s preparation. Public hearing sessions for the housing and infrastructure related policies (LDP Policy S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2) took place between 20 January and 4 February 2015.
- 5.2.3 The Inspector issued his interim findings on 8 May 2015. Following this, the Secretary of State formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004 “to test whether the planning inspector has taken a proportionate and balanced view on the local plan as a whole in the light of national planning policy”. On 6 March 2016, the Council received a letter from the Secretary of State confirming that “it was not proportionate for the inspector to find the whole plan unsound because he had not examined the whole plan” and that the Council should be given the opportunity to rectify these issues by continuing the examination of the LDP. The Secretary of State has resumed the examination of the LDP and therefore the policies which have been subject to public hearings are at a very advanced stage in their preparation. A new Inspector has been appointed to conduct the examination which reopens on 10 January 2017. The Council has undertaken consultation on proposed modifications to the LDP, a paper concerning the implications of the 2014 household projections for the objective assessment of housing needs and a sustainability appraisal report update. The Council has also invited comments on an updated five year housing land statement and a statement about the sustainability appraisal of the LDP.
- 5.2.4 With regards to compliance with the NPPF, the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation. Having regard to the Secretary of State’s letter, it is reasonable for the Council to

afford the relevant LDP policies (and proposed modifications), with the exception of Policy H6, weight in decision making.

- 5.2.5 Based on the above considerations the Council is satisfied that material weight should be given to LDP Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, I1 and I2 in decision making.
- 5.2.6 LDP policy S2 identifies the objectively assessed needs for the District to provide a minimum of 4,430 dwellings over the next 15 years, including around 3,500 new homes for Maldon and Heybridge and 450 homes for Burnham-on-Crouch through strategic allocations and two new Garden Suburbs (South Maldon and North Heybridge), and with around 330 dwellings on windfall sites across the District in the plan period. This is consistent with the LDP strategy of containing the majority of growth in the most sustainable and accessible locations within and adjacent to the main settlements taking into account environmental and infrastructure constraints and the need to protect the rural character of the District. The application site forms one of the largest strategic housing allocations in the LDP and is defined as Site S2 (d) North of Heybridge. It represents the largest site allocation within the North Heybridge Garden Suburb (NHGS) with a housing allocation of 1,035 dwellings.
- 5.2.7 In accordance with the principles set out in the Submitted LDP, the Council has worked with developers, landowners and stakeholders to develop a Strategic Masterplan Framework (SMF) to provide a comprehensive approach to development and infrastructure provision within the North Heybridge Garden Suburb. The SMF was endorsed by the Council for Development Management purposes in October 2014 following a six week public consultation period.
- 5.2.8 The Secretary of State (SoS) has stated that the latest full assessment of housing should be considered and given weight in accordance with the NPPF. The SoS recognises that the Council has undertaken a comprehensive assessment of housing need and that there is nothing before him to lead him to a contrary view at this stage. This clarification supports the Council in providing significant weight to policies within the LDF, and supports the housing target used within the identification of the Council's five year housing supply.
- 5.2.9 The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets. The Council's position with regard to its five year housing supply has been tested at a number of appeals over the last year and this has shown that the Council's position is robust and can be evidenced. The delivery of this site makes an important contribution to the Council's five year housing land supply and beyond and as such would further strengthen the Council's position in this regard.
- 5.2.10 Policy S4 of the submission LDP (April 2014) identified the requirement for the North Heybridge Garden Suburb to deliver a strategic flood alleviation scheme (FAS) to address the existing surface water flooding in north Heybridge. The costs of the FAS were to be met through pooled contributions from the three strategic sites and this was reflected in the Infrastructure Delivery Plan. The FAS was to be provided as part of the development of Site S2(d). At the LDP Hearings which took place in January 2015, the Inspector raised concern that the requirement for the FAS was not compliant with Reg 123 of the Community Infrastructure Levy (CIL) Regs 2010

because it was not a direct requirement of the development. A position statement was submitted to the Examination which provided clarity on how the FAS would be delivered which stated: ‘The relationship between the FAS scheme and built development of Site S2(d) is presented by the opportunity within the policy and the specific local drainage geography: It is not a necessity. However, it is not possible to adequately plan for one element without knowledge of the other and therefore this necessitates an integrated and comprehensive design and development of these two elements’.

5.2.11 Modifications have been proposed to the Submission LDP (Proposed Major Modifications September 2016) to address the concerns raised by the Inspector including the deletion of the requirement for pooled developer contributions to cover the costs of the FAS. The Submission LDP (para 2.59) states: ‘Strategic developments to the north of Heybridge should not prejudice and should be integrated with a strategic flood alleviation scheme which will address existing surface water flooding in north Heybridge’. The proposed development includes a strategic flood alleviation scheme as an integrated part of the development and is therefore in accordance with the LDP in this respect.

5.2.12 Taking all these factors into account, it is considered that the principle of development is acceptable subject to all other material considerations being acceptable.

5.3 Place Shaping and Strategic Growth

5.3.1 LDP policy S3 (Place Shaping) states that the Garden Suburbs and Strategic allocations at Maldon, Heybridge and Burnham-on-Crouch will be planned as high quality, vibrant and distinctive neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. Policy S3 provides eleven development principles for development of the Garden Suburbs and Strategic Allocations as follows:

- 1) A comprehensive and well planned approach that provides homes, jobs, and community facilities;
- 2) Places where people want to live and interact through active citizenship, civic amenity and a vibrant urban life;
- 3) A strong landscaped character that incorporates well managed open space, tree-lined streets and other landscaping and natural areas for amenity and wildlife habitat and to address the effects of climate change;
- 4) The historic environment is instrumental in establishing landscape character and providing a sense of place and identity, and this should be recognised through the protection, management and enhancement of heritage assets;
- 5) There will be a clear and harmonious relationship between town and country;
- 6) High quality and detailed architecture that is characterful, innovative and adaptable;
- 7) The local centres will act as the community focus within the Garden Suburbs, with a mix of businesses and community uses that are well served by public transport and connected to the town centre by safe walking and cycling routes;

- 8) There will be a network of safe and usable paths and streets for pedestrians, cyclists and vehicles. This network should prioritise accessibility to open spaces, education and health facilities;
- 9) Fully integrated with the surrounding communities through shared community uses, and a variety of transport modes including walking, cycling and public transport;
- 10) Provide for the requirements of site service and communication infrastructure, in particular high speed broadband, with minimal disruption and need for reconstruction and allow for future growth in service infrastructure; and
- 11) Provide dwellings which meet the District's housing needs for an older population, as identified and required by the Council.

5.3.2 LDP policy S4 (Maldon and Heybridge Strategic Growth) identifies the following key infrastructure requirements for the North Heybridge Garden Suburb:

- A new 1-form entry primary school;
- Two new 56-place early year and childcare facilities;
- Necessary contributions toward the sufficient expansion of the Plume School;
- Provision for youth and children's facilities;
- A new outer relief road to the North of Heybridge between Broad Street Green road and Langford Road; and
- Identified infrastructure will be delivered in line with the requirements set out in Policy I1 having regard to the most recent evidence provided in the Infrastructure Delivery Plan (IDP).

5.3.3 In addition the policy requires:

- Highway provision through internal roads, footpaths, cycle routes, enhanced public transport;
- Pupil demand can be accommodated through early years, primary and secondary education;
- Enhanced medical provision;
- Community hubs and local centres;
- Flood and surface water management, sewerage infrastructure;
- Green infrastructure;
- Affordable housing provision and housing to meet the needs of the District;
- Ecology and archaeology surveys.

5.3.4 With specific reference to the North Heybridge Garden Suburb Policy S4 sets out that:

- The new relief road should form the northern boundary of the development with only strategic flood alleviation measures and landscaping features allowed to the north of it;

- Strategic flood alleviation measure can be allowed outside of the masterplan area where appropriate; and
- The area between the new relief road, Maypole road and Langford Road are used for green infrastructure, agriculture, flood alleviation and/or landscaping measures. Seek to facilitate access routes into the wider public footpath network and links to adjoin public open space.

5.4 Strategic Masterplan Framework and Design Codes

- 5.4.1 Reflecting the desire to create high quality garden suburbs and reflect the emerging requirements set out in policies S3 and S4 of the LDP, the Council has worked with developers, landowners and stakeholders since October 2013 on the preparation of the North Heybridge Garden Suburb Strategic Masterplan Framework (SMF). The SMF has therefore been developed in accordance with the spatial vision and policies in the submission LDP. The SMF provides an illustrative guide for developers and further guidance on the requirements set out in LDP policy S3 (Place Shaping) and policy S4 (Maldon and Heybridge Strategic Growth). Public consultation formed a key element in this process with public consultation events held in March and June 2014 and a formal six week consultation period on the draft SMF including a public consultation event (held in September 2014) and exhibition from August- September 2014. The SMF was endorsed by the Council as material consideration for Development Management purposes in October 2014.
- 5.4.2 The North Heybridge Garden Suburb is being planned as a high quality, vibrant and distinctive new neighbourhood which is well integrated with surrounding communities in accordance with the principles set out in the submitted LDP and the SMF. The SMF sets out a framework for development of the garden suburb including a series of structuring layers covering access, green infrastructure, uses; the creation of distinct character areas to aid legibility and delivery of quality neighbourhoods using layout, scale & landscaping; and a list of the infrastructure that is needed to support development in the garden suburb.
- 5.4.3 The application site forms the largest site in the North Heybridge Garden Suburb and covers the character areas identified in the SMF. These are part of Village Edge, Traditional Garden Suburb and Woodland Edge. In creating these character areas, which are for illustrative purposes, the reserved matters will need to ensure that the detailed layout, scale, appearance and landscaping accords with the principles set out in the SMF to ensure the vision for the Garden Suburb is delivered.
- 5.4.4 The SMF therefore forms an important material consideration in the determination of this application.
- 5.4.5 Update reports to the Planning and Licensing Committee were provided in November 2014 and October 2015 at which time Members endorsed the process for delivering design quality in the Garden Suburbs through the preparation of strategic design codes. Design Codes were seen as an effective tool for delivering that quality through the entire Garden Suburb and to ensure that development proceeds in accordance with the garden suburb principles set out in the SMF. Consultants have been appointed and are now completing the final stages based on the Design Parameter Plans submitted with this application and other applications within the Garden Suburb. Preparation of the Strategic Design Codes for the North Heybridge Garden Suburb

covering primary streets, green edges, green spaces and built edges has been subject to consultation with stakeholders via the North Heybridge Garden Suburb Implementation Group. It is intended to report the final North Heybridge Design Codes for endorsement to Planning & Licensing Committee on 19 January 2017. This will follow a similar process to the endorsement of the South Maldon Design Codes in March 2016.

5.5 Location Assessment

- 5.5.1 The site has been identified in the submitted LDP as a strategic allocation to accommodate future growth requirements in the District to meet the NPPF requirements in respect of meeting housing need. It is adjacent to the urban area and accessible to a range of services. It is considered to be a sustainable location in regard to future growth and infrastructure provision.
- 5.5.2 Paragraph 37 of the NPPF states that planning policies (and hence planning decisions) should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. The NPPF also requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This site can achieve the requirements of paragraph 37 of the NPPF through the ensuring its delivery in accordance with LDP policies and the SMF. It is therefore considered to meet the criteria set out in the NPPF.
- 5.5.3 The site is located adjacent to the northern edge of Heybridge and would form an extension to the settlement and integrated with the settlement through a network of pedestrian and cycle routes and green spaces in accordance with the principles set out in the SMF. The site would be served by the new relief road and there would be pedestrian and cycle links through to existing parts of Heybridge.
- 5.5.4 There are numerous transport opportunities to access all parts of the village and the nearby Maldon town centre, the leisure / recreation uses to the east of the town and other towns and villages in the District and also outside of the District. The transport modes include pedestrian footpaths, cycleway and bus routes in addition to private vehicle usage of the existing road network, which all link, or are proposed to link to the site. A public transport strategy will be developed to include extensions to existing bus routes to serve the North Heybridge Garden Suburb and to improve services to the town centre. There are currently bus stops both in Maypole Road and Broad Street Green Road. The proposed strategy would incorporate a daily service with a 20 minute peak period service to the key destinations in Maldon and Heybridge; a 30 minute frequency daily service to a key station on the Great Eastern Mainline; and the undertaking to allow that the procurement of these services being extended to the South Maldon Garden Suburb as required.

5.6 Relief Road

- 5.6.1 The LDP policies relevant to this section are S3 (Place Shaping), S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), T1 (Sustainable Transport) and T2 (Accessibility). Replacement Local Plan (RLP) policies T1 – Sustainable Transport and Location of New Development, T2 – Transport

Infrastructure in New Developments, T4 – Cycle Routes and T6 - Improvement to Pedestrian Facilities as well the NPPF.

- 5.6.2 The Transport Assessment (TA) submitted with the application carries out detailed analysis of the impacts of the development on the area and considered the cumulative traffic impacts of other planned development in and around Maldon and Heybridge. The TA considered the impacts of a development of up to 1,140 dwellings.
- 5.6.3 The TA identifies that the development would have highway impacts that would require mitigation. Two of the junctions that require mitigation are already subject of improvement works following Local Enterprise Partnership grant funding at the A414 / Spital Road roundabout and Wycke Hill / Limebrook Way roundabout which are currently being carried out on behalf of Essex County Council. Three other junctions are identified as requiring improvements both adjacent to the site and further afield:
- Langford Road B1018 / Heybridge Approach / A414 junction
 - B1018 / Heybridge Approach / A414 roundabout
 - A414 Oaks Corner junction
- 5.6.4 The IDP requires pooled contributions to be made towards improvement works at these junctions via S106 contributions from this site and other sites in the North Heybridge Garden Suburb. It was intended that the proposed Relief Road would also be funded in this manner and would be constructed by the developer of this site. Following discussions with Essex County Council (ECC) Highways and the developers of these sites and as agreed by the Council, it is proposed that a more flexible approach will be adopted to the use of S106 highways contributions. This will enable the developers of this site to construct the relief road as an integrated part of the development without reliance on pooled S106 contributions.
- 5.6.5 The Relief Road is an identified mitigation measure and as a consequence a necessary infrastructure requirement of the North Heybridge Garden Suburb and is identified in the SMF and the Council's Infrastructure Delivery Plan.
- 5.6.6 The Relief Road would provide a direct link to the network of roads bypassing the centres of Maldon and Heybridge, the primary function of which is to alleviate traffic flows within these built up areas and improve linkages to the north of the District and the A12. As set out in paragraph 3.2.1 above the Relief Road would link to the existing road network via new roundabout junctions onto Langford Road and Broad Street Green Road. Maypole Road would be intersected and a staggered junction created with right hand turning lanes and filter lanes off the Relief Road. This would have the effect of discouraging traffic from 'cutting across' the Relief Road to continue up Maypole Road and encouraging traffic to use the Relief Road to continue northwards via Broad Street Green Road. The Highways Authority have assessed the proposed development and have concluded that the proposals are acceptable. Proposed access points are in accordance with the SMF which has been developed in consultation with ECC Highways. A road safety audit has been undertaken.

5.7 Public Transport Strategy

5.7.1 The submitted Transport Assessment also contains details of a comprehensive public transport strategy to assist in mitigating the impacts of the development of the Garden Suburb. In terms of bus connections measures include:

- New or amended bus connection to the Plume School; St. Peters Hospital; Maldon Town Centre, Asda Supermarket; local primary schools;
- Connection to Chelmsford Station, Hatfield Peverel and the new North East Chelmsford Station;
- A service to Colchester;
- A service to Witham.

5.7.2 The Strategy would also include free bus travel of up to 4 no. tickets per household valid for a period of one year. The free bus tickets would form part of a wider travel pack for residents the purpose of which would be to encourage travel by means other than the car and would include elements such as a location map, specific local public transport information, useful web site addresses for journey planning, information on car sharing, home delivery shopping services as well as local cycle and walking routes. In connection with this there would be a Community Travel Web Site that would give residents access to real time travel information and local maps. Cycle Proposals would also be included would incorporate elements such as an on-site travel cycle training scheme, cycle storage and cycle maps. Finally a Travel Plan would be provided that would act a focal point to co-ordinate a number of the measures and provide a central access to the various facilities identified within the Public Transport Strategy.

5.8 Flood Alleviation Scheme (FAS)

5.8.1 LDP Policy D5 (Flood Risk and Coastal Management) provides local drainage considerations and encourages the use of SuDS and flood response plans, policy D2 (Climate Change and Environmental Impact of New Development) seeks to minimise pollution prevention along with RLP policy CON5 (Pollution Prevention), and section 10 of the NPPF.

5.8.2 Fluvial and surface water flooding has occurred frequently in North Heybridge. An alleviation scheme was proposed solely by the Environment Agency in 2006 but failed to proceed on cost benefit grounds when treasury was the sole scheme funder under the pre-Partnership funding the Department for Environment Food and Rural Affairs (DEFRA) measures for flood defence funding. The development site and catchment surface water flow system has been identified within Essex County Council's Surface Water Management Plan 2010 (SWMP) as a Critical Drainage Area. There is also evidence of significant fluvial and surface water flooding in the last 15 years. Properties in Holloway Road in particular have been flooded in 2001, 2003, 2009, 2011, 2014 and most recently this year when up to ten properties flooded internally. Without significant intervention, existing residential and commercial premises will continue to see frequent and extensive flooding from surface water and from capacity exceedance of the urban watercourse network in developed areas of this community.

- 5.8.3 Development of the North Heybridge Garden Suburb represents a unique opportunity to deliver a strategic flood alleviation scheme (FAS) to address existing problems of flooding in north Heybridge in partnership with the landowner, applicant, Environment Agency and the Council.
- 5.8.4 With the incorporation of a system of SuDs, the proposed development will not add to existing flood risk in the north Heybridge area. However, in accordance with paragraph 100 of the NPFF, opportunities presented by new development should be taken to reduce the causes and impacts of flooding.
- 5.8.5 This rare opportunity to link a wider flood risk management solution to a surface water management solution implemented through the development of the North Heybridge Garden Suburb. The Environment Agency has advised that it would not be possible to fully fund the project through the national capital programme and it is therefore necessary to seek partnership funding from other sources to implement the scheme. The development of the North Heybridge Garden Suburb presents a unique opportunity to secure developer funding and for capital project funding through partner agencies to enable delivery of the FAS. Given the costs of the FAS (estimated by the developer to be in the region of £11.305 million) and constraints on the national capital programme, it is unlikely that the FAS could be delivered without significant private sector investment which can only be secured through a development of this scale.
- 5.8.6 If the FAS is not undertaken as an integral part of the proposed development of the North Heybridge Garden Suburb, it is highly unlikely that it could not be delivered at a later date as the unique partnership circumstance presented by this development would not be reproduced. As a result, the North Heybridge area would remain vulnerable to surface water flooding and the risk of flooding is likely to increase in the future as a result of climate change. The latest climate change guidance for developments suggests that both storm rainfall intensity and river flows will increase considerably over the next 100 years which indicates that the problem will worsen if solutions cannot be identified and subsequently financed.
- 5.8.7 Flood risk management and surface water mitigation measures are integral to the delivery of strategic growth. Parts of Heybridge are historically vulnerable to surface water and fluvial flooding and development of the North Heybridge Garden Suburb would facilitate the reduction in flooding by diverting flood water away from the urban area in accordance with the Maldon and Heybridge Surface Water Management Plan (SWMP, 2010). In Policy I1 of the Local Development Plan it is clear that the opportunity to provide physical infrastructure should be exploited. The strategic flood alleviation scheme would support the development proposal itself in terms of managing existing overland flows from the North and will address the existing surface water flooding in the northern part of Heybridge. This is in accordance with paragraph 100 of the National Planning Policy Framework as it will contribute to a new development SuDs solution as well as addressing an existing flooding problem.
- 5.8.8 The North Heybridge FAS is therefore integral to bringing forward the opportunity to develop the North Heybridge Garden Suburb to meet the strategic growth target for new housing, whilst at the same time, resolving an existing flooding problem. The scheme will reduce peak flows of flood water by improving channel conveyance and diverting water into the main channel and away from existing development.

- 5.8.9 Completion of the FAS would provide over the threshold protection to approximately 96 existing residential properties and the strategically important Holloway Road link if a 1 in 100 year flood was to occur and 135 residential properties would be protected in the event of a 1 in 200 year flood. In addition to this, the flood alleviation scheme will contribute to surface water drainage within the new Garden Suburb. The scheme would also assist in providing protection to 45 existing commercial properties or 11.53 hectares of employment land located within designated employment areas in Heybridge.
- 5.8.10 In considering the benefits of the FAS it is important to establish that it would comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which stipulate that an obligation must *be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.*
- 5.8.11 It is clear following the examination of the application details and in context of the likely impacts, particularly in relation to the risk of flooding from overland surface water run-off and static ponding of surface water on the site that the FAS has a function beyond the management of areas of tidal and fluvial flood risk in the wider Heybridge area. This has been confirmed by advice received from Essex County Council and the Environment Agency.
- 5.8.12 The Essex County Council SuDs Team has advised that if the FAS were not to be delivered, the on-site drainage which is currently proposed would need to be up-sized to account for flows onto the site. The current on-site drainage proposals are to store rainwater that falls onto the site only with all flows from the catchments to the north routed west via the FAS. Should the FAS not be provided, the relief road would need to be redesigned to allow flows to continue south along the routes of the existing ditches through culverts, otherwise flows would naturally pond behind the relief road and be routed along the natural contours and increase flood risk to the Langford area. The implications of this are further illustrated in the Surface Water Management Plan 2010 which shows that the ditches would not be capable of storing the 1 in 100 plus climate change flows and water ponding would occur in areas of the proposed development. Without the FAS, the developer would need to model any inflows across the northern site boundary and provide additional on-site storage for these volumes. Otherwise, during a 1 in 100 plus climate change event, the on-site storage would be at full capacity and flows onto the site would not be able to be stored and would flow to the south of the site, thereby increasing the flood risk to these areas. Areas within the site would need to be set aside for additional storage and this could impact on the number of units to be delivered or layout / density. The levels of water in the ditches would also need to be assessed to determine whether it would be possible for the on-site SuDs to outfall into them without surcharging.
- 5.8.13 The Environment Agency have provided similar advice regarding the implications for the development if FAS were not to be delivered, notably:
- 5.8.14 High flows in the watercourses and overland flows to the north of the new relief road would be impeded by the raised landform of the road and the finite capacity of the culverted underpasses below the road. This would result in overland flow and surcharging ditch flows to run south-westwards beside the raised infrastructure of the road before ponding in areas close to the Langford Road's intersect with the new

Spine Road (potentially with additional detrimental effects to third parties). The applicant's Flood Risk Assessment does not identify these effects as it assumes that the FAS would be in place. Therefore, the off-site impacts of the flowpath (unconstrained by any flood alleviation channel or attenuation works) would need to be assessed and mitigated by the developer. Secondary effects, would relate to the highway SuDs features which have been designed to cope with run-off from the road only (not from upcatchment land areas). Consequently, the SuDs may not function as designed due to water entering from elsewhere thereby negating their design purpose/function.

- 5.8.15 The FAS would allow a regulated flow to pass through the development site which would merge with the regulated volumes coming from the on-site SuDs features. The outline concepts for the site SuDs may need to be re-appraised / re-designed if allowance has to be made for more water coming through the site ditches from the land to the north. This could potentially constrain the site's ability to provide suitable land areas for SuDs features or could result in more open space being required for those features at the expense of housing areas.
- 5.8.16 The screening bund to the south of the relief road is another raised feature that could greatly affect the routing of overland surface water flows or surcharging watercourse flows from the ditches that will have to underpass the new Spine Road.
- 5.8.17 In the light of the comments received from the Essex County Council SuDs Team and the Environment Agency, Officers are satisfied that a direct link can be demonstrated between the FAS and the proposed development to show that the construction of the FAS is a 'necessary' element of the application as submitted and would accord with the requirements of Reg. 122 of the CIL Regulations.
- 5.8.18 The construction of the FAS would be of a size that it would fall under the auspices of the Reservoirs Act 1975 because of the volume of water that could be held by the washlands at times of extreme rainfall. The ownership and ongoing management and maintenance of the FAS has been the subject of ongoing negotiation. It has been agreed that the Environment Agency will act as legal undertaker and operator once the FAS is in operation and take on ownership of the embankments, diversionary channel and associated outfall structures that form part of the embankments. The landowner would retain ownership of the washlands and culvert from the embankment to the outfall at the river Blackwater but the Environment Agency would register the culvert as a Main River watercourse and operate the watercourse using its permissive powers under the Water Resources Act 1991.
- 5.8.19 In terms of long term ongoing maintenance of the FAS, the Environment Agency have agreed to subsidise those maintenance costs by 'de-maining' three existing main river watercourses in the Heybridge area which the Environment Agency currently maintains and manage using their permissive powers. The watercourses concerned are the:
- Holloway Road ditch;
 - Heybridge Approach ditch;
 - Hall Road ditch.

- 5.8.20 They would become ordinary watercourses following completion and operation of the FAS as the levels of flow running through them would be much reduced in comparison to existing water levels and their management and maintenance would fall to the riparian owners (Maldon District Council and Essex County Council). The 'de-maining' process would not commence until the FAS is fully operational.
- 5.8.21 In light of the sections above, the necessity of the FAS and its value to the wider community of north Heybridge is clear. However, it is important to assess the impacts of providing the FAS as an integral part of the development on the financial viability of the proposal and other community benefits notably the level and nature of affordable housing provision which can be delivered. These aspects will be explored in further detail in paragraphs 5.13 and 5.19 of this report.

5.9 Electricity and Gas Sub-stations

- 5.9.1 Utility infrastructure is a necessary requirement of a development of the scale currently proposed. There are no material implications associated with the proposed siting of this utility infrastructure and no objections are raised on this basis.

5.10 Surface Water Drainage

- 5.10.1 LDP Policy D5 (Flood Risk and Coastal Management) provides local drainage considerations and encourages the use of Sustainable Urban Drainage Systems (SuDS) and flood response plans, policy D2 (Climate Change and Environmental Impact of New Development) seeks to minimise pollution prevention along with RLP policy CON5 (Pollution Prevention), and section 10 of the NPPF.
- 5.10.2 The Essex County Council (ECC) SuDS Team has confirmed that they do not require a developer to submit a detailed drainage design at the outline stage of the planning application process as at that stage, the detailed design and layout of buildings and other uses are not known. As stated above, it is recognized that the FAS will materially affect the on-site SuDS by ameliorating a number of the existing surface water scenarios currently in existence in site. It is still essential that the surface water is managed to a 1:1 greenfield run off rate post development. The drainage design will vary depending on a number of other elements within the site design, which will usually not be fixed at the outline stage. The ECC SuDS team has confirmed that it is appropriate for detailed elements of the drainage design to be addressed through planning conditions. This ensures that the Council has the opportunity to consider the detail of and approve an appropriate surface water drainage scheme to support the development of the site. Detailed management and maintenance arrangements for SuDS features within the development site will be required as part of a surface water management scheme, which will be subject to approval by the Council in consultation with the ECC SuDS Team.
- 5.10.3 The SMF identifies that developments will need to employ a multi-user SuDS water management system to provide source control measures are implemented where possible and the use of a tiered water management system for water treatment.
- 5.10.4 The Flood Risk Assessment (FRA) identifies a number of drainage options for managing storm water by way of a SuDS management train. The existing watercourses within the site have been identified in the FRA as most appropriate

receptors of storm water and would involve source control measures and detention features through SuDS management. The development can therefore implement techniques which include permeable paving, filter strips, ditches, swales and attenuation drainage systems.

- 5.10.5 The ECC SuDS team has raised no objections subject to details of the SuDS scheme being submitted and approved for each phase of development. It is considered that such details will be required with the reserved matters stage and is considered alongside the layout considerations. The Environment Agency also have raised no objections subject to planning conditions requiring detailed flood risk assessments and drainage assessment to be submitted with the reserved matters to understand the layout, road crossings, and surface water management and landform modifications.
- 5.10.6 Overall, it is considered that the development as proposed will not exacerbate the flood risk and that appropriate mitigation measures will be put in place.

5.11 Foul Drainage and Water Supply

- 5.11.1 LDP Policy D5 (Flood Risk and Coastal Management) provides local drainage considerations and encourages the use of SuDS and flood response plans, policy D2 (Climate Change and Environmental Impact of New Development) seeks to minimise pollution prevention along with RLP policy CON5 (Pollution Prevention), and section 10 of the NPPF.
- 5.11.2 The FRA details foul drainage options consider a scheme of up to 1500 dwellings. The existing foul disposal network does not have sufficient capacity currently to meet that level of increased demand but an upgrade of the sewer would ensure that the network that be able to accommodate the additional flows resulting from the Garden Suburb. Pumping stations will be required to serve the various phases of development for those areas that cannot reach the outfall point on Broad Street Green Road by gravity.

5.12 Housing Land Supply, Need, Mix and Affordable Housing

- 5.12.1 Paragraph 47 of the NPPF requires local planning authorities to identify an annual supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer as appropriate to comply with national policy.
- 5.12.2 The Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Councils identified housing requirements. The Five Year Land Supply Statement (August 2016) identifies 2,353 dwellings as being deemed to be deliverable over the next five years (a 5% local slippage rate has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 6.04 years' worth of housing land supply against an identified housing target of 1,946 dwellings over the next five years (a 5% buffer has been applied to the five year requirement in accordance with NPPF paragraph 47).
- 5.12.3 There are two main factors behind the rapid improvement of the Council's housing supply. First of all in 2014 the Council resolved to invite and proactively encourage

planning applications which are in accordance with Policy S2 of the LDP. The Council also resolved to proactively encourage planning applications which are considered to be sustainable and will contribute positively to the five year supply of deliverable housing land and will assist in demonstrating the deliverability of the LDP (Minute No. 245 refers). .

- 5.12.4 Secondly, the Council has made significant progress in bringing forward strategic allocations identified in the LDP. There are in total 11 strategic housing allocations in the LDP, including this application site, and planning permission has already been granted or resolved to be approved on seven of these sites for a total of 1,845 new homes. Planning applications have been submitted on three of the remaining four allocated sites, including this site (1,558 new homes), and the Council expects planning applications on the one remaining site in the near future (minimum 90 new homes). Given the progress made on these strategic allocations, and the Council's intention to attribute weight to the relevant housing policies in the Submission LDP, the Council considers that it is appropriate to include the LDP strategic allocations and windfall allowance in calculating the Council's five year housing land supply calculation.
- 5.12.5 There are no policies in the adopted Local Plan regarding housing mix but submitted LDP policy H2 on housing mix requires all development 'to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population'. The Strategic Housing Market Assessment (SHMA) provides the evidence base for this policy. Paragraph 50 of the NPPF requires local authorities to "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community" and "identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand".
- 5.12.6 The Council's SHMA identifies that for all housing types one and two bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are in demand and where there is an inadequate supply. For market sector housing the SHMA's Executive Summary identifies there is also a demand for one and two bedroom units identifying that 60% of market housing should be supplied with 40% of market units being three and four bedroom units. The SHMA, through the 'Current and Future Demand for Market Housing' identifies a demand for one, two and three bedroom units with a surplus of 4+ bedroom units. The indicative market housing mix shows 59.5% units being 1-3 bed and 40.5% of units being 4 beds or more. The housing mix will be a matter for determination at the reserved matters stage.

5.13 Local Centre Uses

- 5.13.1 LDP policy S4 (Maldon and Heybridge Strategic Growth) requires community hubs and local centres to be provided for the South Maldon and North Heybridge Garden Suburb areas. LDP policy E2 (Retail Provision) seeks to direct retail uses to Town Centre Areas nevertheless this local centre would meet the development needs to meet LDP policy. LDP policy E3 (Community Services and Facilities) seeks to provide community uses where an increased need arises which is applicable to this

application. LDP policy E6 (Skills, Training and Education) seeks to provide training and education provision. RLP policies SH2 (Protection of the retail function of town and district centres), BE7 (Design of Shopfronts) and PU1 (Provision of Educational Facilities), along with various sections of the NPPF are relevant.

- 5.13.2 The North Heybridge Garden Suburb SMF includes a local centre closely located to the existing community and which includes mix commercial and community facilities. The location of the local centre is identified in the southern section of the site close to the existing settlement of Heybridge on the Land Use Parameter Plan. . The SMF requires the local centre to be designed to complement existing facilities and cater for the day to day needs of new and existing residents in order to reduce car travel. The proposed local centre will be located adjacent to the new primary school and early years and childcare facility as shown in the SMF.
- 5.13.3 The SMF objectives are to create a compact and vibrant centre well integrated with the wider garden suburb and wider area through a network of pedestrian and cycle routes. The design of the public realm is critical to the success of this area; with proposals for a shared-surface approach to ensure that a place is created that can be used for multiple purposes, from car parking during the week to community-led events at other times. The SMF identifies that a number of uses could be accompanied in this location with shops and associated A class uses. One of the early year and childcare facilities would be provided in this location within the primary school. Details will be subject to reserved matters approval.
- 5.13.4 The application accords with the principles set out in the SMF and would allow for a range of uses falling within Use Classes Order (A1 - A5 and D1 uses). These uses would include retail, financial and professional services, restaurants / cafes, drinking establishments, hot food takeaways and non-residential institutions such as a medical centre. These uses shall be subject of planning conditions where necessary. The Building Heights and Density Parameter Plans would allow a building height range of up to 3storeys and a higher density form of development in the Local Centre to create a focus of activity and an active centre for the garden suburb. .

5.14 Education Provision

- 5.14.1 LDP policies S4 (Maldon and Heybridge Strategic Growth), E3 (Community Services and Facilities), E6 (Skills, Training and Education) and I1 (Infrastructure and Services). RLP policy PU1 (Provision of Education Facilities) and NPPF Section 8 are all applicable.
- 5.14.2 Specifically LDP policies S4 (Maldon and Heybridge Strategic Growth) and I1 (Infrastructure and Services) derive from the Infrastructure Delivery Plan (IDP) and requires the following infrastructure for the North Heybridge Garden Suburb:
- A new 1 form entry primary school;
 - Two 56 place early year and childcare facilities;
 - Contributions towards the sufficient expansion of the Plume School;
 - Provision for youth and children's facilities.

- 5.14.3 ECC Education has advised throughout the LDP process on the education needs for the District and on the preparation of the SMF.
- 5.14.4 The Education Service have advised that it is difficult to comment on the application at outline stage as the final housing mix has not been defined and the number of pupil places required to meet the needs arising from the development cannot be calculated at the outline stage. Once the pupil numbers are known, ECC will confirm the likely educational needs in terms of early years and childcare, and primary and secondary school places.
- 5.14.5 It is currently proposed that the second 56 place early years and childcare facility would be located within the south western section of the site but could be relocated to the north eastern section if considered appropriate at the reserved matters stage.
- 5.14.6 In terms of secondary education, the IDP identifies the need for contributions towards the expansion of the Plume School (Upper School/ Sixth Form and Lower School) and the school is willing to expand to accommodate the growth allocated in the LDP. ECC Education has that this is likely to be a 'one off and final expansion'.
- 5.14.7 ECC Education has not objected to the application subject to the above points being addressed and the IDP contributions being secured through the planning obligations.

5.15 Health Provision

- 5.15.1 LDP policies S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services) and I2 (Health and Wellbeing), RLP policy PU4 (New Healthcare Facilities) and NPPF Section 8 are all applicable.
- 5.15.2 LDP policy S4 requires adequate provision to be made for enhanced medical provision in cooperation with the relevant health bodies.
- 5.15.3 The Mid-Essex Strategic Estates Plan prepared by Mid Essex Clinical Commissioning Group (CCG) acknowledges that the two GPs in Maldon and Heybridge (Longfield Medical Centre and Blackwater Medical Centre) will not be able to cope with the additional capacity pressures generated from population growth, an ageing population and in particular the additional anticipated housing in Maldon and Heybridge unless additional facilities are provided. It recognises that a new healthcare facility is required in Heybridge and a new facility in the North Heybridge Garden Suburb is supported by the GP practices, the National Health Services (NHS), CCG and Maldon District Council to meet these requirements.
- 5.15.4 The consultation response from the NHS advises that a developer contribution is required to mitigate the increased healthcare needs arising from the development. The NHS applies a 'Capital Cost Calculation' for the provision of additional healthcare services and this is based on the existing size of the two surgeries in terms of the net internal floor area in square metres, their capacity and the predicted population growth which then identifies the additional floorspace increase requirements to meet this growth.
- 5.15.5 A contribution to healthcare provision will be secured through the S106 agreement and in addition, the developer has proposed to reserve land within the Local Centre

for the development of a healthcare facility of up to 1000 sqm. The NHS and CCG are currently working with the existing GP Practices and the Council to identify floorspace requirements and to develop a business case for the new healthcare facility.

5.16 Green Infrastructure, Open Space, Sports Provision and Playspace

- 5.16.1 LDP policies S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), D1 (Design Quality and Built Environment), N1 (Green Infrastructure Network), N2 (Natural Environment and Biodiversity) and N3 (Open Space, Sport and Leisure) are all relevant. RLP policy BE1 (Design of New Development and Landscaping), CC6 (Landscape Protection), CC10 (Historic Landscape Features), REC1 (Allocation of land for formal public open space), REC2 (Provision of public playing pitches), REC3 (Children's play space associated with new housing developments and elsewhere in the District) and REC4 (Allocation of land for informal open space), CC4 (Local Nature Reserves), along with various sections of the NPPF.
- 5.16.2 The provision of green infrastructure and the creation of a network of green spaces is a key component of the garden suburb. The SMF proposes a network of green spaces linked with the existing settlement through a network of green corridors, recreational facilities, amenity and semi-natural greenspace and streetscapes in keeping with Garden Suburb principles. The green infrastructure strategy will need to include efficient and effective maintenance and management of these areas.
- 5.16.3 The 'Green Infrastructure Parameter Plan' identifies the green infrastructure within the site, which accords with the green infrastructure principles set out in the SMF. The DAS includes an 'illustrative landscape masterplan' identifying the key greenspaces, corridors and strategic pathways through the site and around the edges of the site. These include new formal and informal open space, linear green spaces alongside existing natural drainage ditches or hedgerows, structural landscaping including the northern boundary with the relief road, routes for cycling and walking including links into the wider countryside and the conservation and enhancement of Heybridge Wood and its setting, as well as other existing habitats of value.
- 5.16.4 The SMF includes provision for a Country Park in accordance with policy S4 in the Submission LDP. However, further clarification was provided to the LDP Hearing in January 2015 on the nature of this proposal. There is no standard definition of a Country Park and Country Parks vary significantly from place to place in terms of their size, functions and facilities. However, they have one common purpose: to provide easy access to the countryside for those living in the towns and suburbs and it is this function which the Council is seeking to promote. It is not the Council's intention to establish a formal Country Park in this location but rather to maintain a green buffer between Langford and Heybridge and to take the opportunity presented in the Local Development Plan to provide access to the countryside and to create a well-connected network of green spaces, including linkages to Elms Farm Park and the Blackwater RailTrail. This is consistent with the NPPF (para 114) which states that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- 5.16.5 Through Policy S4, the Council is seeking inter alia to ensure that the land between Maypole Road and the relief road is protected in order to:

- provide a clear separation between the Villages of Langford and Heybridge;
- provide an attractive setting for approaching Heybridge and Maldon which is befitting of a garden suburb and in keeping with the rural character of the surrounding area;
- protect and enhance the setting of Listed Buildings including the Old Rectory, the stables associated with the Old Rectory and Mitchell Farm Barn and other heritage assets such as the former Maldon East Railway Line (now known as the Blackwater Rail Trail);
- provide improved traffic free, attractive access routes into the wider public footpath network and links to other areas of public open space;
- improve habitat connectivity to allow wildlife to disperse throughout the local landscape and the Garden Suburb.

5.16.6 This is in part achieved through the following wording of Policy S4 which states: ‘Land between Maypole Road, Langford Road and the proposed Relief Road is identified in Policy S4 for green infrastructure, flood alleviation and landscaping’. However, the Council felt it necessary to provide some further policy direction regarding the proposed functions of this area and for this reason, included reference to ‘a Country Park focused to the west of Langford Road’ in the list of key infrastructure requirements to be incorporated in the North Heybridge Garden Suburb. It is recognised by the Council that these objectives can be effectively met without the requirement for the formal designation of a Country Park. Instead, the Council will work with relevant landowners and developers and other stakeholders such as the Essex Wildlife Trust to create suitable access routes into the wider public footpath network and links to other areas of public open space and to improve habitat connectivity in the area to the west of Maypole Road. Any associated costs will be funded through CIL payments and will not be dependent on planning obligations under Section 106 of the Town and Country Planning Act 1990.

5.16.7 The Major Modifications to the Submission LDP (September 2016) propose the deletion of the requirement for a Country Park as part of the development of this site and its replacement with the requirement for the area between the new relief road, Maypole Road and Langford Road to be used for green infrastructure, agriculture, flood alleviation and / or landscaping measures.

5.16.8 The proposed development is considered to be in accordance with the requirements of the LDP. The area to the west of Maypole Road is retained in agricultural use and will serve as a green buffer to provide a clear separation between Heybridge and Langford Villages and to protect and enhance the setting of Listed Buildings and other heritage assets. It also provides improved footpath and cycle linkages with Elms Farm Park and the Blackwater Rail Trail to the west of the garden suburb and opportunities for enhanced access to the countryside. The approach to landscaping around the rights of way, to include surfacing, meadow planting and separation of these routes from the relief road traffic, will be further consulted on at Reserved Matters stage. The development makes adequate provision for open space to meet the needs arising from the development.

5.16.9 The landscape masterplan also includes ‘blue infrastructure’ and existing water features including existing drainage ditches and indicative SuDS features.

- 5.16.10 Formal sports playing pitches and associated facilities will be located towards the south eastern part of the site and would cover a land area of approximately 6.47 hectares of playing pitches. This will form a 'sports hub'. Further sports pitches would be located within the primary school grounds. Sport England has provided comments and request conditions, obligations and changes to the phasing plan for the delivery of this infrastructure.
- 5.16.11 In addition, the development provides 8.10 hectares of informal space, parks and playspace and 2.49 hectares of green corridors.
- 5.16.12 Playspace provision includes a Neighbourhood Equipped Areas for Play (NEAP) to the west of Heybridge Wood and five Local Equipped Areas for Play (LEAPs) that would be integrated into pocket parks within the residential areas but connected through the green corridors through the site. Unequipped play space for the youngest children will also be provided within the housing areas. LDP Policy I1 requires a financial contribution towards NEAP and LEAPs, and also for youth facilities (teen shelters, skateboard facilities and access to shared community services) as part of the pooling arrangements for the planning obligations. For both the formal sports playing pitches and the playspace the 'Green Infrastructure Parameter Plan' shows locations for sports pitches and playspace areas which would be fixed as part of this application. The details of the play equipment and facilities to be provided would need to be provided with the reserved matters.
- 5.16.13 Agreement on the details of the future management regime for the green infrastructure, open space, playspace and the sports provision is essential and this will be subject of details being provided through planning conditions and through the planning obligations in the Section 106 agreement.

5.17 Infrastructure and Phasing

- 5.17.1 LDP policies S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), I2 (Health and Wellbeing), N1 (Green Infrastructure Network), N3 (Open Space, Sport and Leisure), E3 (Community Services and Facilities), E6 (Skills, Training and Education), T1 (Sustainable Transport) and T2 (Accessibility) are all relevant.
- 5.17.2 The SMF expands upon the infrastructure requirements set out in policy I1 and details the requirements for this Garden Suburb. The impact of growth will be monitored to ensure the timely provision of infrastructure to meet the future needs of the District. Where appropriate, necessary infrastructure will be delivered in advance of development taking place to ensure that community and environmental benefits are realised early in the development. Development will be phased to optimise infrastructure delivery.
- 5.17.3 The table below sets out the information taken from the Infrastructure Delivery Plan (IDP) specifically for this site and updated where appropriate. The financial contributions demonstrates the proportionate amount for this site as part of the pooling arrangements which limit the contributions to the maximum of five per infrastructure project or five per type of infrastructure as required by the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

5.17.4 The Flood Alleviation Scheme will be provided in the early stages of the development with construction commencing in 2018 and completion in 2021 (assuming a 2018 start).

5.17.5 The following table provides a list of planning obligations required for this development site which accord with CIL Regulations 2010 and in particular Regulation 122:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

| Infrastructure Item as listed in the LDP / IDP | LDP policy I1 and IDP Financial Contributions ‘including pooled’ arrangements | Phasing (assuming 2018 start) |
|---|---|-------------------------------|
| Highways and Transport | | |
| Construction of Relief Road | £11,122,000 (equates to full highways contribution required in IDP) | 2018-2024 |
| Public transport improvements to serve North Heybridge Garden Suburb | £2,457,000 | 2020-2024 |
| Education | | |
| 56-place early years and childcare facility to serve Heybridge | £921,862** | 2023-2025 |
| 210 space (one form entry) primary school and 56 early year and childcare facility | £3,017,004** | 2024-2026 |
| | | |
| Expansion of Plume School – Lower School | £948,406** | 2022-2023 |
| Expansion of Plume School – Upper school / sixth form | £3,133,865** | |
| | | |
| Teen shelters, skateboard facilities and access to shared community facilities to serve Heybridge | £560,625 | To be determined*** |
| NEAPs and LEAP | £119,232 | To be determined*** |
| | | |
| Medical facilities to serve North Heybridge Garden Suburb – | £340,200 plus land reserved for healthcare facility | 2020-2024 |
| | | |
| Allotments to serve North Heybridge Garden Suburb | £49,560 | To be determined*** |

| Infrastructure Item as listed in the LDP / IDP | LDP policy I1 and IDP Financial Contributions ‘including pooled’ arrangements | Phasing (assuming 2018 start) |
|---|--|--------------------------------------|
| Sport Facilities to serve North Heybridge Garden Suburb | Applicant to deliver | To be determined*** |
| TOTAL | | |

** Where there is to be any variation in the number of units delivered contributions will be on a pro-rata basis

*** To be delivered in association with the appropriate residential phase.

- 5.17.6 The draft heads of terms submitted with the application demonstrate that infrastructure contributions would be provided by the developers and are in accordance with the requirements set out in the LDP. The ‘recommendation’ section identifies the proposed infrastructure contributions.

5.18 Viability

- 5.18.1 Paragraphs 173 to 177 of the NPPF advise on viability and deliverability. The application has been subject to viability testing commissioned by the Council and the applicant has agreed to provide a policy compliant level of affordable housing and the infrastructure required to mitigate the impact of the proposed development.

- 5.18.2 It has been accepted that the costs of the FAS represents an abnormal development cost which will impact on development viability and the level of affordable housing which can be delivered. The applicants have submitted viability evidence which has been the subject of validation by consultants acting for the Council. On the basis of this evidence, it is accepted that the development cannot deliver a level of affordable housing which would be compliant with the policy requirement. The level of affordable housing is directly related to the costs of the FAS which have been calculated by the applicants to be in the region of £11.305 million. There is however the potential for cost savings at the detailed design stage and for external funding to be secured such as Flood Defence Grant in Aid, Essex County Council Capital Funding, Regional Flood and Coast Committee Local Levy Funding and Growth Area Funding which would reduce the costs of the FAS to the developer. These costs cannot be accurately calculated at this stage and it has therefore been agreed that a review mechanism should be incorporated in the S106 agreement to allow for a full viability review when these costs have been established.

- 5.18.3 The proposed approach which has been agreed with the applicant is as follows:

- 15.5% affordable provision for first 450 units at a 70/30 Affordable Rented/ Shared Ownership split;
- A full viability review on the occupation of the 451st unit with a minimum of 15.5% and a maximum of 20% over the whole development with a review of affordable housing tenure mix subject to viability. Full viability review to include all development costs and values.

5.18.4 This would provide a guaranteed minimum of 15.5% affordable housing over the whole development but with the potential to increase this to 20% subject to viability.

5.19 Layout, Scale, and Design and Impact on Character and Appearance of the Area

5.19.1 LDP policy D1 (Design Quality and Built Environment), D2 (Climate Change and Environmental Impact of Development), S3 (Place Shaping), S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), N1 (Green Infrastructure Network), N3 (Open Space, Sport and Leisure), T1 (Sustainable Transport) and T2 (Accessibility) are all relevant. RLP policy BE1 (Design of New Development and Landscaping), BE3 (Public and private amenity spaces), CON5 (Pollution Prevention) and T2 (Transport Infrastructure in New Developments), and Chapter 7 of the NPPF are all relevant.

5.19.2 The SMF, which has been endorsed by the Council, is based on Garden Suburb principles and provides the structure for a mix of housing types and tenures and a place of variety and character where housing is integrated in a distinctive landscape character with access to necessary services and facilities. The SMF acknowledges the characteristics of places like Hampstead Garden Suburb, Welwyn and Letchworth but also reflects the requirements of 21st century lifestyles and technologies. The SMF sets out a framework for how the key garden suburb principles are to be addressed in terms of layout, character, access and movement, green infrastructure, housing mix, community aspects and quality of development. It is therefore important that the North Heybridge Garden Suburb is designed to reflect the principles as set out in the SMF.

5.19.3 In terms of layout, scale, design of buildings and materials, this outline application includes a detailed Design and Access statement (DAS) which sets out how the layout and design principles set out in the SMF will be addressed in future development of this site. A significant level of detail is provided by the DAS and appropriate planning conditions should be attached to any approval to ensure that the development 'is substantially in accordance with the DAS'.

5.19.4 In addition to the DAS, this application includes five 'Design Parameter Plans' that are a requirement of outline applications in the Garden Suburbs. Design Parameters provide certainty on how sites will be developed and enable detailed design proposals to come forward via reserved matters applications and deliver necessary infrastructure for each phase of development. If the application is approved the Design Parameter Plans will be fixed as part of the permission and will provide the basis for Design Codes and consideration of future reserved matters applications. The Design Parameter Plans show the 'Land Use', 'Building Heights', 'Green Infrastructure', 'Access and Movement' and 'Residential Density'. These plans generally accord with the SMF apart from a small section on the Land Use and Green Infrastructure Plan where there is a small section that is just about the 15m buffer required in the SMF. This is not considered to create a design problem as the plans still respond to the context and will be further refined through Design Codes for the entire garden suburb and at the reserved matters stage for each phase of development.

5.19.5 The 'Land Use Parameter Plan' sets out the residential parcels of land, the relief road and primary road network, areas for flood relief infrastructure and noise attenuation, the existing and proposed green and blue infrastructure and the location of the

necessary community infrastructure. It also sets out the important 15m buffer around Heybridge Wood and the landscaped corridor south of the relief road that will be between 20 and 30 metres, both as detailed in the SMF. Design Codes will be prepared for the primary streets, green edges, built edges and green spaces to ensure residential development responds to its location in terms of character and distinctiveness and also the practical and functional uses for the land.

- 5.19.6 The ‘Green and Blue Infrastructure Parameter Plan’ corresponds with the Land use Plan and sets out where SUDs, open space, movement corridors and connecting routes for pedestrians and cyclists are and their relationship with the residential land parcels. Green and blue infrastructure plays an important role in place making and supporting the garden suburb principles in the SMF to provide the leafy green environments and open space to soften and relieve the hard edges of built form and to overlook and enclose greenways and green corridors. Design Codes will be prepared to ensure the multifunctional use of the green and blue infrastructure and will be sufficiently scaled to meet the Design Codes specifications.
- 5.19.7 The ‘Access and Movement Parameter Plan’ sets out the alignment of the relief road and movement and access for all modes of transport throughout the garden suburb and to the wider community and countryside. Design Codes will ensure all movement and access can be accommodated and will be sufficiently scaled to meet the practicality and functionality of the route or access for all users.
- 5.19.8 The ‘Building Heights Design Parameter Plan’ sets out the building height range across the site from 2 storey; 2 - 2.5 storey and 2 – 3 storey. The 2 – 3 storey buildings are immediately adjacent the primary route. The 2 storey buildings are adjacent existing development west of Broad Street Green Road and south of the relief road fronting the green corridor. The Building Heights are predominately 2 – 2.5 storey across the site. The actual storey heights are not shown on the Design Parameter Plan because the Design Codes will inform appropriate heights for buildings in consideration of their location within the garden suburb through the future reserved matters applications.
- 5.19.9 The ‘Residential Density Parameter Plan’ sets out the density across the site within three ranges: 22-29 dwellings per hectare (dph), 29-34 dph and 34-38 dph and generally corresponds with the Building Heights Parameter Plan. The highest density is in one area adjacent the primary route and around the local centre and the lowest density is adjacent the existing development west of Broad Street Green Road and south of the relief road fronting the green corridor and adjacent other landscaped features in the Green and Blue Infrastructure Parameter Plan.
- 5.19.10 The five ‘Design Parameter Plans’ will be fixed if the application is approved. The preparation of the Design Codes will be based on the design parameters and will inform future reserved matters applications to deliver the desired quality of design within the garden suburb as a whole in accordance with the SMF.
- 5.19.11 It is considered that from the information to be determined with this application, the proposal would accord with the Garden Suburb principles set out in the LDP and the SMF and would be acceptable within the context of an urban extension to the north of Heybridge.

5.20 Density

- 5.20.1 The North Heybridge Garden Suburb Strategic Masterplan Framework applies a density range of between 30 - 35 dwellings per hectare. The NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. RLP policy H6 which set density levels of between 30 - 50 dwellings per hectare is based on the former PPG3 requirements. However, the submitted LDP policy D4 considers a design-led approach is most applicable taking into account the location of the proposed development.
- 5.20.2 The SMF identifies an average density of 30 - 35 dwellings per hectare would be appropriate across the Garden Suburb. In reality, density would vary according to site characteristics with a higher density range in the local centre and a lower density range at the edges of the site adjacent to the open space and rural countryside as detailed in the 'Residential Density Design Parameter Plan'.
- 5.20.3 Based on the proposed development of 1138 units, the average density across the whole development would be 28.45 units per hectare which would be within the density guidelines in the SMF.

5.21 Landscape and Visual Impact Assessment

- 5.21.1 LDP policies N2 (Natural Environment, Geodiversity and Biodiversity), S8 (Settlement boundaries and the Countryside), D1 (Design Quality and Built Environment) and RLP policies CC6 (Landscape Protection), CC7 (Special Landscape Areas), CC10 (Historic Landscape Features) and CC11 (The Coastal Zone) are all relevant along with sections 7 and 11 of the NPPF. In regards to assessing the landscape impact the site is located in a Special Landscape Area (Local Plan policy CC7).
- 5.21.2 The SMF recognises that the 2006 Maldon Landscape Character Assessment provides the baseline landscape character for this area. The site lies largely within one landscape character area, the Lower Chelmer River Valley, which comprises a shallow mainly arable river valley and valley slopes creating a strong sense of place. The western tip of the site lies within the Lower Chelmer River Valley Floor landscape character area which has a mix of arable and pastoral fields and distinctive linear tree lines close to the river.
- 5.21.3 In allocating the Garden Suburb for this location the level of development proposed would inevitably change the character of the landscape. However, a sensitive development approach following the Garden Suburb principles as set out in the SMF can ensure the mix of urban and landscape can be acceptably integrated and also allow for existing landscape features to remain. The 'Design Parameter Plans' seek to limit the building heights in certain areas, ensure land use areas accords with the SMF, ensure residential density is lower around the edge of the site, ensure green infrastructure allows for a seamless integrating with the existing countryside around the boundaries of the site and the access and movement for existing countryside footpaths are not significantly altered.
- 5.21.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and informs the ES for EIA purposes.

- 5.21.5 The landscape assessment deals with the fabric, character and condition of the landscape. The landscape includes features such as hedgerows and trees around field boundaries and ditches as well as Heybridge Wood that adjoins the site. The ES identifies that during the construction phase of the development when the residential areas, the new road and flood alleviation scheme are built there would be an impact upon landscape and this would progressively increase as the development is built out. The significance of this effect is judged as Major - Moderate Adverse, with associated effects on nature conservation, cultural heritage, amenity and tranquility. The proposal would result in the overall loss of the agricultural landscape and some features where pedestrian and road access needs to break through existing field boundaries and ditches. For the operational phase the ES judges the landscape effect to remain as largely 'Major-Moderate Adverse significance including with secondary mitigation. The proposal would introduce a new built element into a substantial part of the existing Lower Chelmer River Valley character area and a small part of a second character area. The area for the proposed development is also substantially Grade 2 or Grade 3 agricultural land i.e. of Very Good or Good quality. There are some balancing beneficial effects of the increase in local green space created as part of the development. It is considered that the landscape impacts on the wider landscape character would be minor.
- 5.21.6 The visual impact assessment relates to changes in visual effects available to people, and to their visual amenity. During the consideration of the adopted Scoping Opinion process a Zone of Theoretical Visibility was created in order to inform selection of viewpoints from which the visual impact assessments could be made. Forty-four viewpoints were taken from a number of different locations immediately surrounding the site and further afield as far away as Grange Road in Wickham Bishops, Park Wood Lane, Little Totham and Cut-a-Thwart Lane near Curling Tye Green and Ulting Hall Road. The visual assessment demonstrates that those viewpoints closest to the site would be most sensitive to change and would experience a residual effect judged to be of Moderate Adverse significance at both the Construction and Operational stages. Substantial structural landscaping in the form of maintenance and thickening of existing hedgerows, planting along the noise mitigation bund to the northern boundary and planting at the Langford Road roundabout helps to mitigate the effects but does not eliminate all the significant effects. The adverse effect diminishes as the distance increases away from the site. From the more distant views towards Maldon the development would fall within the existing backdrop of the town and for views from the north the development would appear as a northward extension of the town. Whilst these changes would impact upon the visual amenity of existing residents, users of the Rights of Way network and local roads, it is considered that by identifying the site as an area for a Garden Suburb successful integration of the urban area amongst the landscape can be achieved through the guidance on design and green infrastructure identified in the North Heybridge Garden Suburb Strategic Masterplan Framework and the North Heybridge Garden Suburb Design Codes.

5.22 Effect upon Neighbouring Properties

- 5.22.1 LDP policy D1 (Design Quality and Built Environment) considers residential amenity considerations along with RLP policy BE1 (Design of New Development and Landscaping).

- 5.22.2 The neighbouring land areas to the east, south and north west are agricultural fields. To the north, south east and part of the western boundary there are residential properties. As an outline application there are no detailed layout plans for determination. The 'Design Parameter Plans' and Design and Access Statement (DAS) indicate future land uses, building heights, green infrastructure, residential density and movement and access. The DAS includes an illustrative framework masterplan indicating a potential layout of the site showing potential internal roads and building locations/plots. This is only illustrative and is not for determination with this application.
- 5.22.3 There are a number of existing residential properties that would be in close proximity to the proposed development and whilst the majority of the issues would be dealt with at reserved matters stage it is important to recognize the potential impacts to assess how they can be mitigated.
- 5.22.4 Wood Lane has a number of properties which take access off it. It is a private road but has a public footpath running its length into the development site. The proposed sports pitches would be located in close proximity to this boundary. Concerns have been expressed regarding potential parking along Wood Lane to access the sports facilities. The developer has recognized the risk and has identified that a mixture of measures such as physical barriers to prevent physical access to vehicles from Wood Lane, signage discouraging use of Wood Lane and potentially a barrier preventing access to all but owners would assist in ameliorating the impacts.
- 5.22.5 Issues in relation to noise and light spillage would be dealt with at reserved matters stage but the sensitive siting of lighting columns, light spillage controls, strengthened boundary planting again would assist in mitigating effects.
- 5.22.6 Concerns regarding the impacts of the new Relief Road on properties in proximity to both of its junctions. In terms of Poplar Grove, this would be subject to ongoing monitoring following completion of the Relief Road to assess whether additional barriers (in the form of fencing) are necessary to mitigate noise impacts. In terms of properties adjacent to Langford Road further noise studies were undertaken to assess the value of continuing the noise attenuation bund to the west of Maypole Road. It was concluded these properties already experience disturbance from traffic noise, the benefits would be negligible in attenuation terms and there was no material value in requiring a significant extension to the acoustic barrier on this basis. However, the condition suggested for Poplar Grove would also be appropriate to ensure any evidenced noise disturbance could be mitigated. Overall, the impacts on neighbouring properties would be taken account of at reserved matters stage but justified measures would be incorporated where appropriate.

5.23 Provision of Private and Communal Amenity Space

5.23.1 With this outline application there are no details of the exact layout of the development as this will be dealt with through the reserved matters. Nevertheless the Essex Design Guide (EDG) (1997 version) forms supplementary planning guidance and details the levels of private amenity space needed for dwellings, unless otherwise agreed at the time of the consideration of the reserved matters, or for any other material consideration presented during the reserved matters. The details are stated as follows:

- Houses of one or two bedrooms need a minimum of 50m²
- Houses of three or more bedrooms need a minimum of 100m²
- Flats of two or more bedrooms (which may be occupied by households with children) communal residential gardens must be provided on the basis of a minimum area of 25m² per flat.

5.23.2 Details of private and communal amenity space will be determined at the reserved matters stage.

5.24 Parking Provision

5.24.1 LDP policy D1 (Design Quality and Built Environment), T2 (Accessibility), RLP policy T8 and Maldon's adopted Vehicle Parking Standards (VPS). NPPF paragraph 39.

5.24.2 As an outline application, there are no details of precise parking provision as this will be detailed in the future reserved matters when considering layout. The Council's adopted Maldon District Vehicle Parking Standards (VPS) apply and they set out maximum car parking requirements for all types of uses. The VPS also includes minimum car parking space dimension criteria. In addition, cycle parking standards will also need to be achieved. These parking standards (or any updated / amended version) will need to be achieved for any future reserved matters. Parking guidelines will be provided in the Strategic Design Code.

5.25 Impact upon Listed Buildings and Conservation Areas

5.25.1 LDP policy D3 (Conservation and Heritage Assets), RLP policy BE16 (Extensions, Alterations to and Additional Buildings in the Curtilage of Listed Buildings), and Section 12 of the NPPF are applicable.

5.25.2 The ES identifies that there are a number of listed buildings in proximity to the development site. Historic England agrees with the assessment contained in the Built Heritage Statement accompanying the application that the harm to the designated heritage assets would be less than substantial harm.

5.25.3 Section 66 of Planning Listed Buildings and Conservation Areas Act 1990 (as amended) states that decision makers must have special regard to desirability of preserving a listed building or its setting and Section 72 of the same Act that special attention shall be paid to conserving or enhancing the character or appearance of a Conservation Area. The applicant has considered the impact of the development on

above ground heritage assets in response to NPPF Paragraph 128 to describe significance of above ground heritage assets affected by the development including setting.

- 5.25.4 The two tests in NPPF Paragraphs 132 - 136 consider impact on heritage assets as substantial harm justified by the public benefits achieved by the development or less than substantial harm weighed up against benefits of the development.
- 5.25.5 The main above ground heritage assets affected are Poplar Grove Farm north of the relief road and flood alleviation infrastructure, Langford Rectory and Mitchells Barn that are west of Maypole Road the eastern extremity of the Langford Conservation Area and the Chelmer and Blackwater Navigation Conservation Area.
- 5.25.6 The endorsed Strategic Masterplan Framework (SMF) for the North Heybridge Garden Suburb (NHGS) considered the coalescence of proposed residential development in the NHGS with the existing built form of Langford village, most of which is contained within the Langford Conservation Area. The requirement for major infrastructure interventions connects with the existing road network from Broad Street Green in the east and the B1019 in the west. Both the SMF and the applicant's conclusions have minimised the perceived effects of development harm through landscaping and design mitigation to integrate the proposed development into the natural, built and historic environment and whilst some harm is identified the mitigation measures and public benefits associated with the development outweigh the harm caused.

5.26 Archaeology

- 5.26.1 LDP policy D3 (Conservation and Heritage Assets), RLP policies BE17 (Preservation of Sites of Nationally Important Archaeological Remains) and BE18 (Control of Development at a Site of Local Archaeological Value), and NPPF Paragraphs 138 to 141 are all applicable.
- 5.26.2 If archaeology is present this would be impacted upon by earth movements during the construction period which would remove archaeology features. To mitigate against this the Environmental Statement (ES) states a programme of mitigation trenching will be required as a condition of the planning permission. The Council's Senior Conservation and Urban Design Officer who advises on archaeology has no objections subject to conditions requiring further archaeological assessments and a fieldwork programme.

5.27 Other Heritage Assets

- 5.27.1 There are no scheduled ancient monuments, registered battlefields, historic parks / gardens within the site or within the wider study area that would be affected.

5.28 Biodiversity, Ecology and Trees

- 5.28.1 LDP policy N2 (Natural Environment and Biodiversity) and RLP policies CC1 (Development affecting an internationally designated), CC2 (Development affecting a nationally designated nature), CC3 (Development affecting locally designated nature),

CC4 (Local Nature Reserves), CC5 (Protection of wildlife at risk on development sites) and NPPF section 11 are all relevant considerations.

- 5.28.2 Given the scale of development, the impact upon the nearby statutory designations needs to be considered. The application site is within or in close proximity to European designated The Blackwater Estuary Special Protection Area (SPA), and Special Area of Conservation (SAC), to a Ramsar site (a wetland of international importance), and also at a national level to the Blackwater Estuary Site of Special Scientific Interest (SSSI).
- 5.28.3 Natural England originally had concerns about the potential impact of the development upon the International and European designated sites. When consulted on the Habitats Regulations Assessment for the emerging Maldon Local Development Plan, Natural England accepted the conclusions of no likely significant effect, but that included the provision of a new country park. In the absence of the country park Natural England required clarification that further new green infrastructure or improvements to existing facilities would be provided or further assessment to demonstrate that significant impacts from recreational activity would not occur on the sensitive overwintering bird populations at the Blackwater Estuary. Further information has now been submitted including an addendum to the original Habitats Regulations Assessment (HRA) information, revised Movement and Access Parameter Plan and Heybridge North Relief Road Design Strategy. This sets out a commitment to a number of rights of way improvement measures previously discussed between Natural England and the applicant which should act to avoid any significant increase in recreational pressure at the estuary. It should be noted that these measures can act to reduce the frequency of visits to the estuary from existing as well as new residents in the area. Natural England particularly notes the proposed permissive footpath connecting the west of the development site with Elms Farm Country Park (via the relief road) and another alongside the Blackwater Rail Trail to the north of Langford Road, as well as the approach to landscaping around rights of way to the north of the relief road as set out in the Heybridge North Relief Road Design Strategy. Key measures include surfacing of footpaths and soft landscaping such as hedgerows and meadow planting to separate footpath routes from the relief road traffic.
- 5.28.4 Natural England concludes that the scheme is not likely to have a significant effect on the Blackwater Estuary SPA and Ramsar site, and the Essex Estuaries SAC and as such, no Appropriate Assessment is required. However, conditions are required to ensure that the detailed design and phasing of the proposed rights of way improvement (including new permissive footpaths) are submitted for approval prior to the occupation of any dwelling. In addition, Natural England is satisfied that there is not likely to be an adverse effect on Blackwater Estuary SSSI, as a result of the proposal being carried out in strict accordance with the details of the application.
- 5.28.5 The application site borders and wraps around the Heybridge Wood Local Wildlife Site. The 'Green Infrastructure Design Parameter Plan' shows an area of informal open space around Heybridge Wood including a 15m ancient woodland buffer zone within the development site, which helps provide a natural buffer to protect the existing designation from the nearest areas of built development. Recommendations have been made for enhancement and community engagement in Heybridge Wood.

- 5.28.6 The Environmental Statement (ES) includes data from the Ecological Appraisal of the site in July 2102 updated in May 2015. The site is predominantly arable fields with the most important existing habitats being within Heybridge Wood, sites and habitats immediately adjacent to it and located around the edges of the fields where established field boundaries acts as habitats and wildlife corridors. Detailed bat, reptile, newt, toad, bird and badger surveys were also carried out.
- 5.28.7 Initial surveys found a population of breeding toad, common lizard, breeding farmland birds, foraging and commuting bats and two badger setts. Some of these ecological features sit outside of the area being considered for development but within the zone of influence. Surveys also indicate that great crested newts are not on site and that the habitat is generally of poor quality to support water voles. The habitat is not suitable for otter.
- 5.28.8 Concerns were initially raised about isolation of the woodland habitat, access to the wood for management purposes and lack of commitment to make provision for displaced farmland birds. The applicant provided further clarity on the role the proposed green infrastructure will make to enhance networks within the site as outlined primarily in the Heybridge North Relief Road Design Strategy, from November 2015. Although connectivity with the countryside to the north will be restricted because of the new relief road, the two green corridors from the wood will contain broad wildlife corridors incorporating the existing ditches and free from formal landscaping and lighting. The new relief road will include underpasses to maintain connectivity for badger (including existing commuting routes), common toad and other species, including measures to encourage wildlife to use these. Road lighting spacing will seek to maintain dark corridors for bats to cross the road. The proposed primary route will include wildlife crossing points in line with existing ditches subject to reduced speeds primarily for badgers. Amphibian, reptile and small mammal culverts will also be provided. Management of the wood and new buffer area will enhance biodiversity, including foraging areas for badger, as well as amenity value. Full details of habitat prescriptions will be provided within a Woodland Management plan for Heybridge Wood, secured via an appropriate planning condition. A robust, post-development monitoring strategy would help to quantify biodiversity losses and gains as a result of the development. Further surveys would be required prior to the commencement of each phase of development to update assessments and potential mitigation for individual species including breeding toad, common lizard, breeding farmland birds, foraging and commuting bats and badger.
- 5.28.9 The Coast and Countryside Officer requires appropriate ecological mitigation and enhancement measures as detailed in the Ecological Appraisal, protected species surveys and additional submitted information to ensure the overall impact on biodiversity will be a net positive. It is proposed that these issues are addressed through appropriate conditions relating to the preparation and implementation of an overarching Green Infrastructure Management Plan, the Woodland Management Plan and an Ecological Management Plan as proposed by the applicant, including a Farmland Bird Mitigation Strategy.
- 5.28.10 It is considered that the applicant has responded to the issues raised during the original consultation through the submission of further information.

- 5.28.11 The ES identifies that at the construction stage of the development, without mitigation, there is the potential for disturbance and damage to vegetation such as removal of hedgerows for access, habitat fragmentation, loss of arable land for the development, potential pollution within Heybridge Wood, and disturbance or loss of protected and notable species. At the operational stage of the development, without mitigation, the key effects identified are: Disturbance of habitats and species, pollution and nutrient enrichment from increases in sewage discharge and traffic, and changes to the hydrological regime within European and/or locally designated sites; death or harm, loss and fragmentation of habitat, disturbance, predation, and collision with traffic of protected and notable species.
- 5.28.12 With proposed mitigation, disturbance and damage to vegetation will be minimized, impacts in terms of pollution, flooding and air quality will be controlled, fragmentation of commuting and foraging routes will be reduced, compliance with legislation and licensing procedures, timing of works, species translocation and habitat and green infrastructure creation will minimize harm to protected and notable species, and a lighting strategy will minimize effects on nocturnal species.
- 5.28.13 The ES concludes that, with implementation of the mitigation, there will be no residual significant effects as a result of the development, with the exception of the loss of winter bird and farmland bird habitat for which no mitigation possible.
- 5.28.14 Suitable conditions will be employed to ensure all trees and hedgerows to be retained are identified and subject to a protection plan, with an appropriate constraints plan, arboricultural implication assessment and method statement also required.

5.29 Air Quality

- 5.29.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy CON5 (Pollution Prevention) and NPPF paragraph 124 are all applicable, which states 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan'.
- 5.29.2 An air quality assessment is appended to the ES which informs the ES for EIA assessment purposes. The ES identifies air quality implications for the construction phase of the development and operational phase of the development when all the buildings have been constructed.
- 5.29.3 The construction of the Relief Road and implementation of the Public Transport Strategy would assist significantly in mitigating the potential adverse effects on air quality. These measures would be requirements of the development and as such delivery can be assured.

5.30 Noise

- 5.30.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy CON5 (Pollution Prevention) and NPPF paragraphs 120 to 125 are all applicable.
- 5.30.2 A noise assessment is appended to the ES which informs the ES for EIA assessment purposes. The ES identifies that the construction phase of the development would be the noisiest part of the development with an increase in noise on site and through traffic delivering to the site. The mitigation to address this impact would be achieved through the Construction Environmental Management Plan planning condition, which would involve the control of working hours, noise barriers or hoardings and measures to avoid vibration. For the operational phase the likely noise sources will derive from the school (playground and sports pitches), from the employment land uses (subject to specific planning controls through conditions), the sport pitches to the south east of the site, traffic and potentially from the local centre area, depending upon the future uses of building
- 5.30.3 In order to mitigate the impacts of the Relief Road on the new residential development it is proposed to construct an acoustic barrier along the southern side of the Relief Road along the extent of the northern boundary of the residential development. The barrier would be 3.5m in height and whilst the design and form of barrier would be dealt with at the reserved matters stage the Design Strategy for the Heybridge Relief Road has identified the different forms it could take with a mixture of bunds and acoustic fencing to vary it in form and interest, further supplemented by landscaping measures to soften its appearance.
- 5.30.4 Issues in relation to potential impacts on existing residential properties have been addressed in Section 5.21 above. Further to this the additional noise survey work that was undertaken in relation to the western end of the Relief Road showed that at worst case scenario there may be a slight exceedance of the World Health Organisation standard in the rear gardens of the nearest properties but the exceedance is calculated to be 2.6dBA (A-weighted decibels) which is below the accepted level of 3dBA below which is not generally considered significant. On this basis, conditions have been suggested that would be sufficient to mitigate any loss of amenity experienced in this regard.
- 5.30.5 Subject to conditions to mitigate impacts on nearby properties from potential noise disturbance, no objections are raised on this basis.

5.31 Ground Conditions and Land Contamination

- 5.31.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy CON6 (Contamination Land) and NPPF paragraphs 120 to 122 are all applicable.
- 5.31.2 The majority of the existing site is arable farmland and the ES advises that the underlying geology comprising of clay, silt and sand belonging to the London Clay formation. The Geo-Environmental Phase 1 Desk Study Appraisal identifies no significant contamination on site. The ES identifies the predicted impacts of the development involve potential contamination of the soil and groundwater due to earthwork operations and the spillage of fuels and stored materials on site. Any such contamination which may be found on site prior to occupation of the development

will need to be remediated. The Environmental Health Officer has advised that further land contamination surveys and any future remediation can be dealt with through the use of planning conditions.

5.32 External Lighting

5.32.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy BE8 (Lighting) and NPPF paragraph 125 are all applicable.

5.32.2 Each dwelling whether a flat or a house is likely to have some form of external lighting. External lighting on dwellings can be installed as permitted development and given the scale of development it is not considered necessary to withdraw permitted development rights for external lighting for domestic use. Issues relating to ecological implications are addressed in the following section.

5.32.3 The design and siting of external lighting will be required to take into account impacts on Heybridge Wood a management plan for Heybridge Wood, will be required to be submitted in advance of approval of Reserved Matters for the first phase of the development, and should demonstrate how the wood will be managed in perpetuity for the benefit of biodiversity and amenity.

5.32.4 A lighting strategy will be implemented to minimise the effect of lighting which will be particularly important within key roosting, commuting and foraging areas. The strategy will include the following measures:

- Creation of dark flight corridors within certain areas of the Application Site;
- Creation of dark flight corrian ultra-violet (UV) component in areas where lighting is required for public safety purposes. UV light is particularly disruptive to bat behaviour (Fure, 2006; Emery, 2008);
- Use of flat-glass protectors on luminaires to help reduce light spill above angles greater than 70° from the vertical plane;
- Dimming/extinguishing of lighting within the site during certain periods of the night or after a certain time, when human activity within the Application Site is less;
- Where residential dwellings and commercial properties overlook dark flight corridors, use of window glazing which prevents light spill;
- Avoiding light spill onto areas of high quality bat habitat (such as Heybridge Wood) by using accessories such as shields, louvres, hoods and cowls.

5.32.5 The provision of sports pitches to the south eastern corner of the site and within the primary school could result in future floodlighting. There are no such details included with the application and the Environmental Health Officer is concerned that such lighting could give rise to nuisance complaints. Floodlighting is also likely to impact upon ecology / biodiversity as well as the rural countryside to the south, particularly from the sports pitches to the south eastern corner of the site. Therefore, a planning condition stating that no floodlighting shall be permitted shall be included in any approval.

5.33 Issue Regarding Ecological Implications

- 5.33.1 The Environmental Statement identifies how construction activity, noise and light disturbance has the potential to negatively affect the breeding bird assemblage by dissuading birds from using habitat close to construction areas. The magnitude and duration of any effect will vary depending on the particular activity and the time of year. Effects are likely to be localised and short-term but in some cases may adversely change the conservation status of certain species if. However, even in the absence of mitigation a significant negative effect at the Local level is Unlikely.
- 5.33.2 Bats could also be disturbed by construction phase-related activity such as lighting. In the absence of mitigation this could be sufficient to adversely affect the conservation status of bats and is considered to be a probable significant negative effect at the local Level. Disturbance through increased human activity in the area will be controlled through measures implemented in the Construction Environmental Management Plan (CEMP) such as a lighting strategy detailing the timing and location of lighting. Ongoing artificial lighting of the development is highly disturbing to bats and can significantly impact on bat activity. This could effectively result in the loss and fragmentation of bat foraging areas, roosting sites and commuting routes and therefore in the absence of control measures, artificial lighting is likely to adversely affect the conservation status of the bat assemblage and result in a probable significant negative effect at the local level.
- 5.33.3 In relation to the new relief road the design of new post-construction planting and sensitive lighting will enable bats to safely follow existing flight routes but minimise the risk of collisions between bats and vehicles. Buffer planting will follow and enhance the known bat flight route and enable bats to continue to move east-west. It will also connect to new planting and habitat creation along the relief road and bund, enhancing bat movement along the length of the bund. Mitigation to enable bats to move north-south is in the form of suitable tree, hedgerow and scrub planting along both sides of the eastern section of the proposed relief road, connecting new buffer habitat to retained and new habitats to the south, including Heybridge Wood. Again, the design of new post-construction planting and sensitive lighting will enable bats to safely follow new flight routes across roads.

5.34 Construction Management Plan

- 5.34.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy CON5 (Pollution Prevention) and NPPF paragraphs 120 to 125 are all applicable.
- 5.34.2 The ES refers to need for a CEMP to provide the mechanism for mitigating adverse environmental impacts and managing the construction of the development. The CEMP will include the need for a site waste management plan, materials management plan, pollution prevent plan, water management plan, traffic management plan and emergency response plan. The CEMP will form a planning condition requiring the information to be submitted prior to the commencement of development.

5.35 Refuse and Recycling

5.35.1 LDP policy D2 (Climate Change and Environmental Impact of Development), RLP policy PU2 (Recycling Facilities in New Developments) and NPPF paragraphs 120 to 122 are all applicable.

5.35.2 The DAS includes details a section on the 'provision for waste storage and collection' identifying that storage areas should not be conspicuous and should be within 10m of a refuse collection point for residential properties. Bin storage can form part of the overall design of the development rather than an afterthought and therefore such consideration should be given during the preparation of the reserved matters. Planning conditions which will inform the reserved matters to ensure refuse and recycling provision is located within the development, particularly with any flat development.

5.36 Climate Change and Renewable Energy

5.36.1 LDP policies D1 (Design Quality and Built Environment) and D2 (Climate Change and Environmental Impact of Development), RLP policy PU6 (Renewable Energy) and NPPF paragraphs 95 to 99 are all applicable.

5.36.2 The ES has considered climate change and renewable energy considerations identifying that there may be a loss of supply to existing infrastructure during the construction stage of the development but any impact would be negligible. Where possible, the proposed development should incorporate renewable energy innovations in accordance with LDP policy and this will be considered at the detailed stages of the development through the reserved matters and conditions where applicable. Other techniques such as reducing private vehicle usage, recycling and re-use water help address climate change should be addressed at the reserved matters stage.

5.37 Socio-economic

5.37.1 Numerous LDP policies, RLP policies and paragraphs of the NPPF are relevant to this section and have been taken into account in consideration of the application.

5.37.2 The proposed development would bring employment opportunities in the construction sector for the duration of the construction phase of the development which is beneficial to the local economy. A slight adverse impact in terms of disruption is likely to be experienced during the construction stage of the development for users of the public rights of way (PROW) in the area. The completed development includes employment land, a local centre, education and sports facilities. All these areas would lead to future employment opportunities. In terms of the social impact the development would be an extension of the existing settlement of Heybridge and would benefit existing residents living to the north of the development through the local centre, education, sports provision and employment.

5.38 Cumulative Impact

5.38.1 The ES has considered the cumulative effects of the development which is likely to be built at same time as other large scale developments within the North Heybridge Garden Suburb and alongside other consented developments. The ES concludes there is likely to be a cumulative impact upon ecology, landscape and visual impact, and socio-economic impact but that these impacts can be mitigated.

5.39 Sustainability Appraisal

- 5.39.1 Paragraph 7 of the NPPF sets out the three dimensional tests, which are the economic role, social role and environmental role and these all need to be achieved for the ‘presumption in favour of sustainable development’, as defined in paragraph 14 of the NPPF, to apply.
- 5.39.2 For the economic role the construction phase will bring employment to the local area and use of local resources (where possible). Once completed the proposal would provide further employment opportunities through the local centre, the education facilities, green infrastructure, sports provision and home-working.
- 5.39.3 For the social role, the proposal would establish a new community and would allow integration of the existing community usage of the local centre, education facilities, employment land, green infrastructure and sports provision. The proposal would provide for 176 or more affordable housing units to meet the needs of the District as well as creating a high quality built environment and improved integration and access to local facilities.
- 5.39.4 For the environmental role the proposal would lead to a significant change in the current environment and the loss of some biodiversity and ecology but mitigation measures are proposed and the development would form an extension to Heybridge in the most appropriate and sustainable location, when considered against other Strategic Housing Land Availability Assessment sites. Through the application process of this proposal careful has been given to the future development of the site in regard to the SMF, its landscape impact, integration with the existing urban area and its associated infrastructure.
- 5.39.5 Given the amount of development proposed with this application all three roles can be achieved for the ‘presumption in favour of sustainable development’ to apply.

5.40 Planning Obligations

- 5.40.1 For applying planning obligations paragraph 204 of the NPPF (taken from section 122 of the CIL Regulations) advises that ‘Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development’.
- 5.40.2 The infrastructure table listed in Section 5.18 identifies the planning obligations required in connection with this development. These obligations meet the tests set out in the NPPF.

| Highways | |
|--------------------------------------|-------------|
| North Heybridge Relief Road | £11,122,000 |
| Flood Alleviation Scheme | |
| Delivery of flood alleviation scheme | £8,000,000 |

| | |
|--|---|
| Public Transport | |
| Public Transport Improvements | £2,457,000 |
| Travel Plan | |
| Residential travel plan Residential travel information packs Travel Plan monitoring fee | £3,000 per annum (p.a.) from first occupation until one year after final occupation |
| Education | |
| 56 place Early Years and Child Care (EY&C) facility (within Primary School) | £921,862 |
| 56 place EY&C facility stand alone (Commercial) | Land provided |
| Primary school (210 place) | £3,017,004 |
| Secondary school Plume Lower School | £948,406 |
| Secondary school Plume Upper School | £3,133,865 |
| Youth and Children’s Facilities | |
| Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge | £560,625 |
| NEAPS and LEAPS | £119,232 |
| Health | |
| Medical facilities to serve North Heybridge Land to be reserved for development of a 1000 sqm health facility | £340,200 |
| Green Infrastructure | |
| Allotments to serve North Heybridge | £49,560 |
| Land for allotments site Sports pitches and pavilion | £1,266,000 |
| Open space to be provided in accordance with phasing plan | |
| Management of all green and blue infrastructure by management company | |
| Affordable Housing | |
| 15.5% supported and full review mechanism up to 20% | |

5.41 Conclusion and Planning Balance

5.41.1 The proposal is in accordance with the LDP and the North Heybridge Garden Suburb Strategic Masterplan Framework. Delivery of the site will assist the Council in achieving its five year housing land supply requirements.

5.41.2 This proposal would provide 1138 dwellings of which between 15.5% and 20% (176-228 dwellings) would be affordable housing units. Whilst this is below the level of affordable housing provision required by policy, it is considered to be an acceptable level given the inclusion of a full viability review mechanism and the abnormal development costs associated with construction of the FAS. In addition to provision of housing to meet growth requirements and the FAS, the proposal would create a new local centre, a new primary school, facilitate two early year and childcare facilities, green infrastructure and sports provision for the benefit of future residents and the local community. The proposal would also contribute towards the delivery of

a significant amount of infrastructure as identified in the IDP and LDP in order to accommodate the development.

- 5.41.3 The provision of the FAS has particular benefits for the local community as it would not be possible to address the existing flooding problems in north Heybridge in isolation. The Environment Agency has advised that it would not be possible to fully fund the project through the national capital programme. The delivery of the Strategic Flood Alleviation Scheme represents a unique opportunity to address long standing flooding issues in Heybridge via a partnership approach that may otherwise not be possible in the future. It is proposed that the FAS would be delivered in the first three years of the development.
- 5.41.4 The development would include the provision of a new relief road which would assist in alleviating traffic flows within the built up areas of Maldon and Heybridge and improve linkages to the north of the District and the A12. The road will be completed in the early stages of the development and prior to the occupation of the 350th dwelling.
- 5.41.5 The North Heybridge Garden Suburb Strategic Masterplan Framework provides guidance on the spatial vision for this area in accordance with the policies set out in the submission LDP. It has been endorsed by the Council as a material consideration in the determination of planning applications following stakeholder engagement and public consultation. This application is in general accordance with the SMF, unless otherwise stated in the report, and seeks detailed consent for the relief road and FAS and outline planning permission for the principle of the development and access into the site. The application also seeks approval for the Design Parameter Plans which show 'Land Use', 'Building Heights', 'Green Infrastructure', 'Access and Movement' and 'Residential Density' as submitted. This requires future reserved matters applications to accord with the Design Parameter Plans when details of layout, scale, appearance and landscaping are considered. Conditions will be required to refer to these plans and the detailed Design and Access Statement. Furthermore, the 'Design Code' and the phasing for the entire development would need to be agreed through a discharge of conditions application prior to the submission of the reserved matters. The information provided with the application and commitment to Design Code preparation provides an excellent basis for delivering a high quality garden suburb development.
- 5.41.6 This application is acceptable in principle and meets with the three dimensional tests of the economic role, social role and environmental role as outlined in paragraph 7 of the NPPF for the 'presumption in favour of sustainable development', as defined in paragraph 14 of the NPPF, to apply. This site is sustainable and will become more sustainable in the future through the associated strategic growth of the North Heybridge Garden Suburb which will provide the necessary infrastructure for connections in the area and beyond. The EIA and ES are robust documents which have addressed issues raised in the scoping opinion and set out mitigation measures where appropriate that can be addressed either by condition or in the accompanying S106.
- 5.41.7 The application has been through two consultation processes and has been assessed in regard to the submitted LDP, the 'saved' policies of the RLP, the relevant paragraphs of the NPPF, all the consultation responses and all other material planning

considerations. This report demonstrates that taking into account the planning balance the application can be recommended for approval subject to conditions requiring further details and mitigation, and subject to planning obligations to secure the required infrastructure provision.

6. ANY RELEVANT SITE HISTORY

6.1 No relevant planning history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|--|--|
| Great Totham Parish Council | <p>No objections.</p> <p><u>Additional comments following reconsultation:</u> Supports the application in principle [but] objects to (vi) a relief road between Broad Street Green Road and Langford Road.</p> <p>The council is concerned about the new junctions where the proposed relief road bi-sects the lower end of Maypole Road.</p> | See Section 5.6 |
| Heybridge Parish Council | <p>Recommend refusal: Initial comments: Concerns that any determination at this time could be open to challenge due to the Inspectors letter that found parts of the Local Plan unsound.</p> <p>Objection to the Garden Suburb principal – reference made to previous objections made to the Master Plan Framework. The development is a self-contained community with no real connectivity to the existing built environment.</p> <p>The transport impact remains unknown with only minor works proposed.</p> | <p>See Section 5.2 to 5.5 of the report in relation to the principle of development and the basis on which the development comes forward.</p> <p>See Section 5.7</p> |

| Name of Parish / Town Council | Comment | Officer Response |
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| | <p>The Parish Council (PC) is pleased to note the Strategic Flood Alleviation Scheme (SFAS) forms part of the application. Concerns in light of the Inspectors comment on the legality of using a S106 Agreement to deliver the SFAS.</p> <p>Should Members be minded to grant consent, the PC would wish to engage with Maldon District Council (MDC) and the applicant in respect of community facilities which should form a central point for the whole community and not be fragmented.</p> <p>Comment following further consultation/discussion: Seek contribution toward expansion of Plantation Hall during first phase of development as presumption that any new community facilities would not come forward until late in the development.</p> <p><u>Additional comments following reconsultation:</u> Object for reasons set out above and: The priority junction shown on the drawings as single access from Broad Street Green Road to the development appears to be an inadequate design to cater for the traffic generated by the proposal.</p> <p>Concerned that no pedestrian or cycle link is secured to existing or planned development that adjoins the proposed site - the existing layout requires pedestrians and cyclists to use the main road. The proposal is not considered sustainable or accessible by all modes of transport.</p> | <p>See Section 5.8</p> <p>See Section 5.6 and 5.16</p> <p>Following consideration it has been concluded that monies accrued to contribute towards facilities within the Garden Suburb should be retained for that purpose however it may be that once CIL is introduced those monies could be used to expand facilitates at Plantation Hall.</p> <p>See Section 5.6</p> <p>See Section 5.30</p> |

| Name of Parish / Town Council | Comment | Officer Response |
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| | The PC has suggested to the developer that the relief road is named <i>Queen Elizabeth Way</i> and 90 oak trees are planted along its route, preferably in advance of the roads construction. | |
| Langford & Ulting Parish Council | <p>Recommend refusal: The application does not mention the proposed country park.</p> <p>Concerns about the impact of vehicular traffic on residents living along the B1019 who will be subjected to noise, light and air pollution. Suggest provision of park & ride scheme.</p> <p>Requests confirmation of the new route for footpath 30 (Langford).</p> <p>Seeks confirmation when construction of the relief road and alleviation scheme will commence.</p> <p>Construction of relief road will have direct impact on residents living close to the proposed works and have a detrimental impact on their residential amenity.</p> <p>Requests reduction in speed limit through Langford village be reduced from 40mph to 30mph.</p> <p>Seeks confirmation of location of new street lighting.</p> <p>Advises of incorrect train data in submitted Transport Assessment April 2015</p> | <p>See Section 5.6 of the report. Issues in relation the reduction of the speed limit within Langford are matters for the Highway Authority and cannot be considered as part of this application.</p> <p>Issues in relation to disruption during the course of development is dealt with in Section 5.34 and would be controlled by Condition</p> <p>See Section 5.22</p> |
| Wickham Bishops Parish Council | <p>Approve subject to further traffic mitigation within Wickham Bishops.</p> <p><u>Additional comments following reconsultation:</u> S106 Agreement should include provision for traffic calming</p> | Issues in relation the staggered junction at Maypole road are dealt with in Section 5.6 |

| Name of Parish / Town Council | Comment | Officer Response |
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| | measures along Maypole Road, The Street and Witham Road, and the staggered junction should disallow right turns onto Maypole Road to traffic headed west on the relief road | |

7.2 Statutory Consultees and Other Organisations (*summarised*)

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|--|
| Braintree District Council | <p>No objection in respect of revised parameter plans and additional information.</p> <p>Observation that there would be a traffic impact on the B1019 at Hatfield Peverel. Welcome the proposed [bus] service [as identified in the submitted Transport Assessment] from the development to the new Beaulieu Park station and to Hatfield Peverel Station. Requests an additional stop along the route to the station.</p> <p>Welcome interim highways measures set out in the submitted Transport Assessment, however, the major highways interventions referred to in the longer term should be pursued with joint working amongst the key authorities.</p> <p>No objections in respect of the revised plans.</p> <p>Observation that the cumulative highway impact of this development, and other developments within Braintree District would have to be carefully considered.</p> | <p>Longer term issues cannot be addressed through this application which has been subject to a TA. These will be addressed through joint working between the key authorities and ECC Highways.</p> |
| Chelmsford City Council | Support in principle the proposed package of junction upgrades and Public Transport Strategy as set out in Transport Assessment subject to controls via planning conditions and S106 obligations. | See Section 5.7 |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| Essex Water Services (Essex Fire Authority) | Due to size and nature of the development additional fire hydrants will be required within the curtilage of the new site, on a mains size acceptable to the Fire Authority and at positions to be decided. | Would be dealt with under other legislation |
| Historic England (HE) | HE agree with the assessment contained in the Built Heritage Statement accompanying the application [in that] the harm to [the] designated heritage assets ([as listed]) would be less than substantial harm. | Noted |
| Highways England | No objection. | |
| ECC Highways Authority | <p>The Highway Authority has undertaken extensive investigation and analysis of the submitted information, together with a large quantity of additional information supplied since submission by the applicant. This work has concluded that the proposal is not contrary to current National and Local policy and safety criteria and has been found acceptable to the satisfaction of the Highway Authority in terms of its impact upon the local highway network.</p> <p>This site is identified in Maldon DC's Local Development Plan (LDP) and it should be noted that the applicant intends to fully implement the North Heybridge Relief Road and a comprehensive Passenger Transport Strategy that will benefit all of North Heybridge. It should be noted that the other strategic highway infrastructure improvements are fully covered by the other LDP sites contributions.</p> <p>Consequently, given the package of appropriate mitigation, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network</p> | See Section 5.6 and conditions |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| Sport England (SE) | <p><u>Phasing:</u> Objection regarding the indicative phasing strategy [as] the new facilities are unlikely to be available until after the majority of residents have moved in, resulting in pressures being placed on existing playing field facilities which are unlikely to have capacity to meet the additional needs.</p> <p>Requests that the detailed phasing proposals are secured through a planning obligation or condition.</p> <p><u>Pitch types:</u> 4.43 hectares of playing pitches are proposed. No objections is made to the level of the outside sports provision, however the type of playing pitches are no longer considered to be the priority to meet local need. Two senior or junior football pitches, two mini football pitches and a cricket pitch and outfield are proposed in the illustrative masterplan. Sport England indicates that a full size artificial pitch with a 3G surface would now be most appropriate.</p> <p><u>Location; siting; layout:</u></p> <p><u>Design of pitches:</u> Requests a condition requiring a ground conditions assessment to be undertaken to identify issues and constraints that would need to be addressed. Design of pitches to accord with “Natural Turf for Sport (2011)”.</p> <p>Requests that Sport England “model conditions 10a and 11” be imposed.</p> <p><u>Provisional facilities:</u> Requests provisional facilities [the pavilion] are included in a planning obligation to ensure adequate facility is</p> | <p>Proposed provision is in accordance with IDP, LDP and SMF. Sport England will be consulted on detailed proposals.</p> <p>There is no requirement for contributions towards indoor</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>provided.</p> <p>Requests condition requiring the detailed siting and design of the pavilion and parking facilities to be submitted to ensure [they] meet the needs of the proposed sports pitches.</p> <p>Requests that Sport England “model conditions 8 or 9” be imposed.</p> <p><u>Indoor sports facilities:</u> Additional population generated will create significant additional demands for indoor sports facilities. Requests consideration is given to securing a financial contribution towards the provision or improvement of indoor sports facilities in the Maldon area to ensure additional needs generated by the development can be met.</p> <p>As no provision has been made for meeting the developments indoor sport facility needs, Sport England request the Council consider seeking a financial contribution towards the provision or improvement of off-site facilities.</p> <p>The sport and recreation facilities provided by the primary school could also be used by the community outside of school hours. Requests a condition to secure the community use of the sports facilities provided on the school site. Requests that Sport England “model condition 17” be imposed.</p> <p><u>Future maintenance:</u> Advises securing future maintenance and long-term management through a planning obligation. Suggests Sport England “model condition 19” may be of assistance.</p> | <p>sports facilities in the IDP. The IDP proposes that this should be funded through CIL when adopted.</p> <p>The SMF proposes community use of the primary school sport and recreation facilities and this will be addressed through s106.</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p><u>Following submission of further information:</u> Sport England (SE) make reference to there not being an adopted CIL and therefore reiterate their comments in relation to a financial contribution toward indoor sports facilities.</p> <p>SE reiterate the imposing of a community use agreement planning condition to ensure the schools facilities are made available for community use and not that the school facilities will address any shortfalls in facility provision made in the planning application.</p> <p>SE reiterate their concerns in relation to the phasing and delivery of the proposed playing field in that it would not be provided in the earlier phase of the development. Requests the Council ensures there is a genuine practical or viability consideration that would prevent early delivery of the playing field.</p> | Submission and approval of a phasing plan will be a requirement. |
| Essex County Flood and Water Management Team (SuDS) | <p><u>Initial response:</u> Object The Flood Risk Assessment (FRA) does not comply with the requirements of NPPF [therefore] does not provide a suitable basis for assessment to be made of the flood risks arising from the development.</p> <p>Following submission of further information and a review of FRA and associated documents: Support granting of Planning permission subject to conditions relating to further details in terms of the scheme, 1. .</p> | See Section 5.8 of the report and Conditions |
| ECC – Economic Growth and Development | <p>Request the development contributes to the costs identified in the Infrastructure Delivery Plan pro rata to the pupil demand generated by the development.</p> <p>The planning application includes land for the primary school and EY&C facilities -</p> | See Section 5.14 in relation to the infrastructure requirements and the Heads of Teams at Section 8. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | a land compliance study has been conducted recommending the school site is accepted subject to a number of detailed design issues being resolved and pre site transfer preparation works being completed by the developer. These could be secured through S106 agreement. | |
| Anglian Water (AWS) | <p>Advise that there are no assets owned by Anglia Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment area of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>Requests a condition requiring foul water strategy to be submitted and approved by the Local Planning Authority (LPA).</p> | See Section 5.9 and Conditions |
| Essex & Suffolk Water (E&SW) | <p>Existing apparatus does not appear to be affected by the proposed development [however] the proposed outfall to the Chelmer and Blackwater river systems crosses [E&SW] 45" PSC pipe. E&SW have liaised with Richard Jackson Engineering Consultants over the proposals and E&SW have no objection to the development subject to compliance with their requirements.</p> <p>Condition that water mains are laid in the highway, and a new water connection is made onto E&SW network for each new dwelling / retail / commercial / community unit for revenue purposes.</p> | Covered under other legislation. |
| Natural England (NE) | <p>The application site is within or in close proximity to a European designated site (Natura 2000 sites); is in close proximity to the Blackwater Estuary Special Protection Area (SPA). The site is also listed as a Ramsar site and is a Site of Special Scientific Interest (SSSI).</p> <p>No reference to either provision of or contribution towards the country park</p> | See Sections 5.21, 5.28 and 5.33 of the report as well 8conditions |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>identified during consultation for the Maldon LDP. NE considers the proposed development is likely to lead to an increase in recreational activity in nearby off site locations - the Information for Habitats Regulations document submitted by the applicant identifies that parts of the Blackwater Estuary and Heybridge Basin may be affected.</p> <p>Unless clarification can be provided that further new green infrastructure or improvements to existing facilities would be delivered through the proposed development NE would advise that further assessment is needed on the potential impacts to the Blackwater SPA.</p> <p>NE notes that some of the potential impacts that may arise from the proposal relate to the presence of SPA interest features that are located outside of the site boundary. Advises that the potential for offsite impacts needs to be considered [when] assessing potential impacts the proposal may have on European sites.</p> <p>Following submission of further information:</p> <ul style="list-style-type: none"> • the creation of a new pedestrian route running parallel to the old railway line will provide the same connectivity of routes and is welcomed • welcomes the draft schedule of potential Heads of Terms, particularly with regards to open space, SuDS and Green Infrastructure. <p>Reiterated confirmation that conditions are required to ensure that the detailed design and phasing of the proposed rights of way improvement (including new permissive footpaths) are submitted for approval prior to the occupation of any dwelling.</p> | |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| Essex Wildlife Trust (EWT) | <p>Holding objection based on the following points:</p> <ul style="list-style-type: none"> • Proposed Green Infrastructure insufficient to prevent ecological isolation of Heybridge Wood; • Lack of access provision into the woodland for tractors and other machinery needed to carry out woodland management operations; • Concerns regarding the long-term management of the woodland and other green infrastructure; • Firm commitment required to make provision for habitat enhancements on adjacent farmland to mitigate for the displacement of specialist farmland bird species from the application site. <p>The NHGS is located on an environmentally sensitive site that includes Heybridge Wood, which is a designated Local Wildlife Site, Ancient Woodland (PAWS) and Biodiversity Action Plan Priority Habitat (BAP).</p> <p>EWT have serious concerns regarding the impacts of the proposed development on the future ecological health of Heybridge Wood and the surrounding landscape and wildlife populations. The human population influx will result in a significantly large increase in disturbance and other pressures, while the built structure itself will cause fragmentation and loss of existing habitats and green corridors (mainly hedgerows).</p> <p>The development must incorporate sufficiently generous green linkages to enable ecological functionality and prevent the woodland from becoming isolated from the wider landscape to the north. The currently proposed green corridors radiating out from the woodland are too narrow; for example, the</p> | <p>See Section 5.28 of the report. Additional information has been submitted since the objection was received from EWT to address the issues raised – no further comments have been received from EWT in response to the additional information.</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>suggested open space leading north from the north-west corner of the wood needs to be substantially increased.</p> <p>A robust management plan needs to be secured [and] the organization / body which will be responsible for practical management and monitoring should be identified. Suitable access into the woodland for vehicles and machinery must be included in the plan.</p> <p>A firm commitment must be included to provide mitigation for displaced farmland birds through Higher Tier enhancements on adjacent farmland.</p> | |
| Environment Agency | <p>Holding objection on Water Framework Directive (WFD) withdrawn. Conditions and advice relating to alleviation scheme.</p> <p>Additional information submitted provides useful context for the retained levels of water and depths of water above ground level behind bunds / embankments when the scheme is operating to its capacity.</p> <p>Illustrative photographs of the Halstead Flood Alleviation scheme in operation provide useful visual examples of the Heybridge Scheme when actively functioning.</p> <p>Welcome the clarification from the Reservoirs Act Construction Engineer that “the proposed design is satisfactory for the planning stage”.</p> <p>Stated there are important design matters relating to dam foundations that need to be addressed at detailed design stage - as per suggested conditions.</p> <p>EA stated they remain a committed party to assist MDC in the delivery of the FAS</p> | See Section 5.6 of the report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>and have given principle agreement to the aftercare and operation of the FAS</p> <p>EA advised they welcome the opportunity to work with MDC and the developer on refining legal agreements, land transfers and easements to ensure that the EA are in a position to operate and maintain the infrastructure once constructed. This work to progress alongside work to transfer Flood Management powers for the flood alleviated watercourses i.e.: removing main river classification of the Langford Ditch, Holloway Road Ditch and Heybridge Hall Ditch and installing main river classification to the new bypassing channel and discharge pipeline associated with the FAS. There needs to be both interim agreements between the EA, MDC and ECC and long term arrangements (through the formal de-maining and en-maining process) to address these changes.</p> <p>Suggested conditions relating to:</p> <ul style="list-style-type: none"> • the provision of detailed drawing for approval prior to the commencement of the Schemes (FAS?) construction. • the phasing of the FAS relative to the delivery of housing and other infrastructure within the NHGS. • the submission and approval of details for the provision of the required Telemetry infrastructure for the future remote monitoring of catchment rainfall, and of water levels in the Scheme's (FAS?) washlands and in the bypassing channel. • development shall not begin until a plan for future maintenance and aftercare of the watercourse that links the outfall from the westernmost washland to the scheme outfall to the River Blackwater at Beeleigh. | |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| NHS England | <p>Have identified the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development.</p> <p>The capital and/or infrastructure required through developer contribution would form a proportion of the required funding for the provision of a new GP surgery to replace the two existing branch surgeries. Assuming this is considered, NHS England would not wish to raise an objection.</p> <p>Following submission of further information:</p> <ol style="list-style-type: none"> 1. NHS England are in agreement with the draft Section 106 Heads of Terms revision 4A, subject to paragraph 2 below, which includes mitigation for Primary Healthcare in the form of land provision for a new health facility and a capital cost contribution of £340,200. Further details to be discussed and agreed at the appropriate time. 2. The land provision should be suitable for the use of a new health facility sized at up to 1,000m², over a maximum of three floors, with site area for adequate car parking, access and ancillary spaces. The allocated land should be agreed with NHS England and cannot be in a flood zone. 3. In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. 4. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb | See Section 5.15 of the report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>the patient growth generated by this development</p> <p>5. Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.</p> <p>6. NHS England and the CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.</p> | |
| Essex Waterways (The Inland Waterway Association) | <p>No objection subject to specific planning conditions.</p> <p>The strategic flood infrastructure discharge is into the River Blackwater which forms the Chelmer and Blackwater navigation above Beeleigh Long Weir. The increased water levels from this discharge could have an adverse effect upon the operation and thus survival of the Navigation.</p> <p>Requires a planning condition or S106 requiring that the upper gates to the Beeleigh Flood Lock are re-instated and the lock cills are repaired prior to the operation of the strategic flood relief scheme.</p> | Agreed by developer to be included in S106 agreement |
| Essex Bridleway Association | <p>Disappointed to note increased access is proposed to include only pedestrians and cyclists.</p> <p>At the Masterplan stage in October 2014 [EBA] were assured that bridleways would be included in the new developments planned for Maldon.</p> | Details of green corridors to be addressed at reserved matters stage in accordance with Design Code. Use of multi-user tracks to be considered where appropriate in |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| | <p>This particular development has good potential to incorporate multi-user tracks (these should be bridleways as, in reality, they are multi-user tracks) and create a link between the Public Rights of Way (PRoW) north and south of the site and the Rail Trail.</p> <p>A “green corridor” within the landscape buffer zone either side of these roads [should be] allowed to enable access by horse riders and cyclists away from the danger of traffic.</p> <p>Request that equestrian access is considered within the area around the new relief road which is to be used for green infrastructure and flood alleviation measures, and also the area north of the road.</p> <p>The crossing over the relief road should be a Pegasus crossing.</p> <p>It costs no more to a developer to incorporate tracks available for use for all users.</p> <p>Following receipt of further information: It would be beneficial for all users, including equestrians, cyclists and pedestrians, to have a safe off-road leisure route linking both parts of the Rail Trail (a public right of way) ... running from Wickham Bishops to Heybridge.</p> <p>Suggest the section of FP3 which is in the control of the applicant, and is to be diverted, is upgraded to bridleway to link the southern end of the Rail Trail to some way up Maypole Road.</p> | <p>accordance with SMF.</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
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| Ramblers Association | <p>The proposed development impacts on 4 public rights of way: FP296_30 leading into 249_3 FP247_19 FP296_17</p> <p>Request any development [allows] continued access to any existing Public Rights of Way (PRoW), both during and following completion of the development. This may require diverting existing routes and developing new routes.</p> <p>Recommends opportunity it taken to enhance the PRoW network.</p> | See Section 5.28 |
| The Office of Communications (OFCOM) | No comments. | |
| Minerals Planner (ECC) | No response | |

7.3 Internal Consultees (*summarised*)

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|-------------------------|
| Economic Development Officer | The proposed “Neighbourhood” uses in the mixed use development is noted – no comments at this stage. | Noted |
| Emergency Planning Officer | <p>The development is within Flood 1 and considered less vulnerable for all uses.</p> <p>Advice for residents to consider registering with Floodline Direct</p> | Noted |

| Name of Internal Consultee | Comment | Officer Response |
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| Tree Officer | <p>Heybridge wood is protected by Tree Preservation Order (TPO) 7/92 and is also a Plantation on Ancient Woodland Site (PAWS), although it hasn't been actively managed for some time.</p> <p>The impact on the woodland and wildlife [could] be extremely destructive; however, this can be controlled to a degree by the management of the woodland [and] creating dedicated public access in non-sensitive areas.</p> <p>The submitted management plan is comprehensive and identifies a phased program of works. There needs to be a suitable access with suitable hard standing for continued maintenance, timber extraction and safe management of the wood.</p> <p>Require clarification of the person/organization that will be responsible for managing the woods, implementing the plan and ensuring public safety in the years following the completion of the development.</p> <p>There are several species-rich areas surrounding the site which currently connect to Heybridge wood through a network of hedgerows – it is important that Heybridge Wood does not become isolated from other important woods in this part of the district.</p> | See S106 Heads of Terms |
| Countryside and Coast Officer | <p><u>Landscape and Visual Issues (LVIA)</u> LVIA identifies significant residual negative effects outside the development boundary suggesting additional structural landscape planting is needed to mitigate these or reduction in building heights in discrete areas.</p> <p>A minimum width for the green corridors and landscape buffers should</p> | See Section 5.21, 5.28 and 5.33 of the report |

| Name of Internal Consultee | Comment | Officer Response |
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| | <p>be established through the parameter plans.</p> <p>Further detail is required on the landscape design of the flood alleviation scheme and the road corridor to ensure sufficient width exists to fulfil its green infrastructure role as well.</p> <p><u>Ecology and Biodiversity</u> The EIA judges there will be no significant residual effects on existing biodiversity but emphasizes the importance of the proposed mitigation and enhancements in delivering this.</p> <p>The HRA report emphasises the importance of enhanced green links to the surrounding countryside and effective management of Heybridge Wood in order to minimise recreational impacts on the Blackwater Estuary SPA and SAC.</p> <p>A detailed Green Infrastructure Management Plan including for Heybridge Wood should be secured through Section 106 in order to ensure these proposals can be delivered.</p> <p><u>Sport facilities, Open space and Play</u> Consideration should be given to Sport England's comments.</p> <p>The pitches should be adequately drained to ensure they are usable in the winter months. Ancillary changing facilities, storage and car-parking should be provided.</p> <p>In relation to open space and children's play facilities further evidence is required on how the provision meets our Green Infrastructure and Children's play standards, on the accessibility and functionality of the provision (i.e.</p> | |

| Name of Internal Consultee | Comment | Officer Response |
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| | <p>children that are remote from the playing fields in the south-east corner of the scheme should have adequate provision for amenity and play space close to their homes if these are in the north-west of the scheme).</p> <p>The NEAP is sited very close to Heybridge Wood in the indicative masterplan and may conflict with biodiversity and landscape aspirations.</p> <p>Following submission of updated information: FAS: Page 3 of the 'Overview of Flood Alleviation Scheme' September 2016 states that the detailed design of the bunds is still to be undertaken. This detailed design should be subject to condition to ensure that any variations, especially of height, width and surface treatment of these features are subject to further scrutiny. Due to the substantial amount of soils and subsoils to be excavated, further details of the methodology of the subsoils / soil excavation, storage and movement should be submitted and subject to condition to ensure this is carried out in a way that minimises disturbance to neighbouring properties, road and footpath users as well as conserving soil health where it is proposed to re-use this onsite for landscape purposes.</p> <p><u>Draft HoT's:</u> Reference to the role of Heybridge Wood as an intrinsic part of the Green Infrastructure network for the new development needs to be incorporated into the Section 106 agreement.</p> <p>A management plan for Heybridge Wood, based on the Advice Note drawn up by EPR Ltd in July 2013, needs to be submitted in advance of approval of Reserved Matters for the</p> | |

| Name of Internal Consultee | Comment | Officer Response |
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| | <p>first phase of the development, and should demonstrate how the wood will be managed in perpetuity for the benefit of biodiversity and amenity</p> <p><u>Supplemental Design Note:</u> no objection to the supplemental housing units being built, up to a total of 1138 as outlined in the note, provided that:</p> <ul style="list-style-type: none"> • there is no incursion into the area identified in the Green and Blue Infrastructure Parameter Plan, • no loss or further loss of existing features of landscape or biodiversity value such as trees or ditches to be conserved, • no conflict with the criteria for green infrastructure identified through the Design Codes, and • no overall diminution of the indicative green space, play space or proposed green infrastructure within the residential areas as indicated in the original submitted Design and Access Statement (or any supplements) and/or the Design Strategy Heybridge North Relief Road from January 2016. | |
| Archaeology | <p>The Environmental Statement (ES) and supporting detail have established the presence of significant known archaeological remains and the potential for further, as yet, undiscovered archaeology. The ES acknowledges that an extensive programme of archaeological mitigation will be required.</p> <p>Seeks pre-commencement condition for a full archaeological condition should consent be granted.</p> | See Section 5.26 |

| Name of Internal Consultee | Comment | Officer Response |
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| Environmental Health Team | <p>No objections in principle subject to conditions to mitigate concerns related to:</p> <p>Noise from the proposed relief road which may cause an adverse effect on existing and proposed residential dwellings; to be dealt with by condition.</p> <p>Noise from proposed non-residential uses may cause an adverse impact on residential dwellings; to be dealt with by condition.</p> <p>Surface water drainage; to be approved by appropriate agencies.</p> <p>Foul water drainage provisions; to be dealt with by condition.</p> <p>Potential contamination from historic land uses; to be dealt with by condition.</p> <p>Post development road traffic (Operational traffic) will contribute to road traffic related air pollution in areas already experiencing elevated levels of Nitrogen Dioxide;</p> <p>The effects of extra traffic generated by the development on local air quality; measures to be secured via legal agreement or appropriate conditions.</p> <p>Light from floodlights if installed may cause loss of amenity; to be dealt with by condition.</p> | See Sections 5.11, 5.29, 5.30, 5.31 and 5.32 of the report |
| Conservation and Urban Design Officer | Applicant's Design Strategy sets out the importance of considering the northern boundary of the NHGS as a defensible boundary between built form and countryside and that a "landscape led approach" has been taken. This design approach underpins the masterplanning | See Sections 5.19, 5.25, and 5.26 |

| Name of Internal Consultee | Comment | Officer Response |
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| | <p>principles of Policy S4 (Strategic Growth in Maldon and Heybridge) and the principles set out in the NGHS SMF and provides the necessary infrastructure for flood resilience and a relief road, and creates a green corridor that allows scope for a variety of different landscaped features.</p> <p>The red line boundary of the detailed application contains the flood relief infrastructure, relief road infrastructure and landscape features for each of the key elements of the design strategy for a “Green Corridor”, “Infrastructure Corridor” and “Sustainable Corridor”.</p> <p>The red line boundary establishes the widths of the sections. Landscaped elements are “indicative proposals only”.</p> <p>Seeks a condition(s) to ensure these important landscaped elements (i.e. wildflower meadows, acoustic funds, acoustic fences, tree heights, public open space, internal roads, roadside swales, cycle ways and hedges) are substantially in accordance with the Design Strategy that is supplemental to the D&A statement to the detailed application. The section that includes the housing, open space and internal roads should comply with the NHGS Design Codes.</p> <p>The same conditions (as noted above) should be applied to the ‘indicative proposals’ in the "Sustainable Corridor" as these elements are essential for creating wildlife habitats</p> | |
| Strategic Housing Services | The Council’s Strategic Housing Service can only support the application that seeks to provide 15.5% affordable homes if there is also an agreement with the applicant to seek to improve this through future | Strategic Housing Services have confirmed that the proposed approach to affordable housing provision based on a minimum of 15.5% |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|--|
| | <p>reviews.</p> <p>There [is] concern about the impact that such a significant shortfall in the planned provision of affordable housing will have on local services and the community, bearing in mind that the Council's Strategic Housing Market Assessment sets an overall requirement for 40% of all new homes to be affordable.</p> <p>.</p> <p>Consideration has to be given to all options that could help improve the 15% affordable in the future to mitigate the impact of the shortfall in affordable homes. E.g. changes to costs and values. Any agreement should include a provision to enable the proportion of affordable homes to be increased proportionately as a result of any changes to costs and values.</p> <p>It would be unreasonable to expect the Council to agree to such a low proportion [of affordable homes] without any opportunity for future review and improvement.</p> <p>Setting a minimum of 15% would provide a reasonable baseline, taking into account the applicant's ability to seek a review at any time in the future because of problems with the financial viability of meeting policy requirements.</p> <p>Retaining the ability to increase this [figure] also acts as an incentive for all parties to continue, throughout the lifetime of the development, to work on opportunities for improving the proportion of affordable housing.</p> | <p>of the first 450 units with a 70/30 affordable rent/ shared ownership and a full viability review with a minimum of 15.5% and a maximum of 20% over the whole development with a review of affordable housing tenure mix subject to viability is acceptable.</p> <p>Full viability review to include all development costs and values</p> |

7.4 Representations received from Interested Parties (*summarised*)

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

- Esq L Dayner Railway Cottage Maldon Road Langford
- Mr & Mrs Hanner 1 Mitchells Cottage Langford Road Maldon
- Pauline Searl 64 Holloway Road Heybridge Essex
- Mrs Marianne DeSouza 16 Broad Street Green Road Great Totham Essex
- GG & DP Cox 159 Heywood Way Heybridge Maldon
- Mr Derek Lang 26 Holloway Road Heybridge Maldon
- Mr David G Sargood 65 Heywood Way Heybridge Maldon
- Mr Robert Ryall Glynwood 66 Holloway Road Heybridge
- Mrs Susan Ryall Glynwood 66 Holloway Road Heybridge
- Stuart P Jennings 119 Heywood Way Heybridge Essex
- Mr I Miles 60 Holloway Road Heybridge Essex
- Nicola Morris 16 Wharf Road Heybridge Essex
- Gerry Davies 10 Samian Close Heybridge Essex
- Irene Allen 11 Ulting Lane Langford Essex
- Don Benson Chairman Heybridge Residents Association 31 Elizabeth Way Heybridge
- Tony Searl 64 Holloway Road Heybridge Essex
- Chris Surgett Hillview 38 Holloway Road Heybridge
- Roy Pipe Langford Lee Maldon Road Langford
- Mr Christopher Salmon 97 Heywood Way Heybridge Maldon
- Mr David Sismey Old Rectory Langford Road Maldon
- Heather Surgett Hillview 38 Holloway Road Heybridge
- Mr Michael Brand 73 Broad Street Green Road Great Totham Essex
- Mr George Lake 9 Stock Terrace Stock Chase Heybridge
- Richard & Sarah Reynolds Grapnells Barn Wood Lane Heybridge
- Gary Davies 10 Samian Close Heybridge Essex
- Mrs Merle Pipe Langford Lee Maldon Road Langford
- Mr Rufus Whiteford Mitchells House Langford Road Maldon
- Mrs Stella Shires 11 Chichester Way Maldon Essex
- Mary Benson 31 Elizabeth Way Heybridge Essex

| Objection Comment | Officer Response |
|---|---|
| Principle | |
| The justification for development targets and a five year local land supply as a means of arresting the source of Heybridge's flooding problem is difficult to balance. | See Section 5.1 2 of the report |
| The Heybridge and Maldon area are not the place for such large-scale development as major housing developments will considerably change Maldon's heritage as an historic market town | See Section 5.2 of the report |
| The LDP shows privately owned land as part of the proposed development area [namely] 4 properties in Wood Lane, Heybridge | The planning application does not propose development on the land in question |
| Maldon promotes itself as a tourist destination with countryside heritage - building on green belt land is wrong | There is no Green Belt in the Maldon District. See Section 5.5 of the report |
| Maldon District Council does not have a valid document upon which the merits of the development can be judged. | See Section 5.2 to 5.5 of the report |
| As LDP was rejected and found unsound the application should be judged against Local Plan 2005 which does not identify this land for development | See Section 5.2 of the report |
| Since there is no LDP there cannot be any grants or section 106 agreements | This not factually correct |
| Due to the scale of the NHGS it will subsume the existing settlement of Heybridge [and is] a disproportionate enlargement of an already urban area. | See Section 5.4 & 5.5 of the report |
| Developments of this size should be located near to the Crouch Valley Railway line which has good rail links to London. | See Section 5.2 and 5.5 of the report |
| This estate accounts for 25% of the assessed housing need for the district up to 2029 - the burden and benefit of development should be spread in an equitable manner across the district | See Section 5.3-5.5 of the report |
| Organic growth of existing settlements would be more appropriate than this blot on the landscape | As above |
| There are brown field sites in Maldon District that could be used instead of building on farm land. | See Section 5.5 of the report |
| Building around Heybridge Wood has been considered twice before and been thrown out by the inspector | See Section 5.2 to 5.4 of the report |

| Objection Comment | Officer Response |
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| The proposal for the land between Broad Street Green and Langford Road will turn Langford into an extension of Heybridge – Langford will lose its identity as a separate village | There would be clear and defensible separation between the proposed Garden Suburb and the village of Langford – this is not considered an issue |
| Building this volume of infrastructure on this land will set a precedent for building on green belt land in the future. | No Green Belt land in this District but the effect of developing the Garden Suburbs is to protect the rural parts of the District from unsolicited development |
| The [development] is sited on prime agricultural land in a rural area. | No objections on this basis. |
| The section 106 agreement for the planned infrastructure is not legally enforceable | If a S106 agreement is not complied with legal action can be taken to enforce its clauses |
| The scheme should be located nearer the A12 and Chelmsford railway | See Section 5.2 – 5.5 of the report |
| *This application should not be heard for decision by the Council until the Council's LDP in full has been presented to the Planning Inspector who [will] determine if the plan is sound or otherwise. | No legal impediment to the consideration of this application. See Section 5.2 of this report |
| Impact on Residential Amenity | |
| Privacy could be affected | See Section 5.22 of the report |
| If houses are more than 2 storeys high would give increased likelihood of [some] gardens being overlooked | See Section 5.19 of the report |
| My property will be overlooked and a brick wall next to my house will block out the light | See Section 5.22 of the report |
| Boundary treatment and distances from existing dwellings ought to be an important consideration. | This will be dealt with at Reserved Matters stage. The Council seeks to apply the standards referenced in the Essex Design Guide but this will also form a part of the Reserved Matters |
| The proposal will place our property in a triangle of traffic, with a trunk road running behind, to the side and front of our property. | See Section 5.6 of the report |
| Traffic / Road Design | |
| The bypass does not connect well with the existing western bypass | See Section 5.6 of the report |
| Merging existing traffic and the extra traffic to one road would cause much congestion at Langford, Ulting and Hatfield Peverel | As above |
| Existing and new residents will [have] the problems of an inadequate road network | As above |
| No roundabout on the proposed relief | As above |

| Objection Comment | Officer Response |
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| road where it crosses Maypole Road – the ‘dog-leg’ junction will cause delays, frustrations and probable accidents | |
| A straighter route, and less tortuous, would be from Maypole Road through Wickham Bishops to Witham and onto the A12 | The design of the Relief road was undertaken in conjunction with the Highway Authority |
| Measures are required to improve the flow of traffic through Heybridge [as] congestion arises from the slightest disruption – vehicular movements arising from the new development will inevitably need to use this local route. | The new Relief Road will reduce traffic flows though Heybridge by providing a less impeded alternative route |
| The belief that there will be significant displacement of traffic to the new relief road makes certain assumptions [and] will not address the real problem of getting in and out of the district. | As above. |
| Maldon does not have a railway and there are no main roads to A12 | No comment |
| Object to the proposal to build a road across to Langford Road | This junction is considered the best solution to link the relief road into the existing road network |
| Plans [suggest] road speed will vary from 50mph to 30mph to 40mph and is more likely to be 50mph throughout on country roads that were not built for heavy traffic. | This is a matter for the Highway Authority |
| The Transport Assessment April 2015 appears to justify significantly increased congestion on the basis that it would only be slightly more than the predicted congestion for 2026 without the developments. | No objections are raised by the Highway Authority |
| This number of people with cars would ruin our lovely historic town. | No comment |
| *Essex County Highways have not produced informative information on how to alleviate the present congestion on Heybridge roads. | The new Relief Road will reduce traffic flows though Heybridge by providing a less impeded alternative route |
| Heybridge does not have the infrastructure/road capacity to cope with such a large influx of people. | The development would incorporate the necessary infrastructure to support it |
| The only routes to the main railways experience queues of traffic at peak times without imposing another approx 2,000 cars on them. | No objections are raised by the Highway Authority |
| Holloway Road has a weight limitation of 7.5tons – how can you justify using it for deliveries of heavy goods vehicles to large building sites. | A new haul road would be constructed as part of the first phase of the development |

| Objection Comment | Officer Response |
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| Wood Lane | |
| Wood Lane is a footpath with private vehicular access only. Concerned that Wood Lane would be used [as access] to the sports pitches. | See Section 5.22 of the report |
| Healthcare | |
| The already stretched capacity within GP practices and secondary school facilities would be further compromised | See Section 5.15 of the report |
| Education | |
| The schools are not in a position to expand much further | See Section 5.14 of the report |
| Impact on Retail: | |
| Difficulty in crossing the relief road will lead to residents shopping in Witham | There is no requirement to cross the Relief Road to access Maldon |
| There is a sufficient retail area in Maldon and Heybridge – do not need more to blight the countryside | The proposed Local Centre would only provide facilities for local needs and would not compete with Maldon & Heybridge |
| Noise: | |
| A higher density development will increase noise levels | See Section 5.30 of the report |
| Multi-use sports pitches are proposed adjacent to Wood Lane. [They will create] noise levels on a weekend if used for football. The land adjacent to Wood Lane should be used for cricket or a 15m buffer of dense shrubs and trees should be planted to absorb noise levels. | Noted, see Section 5.22 of the report |
| There is no consideration for the noise impacts on the five properties to the west of Maypole Road | See Section 5.22 of the report |
| Assurance was given during the consultation period that the land between Langford Road up to Maypole Road would be infilled with noise reduction vegetation and most likely be used as an open parkland, not left out of the development as open space for future development of greenbelt land. | This land is not within the ownership of the applicant and is not a reasonable requirement of the development |
| Light pollution | |
| Noise, light and emission levels will be totally unacceptable - street lights will be on throughout the night and light pollution will be intolerable | Issues relating to light pollution can be mitigated to some degree and would be dealt with at Reserved Matter stage |
| Flooding and Attenuation Ponds | |
| The green space is needed to maintain and protect [the] countryside from flooding | Noted |

| Objection Comment | Officer Response |
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| Layout and composition of land is unsuitable for type of Flood Alleviation Scheme proposed which is 'over-engineered' | See Section 5.8 of the report |
| * Issues with attenuation ponds: Anaerobic conditions can occur without regular inflow; colonization by invasive species, inlet/outlet cleaning, vegetation management, sediment monitoring could increase maintenance costs; settlement of solids can change capacity and efficiency; removal of debris could cause difficulties and expense; settlement of particulate pollutants could be a problem | The Environment Agency have not objected to the development. |
| * The proposed 3 ponds north of the bypass road are the most unreliable form of partial flood alleviation. | As above |
| *The SUDS system will evacuate into existing drainage systems, an unacceptable and very inefficient, unsafe system. | See Section 5.10 of the report |
| Parts of Heybridge already suffer from flooding and much of the area for proposed development is in a flood-risk zone | As above |
| The proposed Flood Alleviation Scheme (FAS) is not in the right place to protect Holloway Road and the surrounding houses from surface water flooding - there is no FAS where all the new houses are proposed | As above |
| The FAS appears to increase flood risk to many properties, including heritage assets, as a result of a potential dam breach of the planned new reservoir. This risk is not properly evaluated in the Environment Statement (pp13 – 30). The NPPF is clear that development in areas at risk from flooding should be avoided but where development is necessary it must be made safe "without increasing flood risk elsewhere". The application is therefore in breach of the NPPF | See Section 5.8 of the report |
| The sewage system is already overloaded and the periodic flooding problem has not been properly addressed. | See Section 5.11 of the report |
| *It seems that development will be welcomed by the Council prior to a Flood Alleviation Scheme (FAS) being installed. The Environment Agency, | See the Phasing table at Section 3.3 of the report |

| Objection Comment | Officer Response |
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| during production of the LDP, advised that a FAS should be installed prior to any development on the land. | |
| The FAS and location of the three ponds does not seem safe and practical especially when a 3.9m retaining construction is shown at the exit of the last pond. | See Section 5.11 of the report |
| There is a much safer and more economical way of ensuring a safe and efficient flood alleviation scheme to protect Heybridge. | As above |
| Have been advised that the proposed FAS 'should' make Heybridge safe from flooding – this is far from acceptable. | As above |
| Ecology | |
| The land is farmed and is productive | Noted but this in itself does nto preclude development |
| The [development] would greatly impact negatively on the visual approach to Maldon | See Section 5.21 of the report |
| The green buffer [should] be extended to afford more privacy and reduction of noise | As above |
| Will have significant adverse impact on Langford as parts of it are a conservation area | See Section 5.25 of the report |
| The proposed development would in a short space of time cause the demise of the ancient Heybridge Wood | See Section 5.28 of the report |
| The Environmental Impact Assessment (table 8.5) accepts that in every category of character there will be a significant adverse, long term irreversible impact brought about by NHGS. | See Section 5.28 & 5.33 of the report |
| Animals travel across the farmland and will be trapped in the woodland area and be getting into people's gardens | See Section 5.28 of the report |
| Other | |
| A development of this size [should be] where rail links are available and [a] closer easier access to better road networks | See Section 5.5 of the report |
| The area surrounding Heybridge Wood is more suitable for the proposed country park (HGS) | See Section 5.28 of the report |
| The application has too many "unknowns" | No comment |
| There is no employment for this number | See Section 5.5 of the report |

| Objection Comment | Officer Response |
|---|---|
| of people in the Maldon District so they would have to commute to work [as] there is no railway within 6 miles and no prospect of a suitable bus service. There would be gridlock and chaos spreading out as far as the A12. | |
| Maldon and Heybridge do not have a lot of jobs to offer – the development size would suggest a need for at least 1,000 extra jobs. [It would] create mass unemployment in the area and those that do work will invariably commute to London, imposing a huge strain on already overcrowded roads. | See Sections 5.2 to 5.5 of the report |
| There are alleged plans for a primary school – doubt if it would cope with the likely number of children. | See Section 5.14 of the report |
| Have been promised a primary school before – where will the children go to secondary school. Expanding the Plume would render it soulless. We need provision for a further secondary school | As above |
| Medical facilities – the surgeries for Maldon have closed their books. | See Section 5.15 of the report |
| There are too many basic problems involved which will be a factor in the pricing making the purchase out of financial reach for many local young people. | See Section 5.12 of the report |
| The number of dwellings has increased from 800 to 1138. It is hoped the number of affordable homes are increased accordingly | As above |
| Ring Road | |
| The map of the ring road received by the council on 29 January 2016 shows the ring road as having a speed limit of 50mph. Earlier information showed the ring road to have a speed limit of 40mph. Consider it essential that a 40mph limit is imposed [on the ring road] from the outset. | The speed limit has been in consultation with the Highway Authority |
| Vehicles coming east on the ring road, and wishing to turn left at the proposed roundabout, will often be immediately confronted by stationary residential traffic attempting to turn right into their driveways. | No objections are raised by the Highway Authority |
| At peak times there will also be south and westbound traffic backed up from the | As above |

| Objection Comment | Officer Response |
|---|---|
| proposed roundabout, blocking access to residents properties. This represents a severe extra accident risk. | |
| Vehicle access to No.s 75 & 77 Broad Street Green would be very difficult – [they] would need to [reverse] on the approach bend of the roundabout access road, which at ‘peak’ times will have stationary backed up traffic on it. This represents a severe extra accident risk. | No objections are raised by the Highway Authority |
| A suitable solution might be to move the roundabout 100m further into the field. This would also reduce noise and exhaust pollution levels for the residents. | The Relief Road and associated junctions were designed in consultation with the Highway Authority |
| Flooding | |
| The area of Heybridge lies on gravels which lie on top of impermeable clays which do not hold water. Where these intersect springs form [and] there several in Heybridge. The land in question requires considerable consideration for large scale developments. | See Section 5.8 of the report |
| Heybridge Woods | |
| Heybridge Wood is designated as a Local Wildlife Site ref:Ma49. Whilst this designation does not give the site legal protection, it does ensure the site is a material consideration in the determination of any planning application. As an ancient woodland the site should be considered as an irreplaceable habitat. Planning permission should be refused unless the need for, or the benefits of, the development in that location clearly outweigh the loss. | See Section 5.28 of the report |

* Comments from D Benson – Heybridge Residents Association

8. **PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the Infrastructure Delivery Plan, and are subject to final agreement within the Section 106 (S106) agreement):

Highways:

- North Heybridge Relief Road£11,122,000

Flood Alleviation Scheme:

- Delivery of flood alleviation scheme£8,000,000

Public Transport:

- Public Transport Improvements.....£2,457,000

Travel Plan:

- Residential travel plan
- Residential travel information packs
- Travel Plan monitoring fee.....£3,000 p.a. from first occupation until one year after final occupation

Education:

- 56 place EY&C facility (within Primary School).....£921,862
- 56 place EY&C facility stand alone (Commercial)Land provided
- Primary school (210 place)£3,017,004
- Secondary school Plume Lower School£948,406
- Secondary school Plume Upper School.....£3,133,865

Youth and Children's Facilities:

- Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge£560,625
- NEAPS and LEAPS.....£119,232

Health:

- Medical facilities to serve North Heybridge£340,200 plus Land to be reserved for development of a 1000 sqm health facility

Green infrastructure:

- Allotments to serve North Heybridge£49,560
- Sports pitches and pavilion£1,266,000
- Open space to be provided in accordance with phasing plan
- Management of all green and blue infrastructure by management company

Affordable Housing:

- 15.5% supported and full review mechanism up to 20%

Other:

- Details of the management of Heybridge Wood a
- Provision of lock gates at Beeleigh Weir

CONDITIONS:**OUTLINED AND DETAILED:****Strategic Phasing Plan**

1. Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which with the triggers in the S106 accompanying this application for the provision of infrastructure and which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
 - a) The strategic flood alleviation scheme
 - b) The Relief Road with associated junctions at Langford, Maypole Road and Broad Street Green Road
 - c) The electricity sub-station and gas governor
 - d) Major distributor roads/routes within the site as identified on drawing number 'Design Parameter Plan – Access and Movement', including vehicular access to the local centre, education facilities, and sports playing fields;
 - e) All residential development;
 - f) The Local Centre;
 - g) Education facilities;
 - h) Formal recreation area for playing fields and sports playing pitches;
 - i) The area for allotments;
 - j) The green infrastructure, landscaping, informal open space and open space areas.
 - k) Footpath and cycleway provision / crossings both on and off-site;
 - l) Strategic foul and surface water features, including SuDS;
 - m) Structural landscaping/planting provisions;

- n) Environmental mitigation measures;
- o) The acoustic barrier south of the Relief Road

The development shall be implemented in accordance with the approved Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

REASON: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that major infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development. In accordance with policies S2, S3, S4, D1, D2, D5, E1, E2, E3, E6, H1, H2, N1, N3, T1, T2 and I1 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CON5, BE1, BE3, T2, H6, E2, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Construction Environmental Management Plan

2. No development within any phase (as defined on the Strategic Phasing Plan to be approved pursuant to Condition 1) shall commence until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
 - a) Indicative site wide construction and phasing programme.
 - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, storage areas / compounds, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
 - c) Construction hours and delivery times for construction purposes.
 - d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
 - e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.

- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing within that phase of the development and shall remain in force for the duration of the construction period of that phase of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

REASON: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers, highway users and safety, ecology and biodiversity and rural countryside in accordance with policies D1, D2, D5, N2, T2 of the Maldon District Submission Local Development Plan, policy CON5, CC5, BE1, CC6, CC7, T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

DETAILED:

- 3. The development of the strategic flood alleviation scheme, relief road and sub-stations as specified in the approved plans listed in Condition x shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 4. The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
CPMALDON.1/01J (Relief Road Overview)
CPMALDON.1/02G (Langford Road Roundabout)
CPMALDON.1/03F (Staggered Priority Junction Arrangement)
CPMALDON.1/04E (Central Priority Junction and Broad Street Green Rd Roundabout)
CPMALDON.1/05D (Langford Road Rd/bt Northern Arm and Vertical Profile)
CPMALDON.108C (Relief Road Long Section – Langford Road end)
MBSK150720-1 (Maldon Road Centreline and Visibility)

44006-C-003C (Typical spillway Detail)
44006-C-004B (Proposed Blackwater Outfall)
44006-C-005E (Typical Indicative Sections Through Watercourse and Bunds)

44006-C-008D (Flood Alleviation Scheme Cross Sections)
 44006-C-009B (Flood Alleviation Scheme)
 44006-P-137 (Flood Alleviation Long Section 1 of 3)
 44006-P-138 (Flood Alleviation Long Section 2 of 3)
 44006-P-139 (Flood Alleviation Long Section 3 of 3)
 44006-P-307D (Surface Water Outfall)
 44006-C-13 (Bund Levels)

44006-C-010A - Substation Location Plan

TC-STD-G-PRI gas governor

TC-STD-SS-01 brick built electricity substation

REASON: To ensure the development complies with the application as approved and policies S3, S4, D1, T1, T2 and I1 of the Maldon District Submission Local Development Plan, the endorsed north Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and NPPF and PPG.

Highways

5. Prior to the occupation of the 100th dwelling the Relief Road shall be fully implemented and opened to the public from Langford Road to Maypole Road in accordance with the approved plans.
REASON: To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of Maldon District Submission Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
6. Prior to the occupation of the 350th dwelling the Relief Road shall be fully implemented and opened to the public between Langford Road and Broad Street Green Road including all associated access, junctions and crossing points in accordance with the approved plans.
REASON: To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of Maldon District Submission Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
7. Prior to the completion of the Relief Road details shall be submitted to and approved in writing by the Local Planning Authority for (a) a scheme of monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road together with (b) details of a scheme to provide priority for buses along Maypole Road south of the Relief Road, to be delivered within the highway boundary.
REASON: To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of Maldon District Submission Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

8. The agreed monitoring scheme agreed pursuant to Condition 7 shall commence within 6 months of the Relief Road being completed and open to the public. The monitoring data shall be submitted to the Local Planning Authority in consultation with Essex County Council as Highway Authority within 3 months of the completion of the monitoring period.
REASON: To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of Maldon District Submission Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
9. The Local Planning Authority in consultation with Essex County Council as Highway Authority shall, following consideration of the monitoring data provided pursuant to Condition 8, advise the developer in writing before the occupation of the 500th residential occupation whether the scheme approved pursuant to Condition xx being implemented, then no more than 600 residential units shall be occupied until the scheme approved pursuant to Condition 8 has been implemented in full.
REASON: To ensure that necessary additional public transport improvement can be implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of Maldon District Submission Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Flood Alleviation Scheme

10. No development shall commence until a fully detailed design of the Strategic Flood Alleviation Scheme has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved scheme and in accordance with the agreed phasing set out in Condition xx of this planning permission. The Strategic Flood Alleviation Scheme shall subsequently be retained and maintained in accordance with the approved details thereafter.
REASON: To ensure there are adequate measures in place to manage risks of flooding from existing overland flows to the north and ensure that there is sufficient on site mitigation to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Plan and the NPPF and PPG.
11. No development shall commence until details for the proposed telemetry infrastructure for the future remote monitoring of catchment rainfall and of water levels in the washlands and bypassing channel of the Strategic Flood Alleviation Scheme have been submitted to and approved in writing by the local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved details shall subsequently be retained and maintained in accordance with the approved details thereafter.
REASON: To ensure there are adequate measures in place to manage risks of flooding from existing overland flows to the north and ensure that there is sufficient on site mitigation to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Plan and the NPPF and PPG.

12. No development shall commence until a plan for the future maintenance and aftercare of the watercourse that links the outfall from the westernmost washland to the scheme outfall to the River Blackwater has been submitted to and approved in writing by the local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved plan and shall subsequently be retained and maintained in accordance with the approved details thereafter.
REASON: To ensure there are adequate measures in place to manage risks of flooding from existing overland flows to the north and ensure that there is sufficient on site mitigation to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Plan and the NPPF and PPG.

OUTLINE

Time Limits

13. Details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development (other than preliminary ground works, or any works connected to the construction of the utility infrastructure, flood alleviation or highway works specified in the approved plans listed at Condition 4 within any part of the application site shall commence until approval of the details of the reserved matters for that part of the application site have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
14. The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
15. Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
16. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

In accordance with the plans

17. The development hereby approved shall be carried out in accordance with the following approved drawings:
- 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev L)
 - 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev M)
 - 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev L)
 - 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev L)

- 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev M)

REASON: To ensure that the reserved matters accord with these approved plans and policies S3, S4 D1, D5, N1, N3, T1, T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, BE3, H6, REC2, REC3 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Design Codes

18. The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles of the approved North Heybridge Garden Suburb Strategic Masterplan Framework.. . The subsequent reserved matters applications shall accord with the approved Strategic Design Codes in all respects.

REASON: To ensure high quality design and coordinated development in accordance with policies I1, S2, S3, S4, D1, D2, D5, N1, N3, T1, T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CON5, BE1, BE3, T2, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Highway conditions

Public Transport Service Provision

19. Prior to the first occupation of the development details of the phased provision of a new passenger transport service linking the proposed development to the town centre through the extension of the existing bus network and the provision of new routes, including the location of any new bus stops within the application site, shall be submitted to and approved by the Local Planning Authority.

The new passenger transport service arrangements shall be implemented in accordance with the phasing arrangements as approved in writing by the Local Planning Authority and shall remain as operational services unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure additional public transport improvements are made for the benefit of all occupiers and users to the North Heybridge Garden Suburb in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Public Transport Infrastructure

20. Prior to the completion of any internal road identified in the details to be submitted pursuant to Condition 19 as including the provision of a bus stop the bus stop infrastructure shall be implemented in accordance with the layout details as approved through the reserved matters. The provision of the bus stop infrastructure within the application site shall include but is not limited to the following:

- High quality bus stop facilities to include raised height kerbs and shelters;
- Real time passenger information signs;
- Bus routes to have a minimum carriageway width of 6.75 metres.

The bus stop locations shall be clearly shown on site during construction of the internal roads to ensure visibility for prospective purchasers.

REASON: To ensure additional public transport improvements are made for the benefit of all occupiers and users to the North Heybridge Garden Suburb in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Footpath and Cycle Routes

21. Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PRM-03 Rev M 'Design Parameter Plan – Access and Movement.

The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

REASON: To ensure provision of pedestrian and cycle routes and to promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, T2, T4 and T6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Residential Travel Plan and Monitoring Fee

22. Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.

REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, T2 and T4 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Travel Packs and Tickets

23. On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.

REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, T2 and T4 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Location of Affordable Housing

24. Any reserved matters application for residential development shall be accompanied by a layout plan showing the distribution of market and affordable dwellings, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.

REASON: To ensure that the scheme provides an appropriate balance and mix of housing units across the site in accordance with policies S3, D1, H1 and H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Local Centre

25. Prior to or concurrently with the submission of any application for reserved matters approval for the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', the distribution and size of all units for use within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Local Centre shall be completed in accordance with the approved size, mix and distribution.

REASON: To ensure that the Local Centre provides an appropriate range of facilities and services required by the development in accordance with policies I1, S3, S4, D1, D2, E1, E2, E3, E6 and T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CON5, BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

26. The hours of use for any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', shall take place between:

Monday to Saturday07:00 to 23:00 hours

Sundays and Bank Holidays.....10:00 to 17:00 hours

Unless any variation of condition is agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

27. Deliveries to and collections from any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured orange on drawing number 323 Rev C 'Design Parameter Plan - Land Use', shall take place between:

Monday to Saturday07:30 to 19:00 hours
Sundays and Bank Holidays.....None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

28. No development of the commercial units within the Local Centre shall commence until details of the means of commercial refuse/recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority for any units falling within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use'. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the commercial units within the Local Centre and retained for such purposes at all times thereafter.

REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5, PU2 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

29. No development of a commercial unit within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property.

Only the details as agreed shall be installed and shall be maintained for the duration of its usage thereafter.

REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

30. There shall be no amplified sound used within any units falling within Classes A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', unless any variation of condition is agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Green Infrastructure Management and Maintenance

31. Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity
 - b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
 - c) a maintenance programme of the upkeep of all youth and teen facilities, and playspace equipment associated with the Local Equipped Areas of Play (LEAP), the Neighbourhood Equipped Area of Play (NEAP) and any other area of play, and for the pavilion, and for the sports playing pitches and surrounding field areas;
 - d) details of who will be responsible for the management and maintenance of Heybridge Wood
 - e) details of who will be responsible for the management and maintenance of allotments.

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

REASON: To ensure satisfactory arrangements are in place to ensure the proper management and maintenance of the entire Green Infrastructure in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Landscaping and Trees

32. Within any reserved matters application pursuant to this approval landscaping details required by Condition 13 shall include a detailed landscape scheme with designs and specifications for the associated reserved matters site, which shall substantially accord with the details stated within the submitted Design Strategy for the North Heybridge Relief Road. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the approved Design Codes for the North Heybridge |Garden Suburb. The landscape designs and specifications for that reserved matters site shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate.
- f) Full details of any proposed alterations to existing watercourses / drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the reserved matters site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- h) Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the reserved matters site.
- i) Full details, including cross-sections, of all bridges and culverts.
- j) Utility routes, type and specification.
- k) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns / brackets.
- l) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- m) Details of all hard surfacing materials (size, type and colour)

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved Strategic Phasing Plan and the landscape designs and specifications approved pursuant to this condition unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of future residents and users of the North Heybridge Garden Suburb and to ensure the Garden Suburb principles are carried out and in the interests of protecting the neighbouring open countryside in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CC6, CC7, CC11, BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

33. No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence within any reserved matters area until information relating to that reserved matters area has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree / hedgerow survey detailing works required;
- Trees / hedgerow to be retained / retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces);
- Trees offsite.

No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees within that reserved matters area shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1 and CC5 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

34. Any trees or plants provided as part of any landscaping scheme for a reserved matters site which, within a period of five years of the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the

next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1 and CC5 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

35. No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development of the reserved matters site shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and safeguarding trees that are worthy of retention in accordance with policies S3, D1, N1 and N2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

36. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens unless otherwise approved as part of the reserved matters approvals.

REASON: In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements in accordance with Garden Suburb principles as detailed in the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Sports Playing Pitch Provision

37. Prior to or concurrently with the submission of the first reserved matters application for a site in Phase Four (as identified on the indicative Strategic Phasing Plans included at Appendix 4.4 of the submitted Environmental Statement) details of the design and layout of the playing fields, the pavilion building, playspace provision and equipment, the means of access and car parking areas(s) shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented in accordance with the Strategic Phasing Plan.

REASON: To ensure the design and layout of this area is acceptable to meet Sport England requirements for the benefit of future users of this area in accordance with policies I1, S3, S4, D1, N3, T2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework policies BE1, REC2, REC3, T2 and

T8 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

38. No development of playing field provision shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the Strategic Phasing Plan. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with policies I1, S3, D1, and N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework policies BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

39. The playing field(s) and pitch(es) shall be constructed and laid out in accordance with the details as approved through Condition 36 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the Strategic Phasing Plan.

REASON: To ensure the quality of pitches is satisfactory and they are available for use in accordance with the agreed timescale and to accord with policies I1, S3, D1, and N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

40. Prior to the occupation of the sports playing pitches, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The community use agreement shall be implemented as approved.

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies S3, D1, and N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Youth and Children's Play Facilities

41. Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:
- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
 - b) The size, type, location and provision of access to all youth facilities and play provision, including the Youth and Teen Shelters, a skateboard park, Local Equipped Areas of Play (LEAP), the Neighbourhood Equipped Area of Play (NEAP) and any other area of play.
 - c) A proposed phasing programme for the delivery of youth facilities and play provision
 - d) No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance with the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition xx.

REASON: To ensure that appropriate youth facilities and children's play provision are provided in relation to the development of the site in accordance with policies I1, S3, S4, D1, N1, N3 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policies CC6, CC7, CC11, BE1, REC2 and REC3 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Allotments

42. No development shall commence on Phase 4 as identified on the indicative Strategic Phasing Plans included at Appendix 4.4 of the submitted Environmental Statement until an Allotments Plan has been submitted to the Local Planning Authority. The Plan shall include the following details:
- a) A plan of the allotments allowing for each plot to accommodate a shed no more than 10 cubic metres.
 - b) Access and parking arrangements to allow easy and safe access to the allotments. This should include vehicular access and a turning area, access for those with disabilities and cycle parking within the site, and associated parking within the adjacent residential area;
 - c) Boundary treatment, including security arrangements for the allotments;
 - d) Location of communal areas;
 - e) Access to water supply.

No development works for creating the allotments apart from enabling works agreed in writing by the Local Planning Authority shall commence until such time as the Allotments Plan has been approved in writing by the Local Planning Authority. The provision of allotments shall be carried out in accordance with the approved details and implemented in accordance with the Strategic Phasing Plan as required by Condition 1.

REASON: To ensure that appropriate allotments and community gardens are provided in relation to the development of the site in accordance with policies I1, S3, S4, D1, N1 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Materials

43. Prior to the commencement of any built development within any reserved matters application area, written details or samples of all materials to be used in the construction of the external surfaces of the development within that reserved matters area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policy BE1 of the adopted Maldon District Replacement Local Plan, and the NPPF and PPG.

Levels

44. Any reserved matters application(s) pursuant to this approval shall include full details of the existing and proposed levels, including finished floor levels of any building. The approved development shall be constructed in accordance with the approved levels details.

REASON: In order to safeguard the character and appearance of the area in accordance with policy D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Flooding and Surface Water Management

45. No development within any phase of the development shall take place until a surface water drainage scheme for that phase of the site, based on sustainable drainage principles and an assessment if the hydrological and hydro geological context of that part of the site, has been submitted to and approved in writing by the local planning authority. Where relevant, the submitted details shall include but not be limited to:

- Detailed drawings for the relief road drainage showing connections and outfalls
- Allowances for urban creep and climate change
- Calculations showing allowable rates from each development parcel and showing how the rates will not exceed the 1 in 1 year rate overall
- An assessment of flows onto the development site during the 1 in 100 plus climate change event from upstream/the flood alleviation scheme

- Water quality treatment in line with best practice, not including current watercourses as part of the treatment process unless it can be demonstrated that existing ecology will not be affected
- Modelling to show system performance during design event with storage features cascaded

The approved scheme shall be implemented prior to occupation of that part of the development site to which the details relate.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

46. No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.

REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

47. Pursuant to Condition 44 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Foul Drainage

48. Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No built development shall commence within that reserved matters site until details of the foul water drainage for the reserved matters have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any built development within that reserved matters area.

REASON: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Parking Requirements

49. Any reserved matters application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site. Prior to the occupation of any dwelling/building within that reserved matters site the parking areas relating to that dwelling/building shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure that all types of vehicle parking are provided in accordance with policy T2 of the Maldon District Submission Local Development Plan, policy T8 of the adopted Maldon District Replacement Local Plan, the adopted Maldon District Vehicle Parking Standards, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

50. Any reserved matters application(s) shall be accompanied by details of facilities for the covered, secure parking of bicycles for use in connection with that reserved matters site and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for the site. Prior to the occupation of any dwelling/building within that reserved matters site the facilities for that dwelling/building shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose

REASON: To ensure appropriate provision for the secure storage of bicycles in accordance with policy T2 of the Maldon District Submission Local Development Plan, policy T8 of the adopted Maldon District Replacement Local Plan, the adopted Maldon District Vehicle Parking Standards, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

Archaeology

51. 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. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work, which may include a phased programme of works to enable the phased implementation of the development. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To safeguard any archaeological remains found present on the site in accordance with policy D3 of the Maldon District Submission Local Development Plan, policy BE17 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

52. No development including any site clearance or groundworks of any kind shall take place within the site until there has been secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological work shall be carried out in a manner that accommodates the approved scheme including the programme of archaeological work.

REASON: To safeguard any archaeological remains found present on the site in accordance with policy D3 of the Maldon District Submission Local Development Plan, policy BE17 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Ecology

53. Prior to or concurrently with the submission of the first of the reserved matters application(s) within any phase of the development, an Ecological Conservation Management Plan (ECMP) for that phase shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application. The Plan shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:

- a) Contractor responsibilities, procedures and requirements.
- b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity.
- c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.
- d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site.
- e) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by.
- f) A programme for Monitoring to be carried out four times annually during the construction phase.
- g) Confirmation of suitably qualified personnel responsible for overseeing implementation of the ECMP commitments, such as an Ecological Clerk of Works, including a specification of the role.
- h) A programme for long-term maintenance, management and monitoring responsibilities.

No development within any phase shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

REASON: To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policy CC5 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

54. Any reserved matters application(s) shall include an Ecological Conservation Management Plan Statement that demonstrates how the reserved matters site accords with the aims and objectives of the Ecological Conservation Management Plan for that phase. It shall detail which specific ecological measures are proposed within the reserved matters site and the timing for their delivery. No development shall commence within the reserved matters site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.
REASON: To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, policy CC5 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Noise

55. Prior to the occupation of the 750th dwelling, a noise validation survey shall be undertaken to verify the amenity noise levels to the rear of Poplar Grove and properties fronting onto Langford Road. The survey results shall be submitted in writing to the local planning authority. In the event that the result show noise levels exceed WHO 55bD the developer shall write to the owners of the properties to offer to construct a standard solid wooden boundary fence up to 1.8m high, and if requested to do so by the owners of the property, shall install the said fence(s) prior to the occupation of the 751st dwelling
REASON: In the interests of amenity and minimising the impact of noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
56. No playing pitches shall be laid out within the site until a noise impact assessment for relating to the use of the said playing pitches detailing any future mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures as approved shall be implemented and retained as such thereafter.
REASON: In the interests of amenity and minimising noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
57. Prior to the first residential occupation in any phase of the development, full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed acoustic barrier to the south of the Relief Road to be provided in conjunction with that phase of the development, as determined by the Strategic Phasing Plan. The approved acoustic barrier shall be implemented in accordance with the details set out in the Strategic Phasing Plan.
REASON: In the interests of amenity and minimising the impact of noise upon the residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies

CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Contamination

58. No development shall commence (except works required to facilitate further investigation and remediation) within the areas identified at risk of potential land contamination until a Phase 2 intrusive investigation and report into potential land contamination has been carried out as identified in the Phase 1 contaminated land study Desk Study & Preliminary Geotechnical Assessment, Project No 44006, by Richard Jackson Ltd. The investigation shall inform an updated conceptual model that identifies whether remediation measures are required. If required, the report shall also include a remediation strategy. The Phase 2 report and remediation strategy shall be submitted to the local planning authority and implemented in accordance with the approved details prior to any other development in the areas identified.
REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
59. The Local Planning Authority shall be notified in writing at least seven days prior to any removal, encapsulation or other remediation of any contaminants.
REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
60. The Local Planning Authority shall be notified in writing of validation that:
- a) all contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
 - b) all imported material is suitable for its intended use.
 - c) all agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified
 - d) The development shall only commence (except works required to facilitate further investigation and remediation which may be undertaken in advance) once this validation report has been approved by the Local Planning Authority.
- REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Lighting

61. Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), details of lighting shall include details of a lighting strategy for the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.

REASON: To safeguard the neighbouring rural countryside, ecological sites, highway safety and amenity in accordance with policies D1, D2, N2, T2 and I1 of the Maldon District Submission Local Development Plan, policies CON5, CC5, BE1, BE8 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

62. There shall be no floodlighting installed within the sports playing pitches or within the sports pitches at the primary school unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the neighbouring rural countryside, ecological sites and amenity in accordance with policies D1, D2, N2, T2 and I1 of the Maldon District Submission Local Development Plan, policies CON5, CC5, BE1, BE8 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Renewable energy

63. Any reserved matters application shall be accompanied by a renewable energy statement which demonstrates that the reserved matters site's total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the reserved matters site's development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme for the reserved matters site. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

REASON: In the interests of reducing carbon dioxide emissions in accordance with policy D2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Refuse and Recycling

64. Any reserved matters application shall be accompanied by details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities. These facilities shall be substantially in accordance with the approved Design Codes and shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided for the dwelling / building to which they relate prior to the occupation of that dwelling/building.

REASON: To ensure that future residents have adequate means by which to recycle in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policy CON5, BE1 and PU2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Broadband

65. No construction of residential buildings shall commence until a strategy to facilitate superfast broadband for future occupants of the residential buildings has been submitted to and approved in writing by the Local Planning Authority.

The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Maldon District Submission Local Development Plan and the NPPF and PPG.