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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

13 March 2019

Dear Councillor

You are summoned to attend the extraordinary meeting of the;

MALDON DISTRICT COUNCIL

on **THURSDAY 21 MARCH 2019** 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 black ink, appearing to read 'R. A. Holmes', with a long horizontal flourish extending to the right.

Head of Paid Service

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AGENDA
COUNCIL EXTRAORDINARY - PLANNING
THURSDAY 21 MARCH 2019

1. **Chairman's Notices (please see overleaf)**

2. **Apologies for Absence**

3. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interest or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 – 8 of the Code of Conduct for Members.

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

4. **RES/MAL/18/01440 - Land South of Wycke Hill and Limebrook Way, Maldon, Essex** (Pages 7 - 46)

To consider the planning application and recommendations of the Director of Strategy, Performance and Governance, (copy enclosed, Members' Update to be circulated)*.

5. **MLA/MAL/19/00101 - Land South of Wycke Hill and Limebrook Way, Maldon, Essex** (Pages 47 - 58)

To consider the planning application and recommendations of the Director of Strategy, Performance and Governance, (copy enclosed, Members' Update to be circulated)*.

6. **FUL/MAL//17/01262 - Land Bounded by Maldon Road and Creeksea Lane, Burnham-on-Crouch, Essex** (Pages 59 - 86)

To consider the report of the Director of Strategy, Performance and Governance (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 Nos. 4 - 6.
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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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 Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

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
- 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 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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 STRATEGY, PERFORMANCE AND GOVERNANCE**

**To
COUNCIL (EXTRAORDINARY)
21 MARCH 2019**

Application Number	RES/MAL/18/01440
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	25.03.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	At the discretion of the Director of Strategy, Performance and Governance This application was deferred from the last Council (Extraordinary) Committee – Agenda Item 5 (28 February 2019) due to a lack of technical information in the Officer report

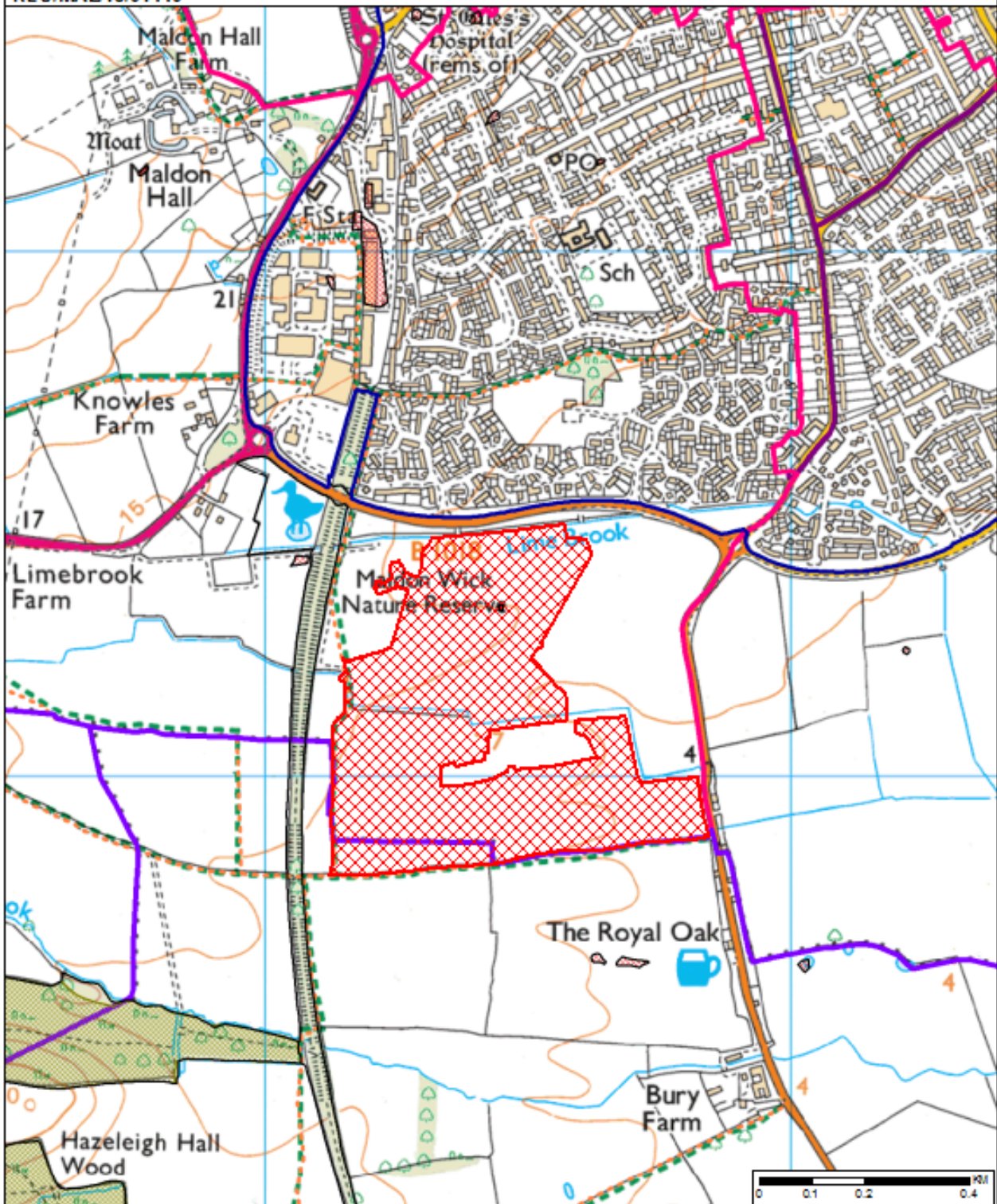
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 17 of this report).

2. SITE MAP

Please see overleaf.

Land South of Wycke Hill and Limebrook Way, Maldon
 RES/MAL/18/01440



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Council (Extraordinary)
	Date:	01/02/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference OUT/MAL/14/01103) in December 2016, following the completion of a Section 106 Agreement, for ‘development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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, vehicle accesses onto the existing highway network and associated infrastructure’. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the site consists of two vehicular accesses off Spital Road / A414 on the western side, an access (roundabout) off Limebrook Way / A414 and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission.
- 3.1.2 The site the subject of the abovementioned outline planning permission was subsequently separated into Eastern and Western Parcels. An application for approval of reserved matters of Phase 1 of the eastern parcel (for 200 dwellings) was granted in 2018 (reference RES/MAL/18/00531) which forms most of the eastern boundary of the current application site and where development is underway. Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Eastern Parcel have also already been approved (reference FUL/MAL/18/00494).
- 3.1.3 The Eastern and Western Parcels are separated by a disused railway known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction. A Public Right Of Way (PROW) follows the western boundary of the site (part of which is subject to an application for diversion, reference PROW/MAL/18/00831). A watercourse, known as the Lime Brook, runs east-west through the centre and northern part of the site. A high voltage overhead line crosses the western part of the site. The site is generally flat, rising gently to the north to the A414 with the highest point being approximately 12.5m Above Ordnance Datum (AOD) in the north-western corner of the site to 4.5m AOD in the south-eastern corner.
- 3.1.4 The applicants have engaged in a formal pre-application submission which included a meeting attended by Members on 15 November 2018.
- 3.1.5 The current application seeks approval for reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel, which covers an area of 27.7ha and would consist of 406 residential dwellings. There is a piece of land located roughly centrally within the Eastern Parcel which has been excluded from the current reserved matters application and which was the subject of a full planning application for 33 dwellings (reference FUL/MAL/18/001439), planning permission for which was refused on 12.03.2019.

- 3.1.6 The dwellings the subject of this reserved matters application would consist of a mix of two, three, four- and five-bedroom houses and one and two bedroom flats / apartments, arranged along a hierarchy of internal roads. The proposals include 888 car parking spaces, comprising 748 allocated spaces, 37 unallocated spaces and 103 visitor spaces. A further four visitor spaces will be provided within the Phase 1 development. Cycle storage would be a rate of one per dwelling. The landscape strategy for the development incorporates tree lined streets and landscaped greenways. Vehicular access to Phase 2 would be partly from the approved highway network for Phase 1 and partly from a new roundabout to be constructed along Limebrook Way towards the north-western corner of Phase 2, details of which have already been approved (references FUL/MAL/18/00071 and FUL/MAL/18/00494).
- 3.1.7 Phase 2 includes predominantly 2-storey buildings with the occasional 2.5-storey and 3-storey buildings. External materials would consist of a mixture of red brick, red multi-brick or buff brick, white or black boarding or an ivory / off-white render, red or brown pan- or plain tiles, or reconstituted slates tiles.
- 3.1.8 Rear gardens are enclosed by 1.8m high close-boarded fencing or, in public positions, brick walls.
- 3.1.9 The application is accompanied by a suite of supporting documents as follows: Planning Statement, Design and Access Statement, Energy Statement, Air Quality Assessment, Arboricultural Method Statement, Construction Environmental Management Plan (as required by condition 81 of the outline planning permission, prior to each phase commencing), Phase 2 Ecological Surveys and Assessment, Ecological Conservation Management Plan, Noise Assessment, Flood Risk Assessment, Proposed Drainage Strategy Z517-02 and Highways Note Z517-03.
- 3.1.10 The proposed market residential mix is as follows:

Dwelling Size	Number and Percentage
1 Bed Flat	15 (4.9%)
2 Bed Flat	31 (10.1%)
2 Bed House	55 (17.9%)
3 Bed House	106 (34.5%)
4 Bed House	89 (29.0%)
5 Bed House	11 (3.6%)
Total	307 (100%)

- 3.1.11 99 (24%) of the proposed dwellings would be affordable housing:

Dwelling size	Number
1 bed flat	16
2 bed flat	3
2 bed house	42
3 bed house	2
1 bed elderly flat	9
1 bed elderly bungalow	9

Dwelling size	Number
2 bed elderly flat	9
2 bed elderly bungalow	9
Total	99

3.1.12 The affordable housing would be spread around the site in small clusters.

3.1.13 The proposal also includes sports pitches and associated facilities in the south east corner which includes four grass sports pitches, a single storey sports pavilion and car parking. Children's Play Areas are also included as follows: Neighbourhood Equipped Area for Play (NEAP) in the south-eastern corner, next to the proposed sports pitches and sports pavilion, which includes a Multi-Use Games Area (MUGA); a Local Equipped Area for Play (LEAP) in the northwest corner at the end of the greenway near to the future local centre and school. The landscape proposals also include other formal and informal areas of play.

3.1.14 There are a number of conditions attached to the outline planning permission (reference FUL/MAL/18/00071) which the current reserved matters application would need to comply with:-

- Condition 8 requires the reserved matters applications to accord with the Design Codes which take full account of the Maldon Garden Suburb Strategic Masterplan Framework – refer to section 7 below.
- Condition 19 requires any reserved matters application detailing the layout of the development to include details of the bus stop infrastructure – these details have already been approved as part of application reference FUL/MAL/18/00494.
- Condition 23 requires any reserved matters application detailing the layout of the development to include a scheme to show the provision of a network of off carriageway pedestrian and cycle routes linking all areas within the development – these details have been submitted as part of the current application.
- Condition 26 sets out the private market housing mix – the proposed mix has been submitted.
- Condition 27 requires any reserved matters application detailing the layout of the development to include a layout plan showing the distribution of market and affordable housing, including a schedule of dwelling size (by number of bedrooms) – these details have been submitted.
- Condition 44 requires the submission of details of soft and hard landscaping with any reserved matters application – a Parcel-wide Landscape Strategy Plan and Parcel-wide Landscape Strategy Plan Report was submitted as part of the Phase 1 reserved matters application. The applicant advises that the landscape drawings now submitted follow the overall strategic approach as set out in these documents, as well as the general Design Codes for the South Maldon Garden Suburb (SMGS).
- Condition 49 requires submission of details of design and layout of the playing fields, the pavilion building, play space provision and equipment, the means of access and car parking area(s) proposed in the Fambridge Fields Character Area –these details have been submitted.

- Condition 56 requires samples or details of external materials to be submitted prior to or concurrently with reserved matters application – a material palette for the development has been submitted except for the sports pavilion but samples of external materials are required by condition 4 recommended below.
- Condition 57 requires submission of siting, height, design and materials of the treatment of all boundaries with any reserved matters application – these details have been submitted.
- Condition 58 requires the submission of existing and proposed site levels, including finished floor levels, with any reserved matters application – these details have been submitted.
- Condition 59 requires any reserved matters application to be designed to accord with Essex Design Guide (1997 version) for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings – see Section 10 below.
- Condition 60 requires details of hydraulic flood modelling taking into account climate change to be submitted with any reserved matters application – hydraulic modelling is included in the Flood Risk Assessment (FRA) submitted.
- Condition 62 requires an up-to-date flood risk assessment to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted.
- Conditions 63 and 64 – surface water and foul drainage - surface water and foul drainage details were approved as part of FUL/MAL/18/00494.
- Condition 65 requires vehicle parking details with any reserved matters application to accord with adopted vehicle parking standards (including the provision of 5% for visitors), the Design Codes and the Design and Access Statement – refer to Section 9 below.
- Condition 66 requires details of cycle parking with any reserved matters application to accord with adopted parking standards and the Design Codes – refer to Section 9 below.
- Condition 70 requires any reserved matters application to be accompanied by an Ecological Conservation Management Plan Statement which demonstrates how it accords with the aims and objectives of the approved Ecological Conservation Management Plan. The mitigation measures currently proposed include replacement of low ecological hedgerows with high biodiversity hedgerows; retention, enhancement and monitoring of the brooks at the boundary of the site to benefit water voles; removal of vegetation outside the bird nesting season; bat sensitive lighting; wildflower meadows; integrated bat and bird boxes and bat lofts; hedgehog highways through connecting gardens; precautionary measures for badgers. Reptile translocation has already taken place- see Section 12 below.
- Condition 71 requires the layout of any reserved matters application to take into account measures aimed at mitigating or offsetting the impacts on local air quality. An Air Quality Assessment has been submitted – predicted airborne concentrations of Nitrogen Oxide (NOx) to exceed the air quality objectives but it is argued that there is no statutory requirement for compliance

in urban areas. Measures are included to encourage use of walking, cycling and public transport – see Section 14 below.

- Condition 72 requires any reserved matters application to include a noise assessment detailing the noise environment across the site, in relation to BS8233:2014, and mitigation measures where relevant. A Noise Assessment has been submitted which concludes that an acceptable noise environment across the site can be achieved but recommends that trickle vents are provided to houses fronting Limebrook Way as noise levels are predicted to exceed recommended maximums with windows open. This matter is covered in Section 10 of the report.
- Condition 78 requires that any reserved matters application for layout includes details of a lighting strategy. A lighting strategy has been submitted (Appendix B of the Highways Note).
- Condition 80 requires that any reserved matters application includes a renewable energy statement which demonstrates that the total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. An Energy Statement has been submitted proposing energy efficient building fabric and insulation; double glazed windows, good air tightness, high-efficiency heating systems and Mechanical Extract Ventilation; and low energy lighting. These measures are predicted to result in an overall reduction of carbon by 3.18% across the site compared to compliance with Building Regulations. Electric car charging points will be option for house purchasers and photovoltaic panels will be incorporated into the flat roofs of the apartment buildings.
- Condition 82 requires any reserved matters application to include details of temporary and permanent recycling facilities in accordance with the Design Codes and Design and Access Statement. A ‘Proposed Refuse Strategy’ has been submitted.

3.1.15 The Section 106 (S106) Agreement associated with the outline planning permission (reference OUT/MAL/14/01103) secured the following:

- Highway and public transport obligations;
- Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units);
- Education (provision of land for and a financial contribution to Essex County Council);
- Healthcare financial contribution;
- Provision of an allotment site;
- Financial contribution for youth facilities;
- A local management organization to manage and administer the green infrastructure provided;
- Children’s play areas.

3.1.16 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the requirements of the S106.

3.2 **Conclusion**

- 3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (most recently granted under reference FUL/MAL/18/00071), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing.
- 3.2.2 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the outline planning permission which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, would be provided. The details of the recreational facilities proposed would be satisfactory.
- 3.2.3 Based on the above, it is recommended that the application is approved.

4. **MAIN RELEVANT POLICIES**

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

4.1 **National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 91- 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

4.2 **Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping

- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D4 - Renewable and Low Carbon Energy Generation
- Policy D5 - Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 - Accessibility
- Policy I1 – Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide (December 2017)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

5. **MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are: the principle of the development and the housing mix, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of existing residential properties, the quality of life for the occupiers of the proposed dwellings, highways/access/parking, flood risk, nature conservation, and the acceptability of the details of the sports and recreational facilities proposed (sports pitches, sports pavilion, MUGA, NEAP, LEAP).

6. **PRINCIPLE OF DEVELOPMENT AND HOUSING MIX**

- 6.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the

historic environment, local infrastructure and services, character and appearance, minimising need to travel.

- 6.2 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference FUL/MAL/18/00071), as part of which means of access to the site were approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing.

- 6.3 In terms of the housing mix proposed, the overall market housing mix for Phases 1 and 2 is as follows:

Dwelling Size	Phase 1	Phase 2	Overall %
1 bed flat	0 (0%)	15 (4.9%)	3.5%
2 bed flat	0 (0%)	31 (10.1%)	7.3%
2 bed house	24 (20.5%)	55 (17.9%)	18.6%
3 bed house	55 (47.0%)	106 (34.5%)	38.0%
4 bed house	31 (26.5%)	89 (29.0%)	28.3%
5 bed house	7 (6.0%)	11 (3.6%)	4.2%
Total	117 (100%)	307 (100%)	100%

- 6.3.1 The proportion of smaller units proposed for Phase 2 would, therefore, be 32.9% for Phase 2 and 29.5% when Phases 1 and 2 are combined.

- 6.4 Condition 26 of the outline planning permission (reference FUL/MAL/18/00071) requires the private market housing mix to be as follows:

Beds	Type	Percentage	Percentages Phases 1 and 2l
1	Flats	Minimum 3.4%	3.8%
2	Houses, bungalows, flats	Maximum 26.6%	25.7%
3	Houses	No less than 35%	38%
4+	Houses	No more than 35%	32.5%

- 6.5 The proposed proportion of smaller units (only 32.9%) would be significantly less than the 60% required to comply with the Strategic Housing Market Assessment (SHMA). However, no objection is raised to the proposed market housing mix as it complies with the requirements of the outline planning permission which was granted when the Council was unable to demonstrate a five year housing land supply and before the adoption of the LDP.

- 6.6 99 (24%) of the proposed dwellings would be affordable housing which would maintain an overall 30% contribution across Phases 1 and 2:

Dwelling size	Phase 2	Phase 1	Total
1 bed flat	16	41	57 (31.3%)
2 bed flat	3	12	15 (8.2%)
2 bed house	42	16	58 (31.9%)

Dwelling size	Phase 2	Phase 1	Total
3 bed house	2	14	16 (8.8%)
1 bed elderly flat	9	0	9 (4.9%)
1 bed elderly bungalow	9	0	9 (4.9%)
2 bed elderly flat	9	0	9 (4.9%)
2 bed elderly bungalow	9	0	9 (4.9%)
Total	99	83	182 (100%)

- 6.7 The Section 106 Agreement requires the following affordable housing provision:

Unit type	Proportion of total affordable housing units	Proportion proposed, Phases 1 and 2 – 182 total
1 bed flats	32% +/- 2.5%	31.3%
2 bed flats	8% +/- 0.5%	8.2%
2 bed houses	32% +/- 2.5%	31.8%
3 bed houses	8% +/- 0.5%	8.7%
1 bed elderly flats	5%	4.9%
1 bed elderly bungalows	5%	4.9%
2 bed elderly flats	5%	4.9%
2 bed elderly bungalows	5%	4.9%

- 6.8 The affordable housing mix, except for a negligible (one unit) overprovision of three bed houses, complies with the requirements of the Section 106 Agreement. The Housing Officer has confirmed that they have no objection to the affordable housing mix proposed.
- 6.9 Based on the above, it is considered that the principle of the development and the housing mix proposed is acceptable.

7. DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

- 7.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 7.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 7.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 7.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 7.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 7.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.
- 7.7 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission: ‘Design Parameter Plan – Land Use’, ‘Building Height’, ‘-Residential Density’, ‘Green Infrastructure’ and ‘Movement and Access’. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.
- 7.8 There are four broad concept areas defined in the site wide Design Code, three of which are included within the Phase 2 area (Garden Suburb East Character Area – west of Fambridge Road, Garden Suburb North Character Area – south of Limebrook

Way and Green Cushion Character Area – adjacent open countryside on southern boundary). The three individual character areas established in Phase 2 are Primary Streets (tree-lined avenues with a formal arrangement and appearance), Shared Surface Streets (blocked paved with no footpaths, with a verdant setting for the houses) and Private Drives (more informal). The proposal has been designed to include a softer edge along the southern boundary which adjoins the rural land beyond. The proposal includes setting back of houses from corner plots with corner-turning designs and feature buildings. The detail of the Primary Street Design Code regarding street tree spacing has had to take account of lighting requirements of Essex County Council (ECC) Highway Adoption Team. This has to be conceded in favour of highway safety and the types of street lights that ECC Highways will adopt.

- 7.9 In terms of density, the ‘Residential Density Parameter Plan’, approved as part of the outline planning permission, includes an area of high density in the north of this Phase 2 area (35-40dph), an area of medium density in the centre (30-35dph) and an area of low density in the south (20-30dph). The proposed densities have been proposed as 37.35dph for the high-density area, 25.26dph for the medium density area and 24.38dph for the low density area. The medium density area is below that set out in the ‘Parameter Plan’ (30-35dph) but is acceptable taking into account the location of the site within a Garden Suburb. It is noted that none of the densities proposed exceed the maximum densities allowed within the ‘Residential Density Parameter Plan’.
- 7.10 The details of the layout, scale, appearance and landscaping which have been submitted have been developed as part of a pre-application process.
- 7.11 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. The dwellings proposed along the site’s Limebrook Way frontage would be set back from the highway a minimum distance of around 50m and be on slightly lower ground with intervening landscaping which would soften the visual impact of the development. The majority of the eastern boundary of the site would abut the Phase 1 referred to above. The proposed football pitches would be located adjacent to the section of eastern boundary which abuts Farnbridge Road. The former railway line embankment would screen views of the development from the west and the development proposed along the southern boundary of the site would consist of football pitches and public open space with the residential element, which would be low density, single storey bungalows, set behind a landscaped buffer over 35m in width. There would be a variety of housetypes (including bungalows) and an appropriate palette of materials.
- 7.12 With respect to the apartment blocks proposed, these would be positioned at gateway locations and would be street facing, turn a corner or have open space as a backdrop or setting. The gateway into the garden suburb from Limebrook Way is intended to have a shared character between the local centre and the first residential blocks to provide both a statement entrance and ‘Local Centre’ character. The three storey residential blocks would relate to the scale and mass of educational, business and community buildings on other side of the Primary Street. This design approach also lends itself to a more contemporary design in the higher density area and in the vicinity of the Local Centre Character Area in the Masterplan SPD. Moving eastwards, the appearance changes with lower scale, mass and traditional appearance as it meets the Greenway and Phase 1 approved development that corresponds with

the change in Character Area. Where taller and bulkier buildings i.e. flatted blocks are located they face greenways or have landscape buffers as a backdrop or setting and will not, in the Urban Design Officer's opinion, overwhelm their locations. The 4no. three storey flatted blocks would be located at gateway locations adjacent the local centre (F1 Affordable over 55s / elderly people 2-bed flats) or at the confluence of greenways and primary streets (Types F3 Affordable, F4 and F5). They are all within Garden Suburb North Character Area that allows for the higher densities and taller buildings.

- 7.13 The rural edge on southern boundary is made up of the lowest density and single storey height bungalows. As the street scene curves to the north east to meet the Primary Street away from the rural edge, the storey heights rise to two storey that is acceptable.
- 7.14 The dwellings would consist of a mixture of buildings between one and 2.5 storeys in height, and a mixture of around 17 different house-types across the site, all with pitched roofs and using traditional external materials. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual clues. It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. It is considered that the character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site.
- 7.15 Affordable housing is spread evenly in clusters across the site in three of the six residential blocks and in each of the Character Areas. The affordable housing layout is considered to be a good design approach and responds to the type of affordable housing needed in the appropriate locations for density and building heights. The approach also satisfies the Maldon District Design Guide requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance *'to encourage social inclusion and community cohesion.'*
- 7.16 The Urban Design Officer has advised that the application has responded effectively to the garden suburb principles set out in the adopted SMGS Strategic Masterplan Framework (SMF) SPD, the endorsed Strategic Design Codes, the design guidance set out in the Maldon District Design Guide (MDDG) SPD and the design section in the Design Codes. Subject to:
 - a small spur being added to the footpath on Drawing CSA/3000/163 Sports Field Layout and Drawing CSA/3000/170-175 Phase 2 – POS Landscape Proposals Sheet 6 of 6up to the Phase 2 red line boundary;
 - materials palette for over 55s flatted block (F1) being provided on Drawing 1301.P0.413 Rev A Materials Plan;
 - material detail of balconies for each flatted block to be added to above Materials Plan;
 - amendment to the Hard Landscaping Proposals Sheets 1-13 (CSA3000 149-161) to allow Plots 599 and 574 to have brick walls (instead of close boarded fencing) adjacent the Primary Street.
- 7.16.1 These issues have since been satisfactorily addressed.

- 7.17 The Arboricultural Method Statement submitted, which covers the whole of the Eastern Parcel, concludes:-
- two individual trees (T36 & T55), one hedgerow (H57) and sections of hedgerows H28, H34 and H54 will require removal in order to facilitate highway access and accommodate the construction of two culverts.
 - Root Protection Areas (RPAs) of T9, T11, T15, T19, T24 will be impacted by the proposed footpaths and access roads, and as such specialist methods of design such as 'Cellweb 100' and porous material allowing access to water and air to the soil will be required.
 - Root Protection Areas of T51 and T52 are shown as being possibly impacted by the proposed works and may need specialist construction methods implemented.
 - Fixed herras fencing will be required as a protective barrier fencing throughout the duration of the works.
- 7.18 The Tree Consultant has advised that it will be imperative that the arboricultural supervision and liaison is implemented as per the report but that the choice of urban planting is considered acceptable and ties in with enhancing biodiversity and ecological mitigation.
- 7.19 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the approved Parameter Plans which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb would be provided. There is a variety in materials palette, architectural features and articulation / brick detailing to each unit type and within each Character Area. The hard landscape materials palette is complimentary to the elevation materials palette and the means of enclosure is appropriate. Whilst no objection is raised to the external materials for the buildings proposed, it is considered necessary to require submission of a sample of the materials for approval.

8. IMPACT ON RESIDENTIAL AMENITY

- 8.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 8.2 The development proposed would be located at a sufficient distance away from existing residential properties to avoid any adverse impact with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. A Construction Management Plan is required by condition 81 of the outline planning permission and forms part of current application reference DET/MAL/19/05020.

9. ACCESS, PARKING AND HIGHWAY SAFETY

- 9.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 9.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. The level of parking provision for cars and cycles complies with the adopted standards.
- 9.3 Essex County Council has advised that they have no comments to make on this proposal. Means of access to the site was approved as part of the existing outline planning permission (reference FUL/MAL/18/00071). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission. The layout has taken account of Design Parameter Plans approved at outline stage and the location of residential land parcels within the highway and green infrastructure networks. The Phase 2 layout works with the approved Phase 1 layout in terms of connectivity and movement for all modes of transport. The access arrangements for pedestrian and cycle movement is functional and practical for the residential parcels and would provide access to play areas and direct routes to services and facilities off road.
- 9.4 A pedestrian / cycle link will be taken up to the south-eastern most red line boundary on the Phase 2 site so that a link south and outside of the Phase 2 red line boundary could be made from 3rd party land. This will enable the residential properties within Hazeleigh and Mundon villages to reach the sports facilities via the existing PROW into the Garden Suburb.
- 9.5 The proposal would provide adequate pedestrian and cycleway links with the Western Parcel to facilitate access to the facilities to be provided within the Eastern Parcel (local centre, school, allotments, sports facilities etc.) by the Western Parcel residents.
- 9.6 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking issues.

10. QUALITY OF LIFE FOR THE OCCUPIERS OF THE PROPOSED DWELLINGS

- 10.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 10.2 The dwellings proposed would generally be provided with private amenity space which would comply with the recommended minimums. The dwellings where this minimum standard would not be met would be 2 two bed dwellings (40 and 41 sq.m.), 13 three bedroom dwellings (57, 72, 74, 77, 79, 81, 82, 84, 85, 86, 91, 94, 95 sq.m.) and 4 four bed dwellings (77, 86, 88, 94sq.m.). However, most of these units would either be corner plots (where provision of full-sized rear garden areas can adversely affect the appearance of the streetscene) or face onto one of the public open spaces proposed. It is, therefore, considered that, taking into account the extensive areas of formal and informal provision of public open space to be provided (which would help to compensate for the undersized rear gardens proposed), overall, the quality of life for the occupiers of the proposed dwellings would be satisfactory.
- 10.3 There would be a total of five blocks of flats within the development (a total of 53 flats), at least half of which would be provided with useable balcony space of at least 5sq.m and all of the flats proposed would be smaller, one or two bedroom, units. There would be an element of communal amenity space for each block but reliance is made on the public open spaces proposed to provide amenity space for the occupiers of the other half of the flats proposed. On balance, the proposal would provide a level of on-site amenity space, both public and private, that would meet the needs of the flat occupiers of the development.
- 10.4 Direct 'back-to-back' distances would generally be at least 25m as recommended in the Essex Design Guide.
- 10.5 The Noise Assessment submitted demonstrates that with closed windows the BS8233 internal noise levels will be met in all properties. However, opening windows for ventilation purposes will increase noise levels. Therefore, alternative means of ventilation for all habitable rooms that front onto Limebrook Way is recommended. This will result in the plots 201 - 218, 223 - 225, 233 - 136, 252, 240 - 242 and 253 - 259 requiring trickle vents and plots 225, 236, 233, 252, 242 and 259 (with gardens parallel to Limebrook Way) requiring boundary treatment in the form of closely boarded fencing. The Environmental Health Officer has raised concerns that the properties which would front Limebrook Way would not be provided with noise levels within recommended limits, when windows were open and that trickle vents are proposed as a means of ventilation. However, the proximity of the residential development proposed to Limebrook Way was established as part of the outline planning permission, there would be a distance of around 50m between Limebrook Way and the closest dwelling which would also be at a slightly lower ground level than Limebrook Way and be screened by vegetation. Furthermore, no such issue appears to have been raised as part of the consideration of the neighbouring Phase 1. On this basis, no objection is raised to the development based on traffic noise from Limebrook Way.

11. FLOOD RISK AND DRAINAGE

- 11.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.

- 11.2 A Flood Risk Assessment has been submitted to satisfy requirements of conditions 60 (hydraulic flood modelling) and 62 (up to date flood risk assessment taking into account climate change and to demonstrate that the layout has taken into account flood risk, includes flood resilient measures and has taken into account surface water run-off entering the site from surrounding land) of the outline planning permission. The FRA covers the whole of the Eastern parcel and not just the land the subject of this reserved matters application.
- 11.3 The FRA advises that the majority of the site is within Flood Zone 1 but the southern portion of the site is within flood zone 3 as a result of a fluvial flood outline from Woodham Mortimer Brook and the south eastern corner of the site is within tidal flood zone 3. No development is intended within any areas of fluvial or tidal flood risk. The mitigation recommended is as follows:
- All Finished Floor Levels set 150mm above adjacent ground levels
 - Football pitches (water compatible) proposed within the corner of the site at risk of tidal flooding
 - For properties adjacent to tidal flood risk area, elevating Finished Floor Levels (FFL) living and sleeping accommodation by 300mm above the anticipated 1 in 200 year plus climate change breach (and overtopping) level (5.00m AOD)
 - In areas adjacent to the fluvial flood risk, FFL should be set as a minimum 300mm above the 1 in 100 year plus 35% climate change flood level;
 - In areas adjacent to surface water flood risk FFL should be set 300mm above adjacent ground levels.
- 11.4 With respect to the risk of flooding from surface water, reservoirs, sewer and/or groundwater, the FRA advises that the risk of flooding from these sources would be low.
- 11.5 The Environment Agency has advised that the site lies within fluvial and tidal Flood Zone 3a defined as having a high probability of flooding. Residential dwellings (Use Class C3) and associated works is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA). The Agency recommends that, if the application passes these Tests and will be safe for its lifetime, a condition is imposed requiring that the development is carried-out in accordance with the FRA, including the mitigation measures recommended (finished ground floor levels of units that are within the tidal area (units 192, 193, 195, 196 and 197) set no lower than 5.3m AOD. However, these units referred to form part of Phase 1 and not the current application.
- 11.6 The Environment Agency has also advised that the key points to note from the submitted FRA, are:
- The site lies within the flood extent for a 1% (1 in 100) fluvial and 0.5% (1 in 200) tidal annual probability event, including an allowance for climate change.
 - The site does benefit from the presence of defences.
 - Fluvial modelling has been submitted with FRA and confirms that all development in the fluvial areas will have floor levels above the 1:100 plus a 35% allowance for climate change event.

- Finished ground floor levels of units 192, 193, 195, 196 and 197 have been proposed at 5.3m AOD. This is set at the 0.5% (1 in 200) annual probability flood level including climate change and therefore dry of flooding in this event.
 - The FRA has confirmed that there will be safe refuge for units 192, 193, 195, 196 and 197 above the 0.1% (1 in 1000) annual probability flood level of 5.8m AOD.
 - This proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) and 0.5% (1 in 200) annual probability including climate change flood event.
 - A Flood Evacuation Plan has been proposed.
 - Flood resilience / resistance measures have not been proposed.
- 11.7 In response to the Environment Agency's comments, the applicant has advised that, on the matter of the Flood Zones, the Environment Agency refer to their planning flood maps which do not take account of existing tidal flood defences and the applicant's approved fluvial and tidal flood mapping work which show no fluvial flooding on site and some minor tidal flooding at the entrance to the development.
- 11.8 The application site forms part of a wider site allocated for residential purposes within the LDP and outline planning permission for residential development has already been granted (most recently under reference FUL/MAL/18/00071). Therefore, it is not necessary for the development to pass neither the Sequential Test nor the Exceptions Test.
- 11.9 Based on the contents of the FRA submitted and the advice of the Environment Agency it is considered that the development would be safe for its lifetime, subject to the imposition of conditions (as recommended by the Environment Agency but without reference to units 192, 193, 195, 196 and 197 which formed part of Phase 1). The development would, therefore, be acceptable from a flood risk perspective.
- 11.10 Details of foul and surface water drainage were approved as part of planning permission reference FUL/MAL/18/00494 which covers the whole of the Eastern Parcel and are dealt with by conditions 63 (surface water drainage) and 64 (foul drainage) of the outline planning permission. The approved Proposed Drainage Strategy advises that surface water run-off would be dealt with through a network of swales and attenuation basins and ponds to convey and store run-off from the development prior to discharging to Lime Brook and Lime Brook South Arm. Foul waste would be pumped to the foul sewer in Farnbridge Road. The Strategy concludes that the development will not increase flood risk to others and waste water flows generated can be accommodated within the Anglian Water network.
- 11.11 Based on the Proposed Drainage Strategy and the advice of ECC SUDS team, it is considered that the proposed surface water and foul drainage would be acceptable, subject to the imposition of a condition requiring additional information regarding the future management of the surface water drainage system, as required by ECC SUDS team.

12. NATURE CONSERVATION

- 12.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 12.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 12.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 12.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 12.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 12.6 The Phase 2 Ecological Surveys and Assessment submitted with the application concludes that, overall, the development would have either a neutral or minor positive impact on nature conservation having assessed impacts on the following receptors: Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site, National Nature Reserve (NNR), Sites of Special Scientific Interest (SSSI), Local Wildlife Sites (LWS), Priority Habitats, badgers, bats, birds, reptiles, mammals and water voles.
- 12.7 The Ecological Conservation Management Plan submitted with the application concludes that Limebrook Park East is dominated by arable farmland with some hedgerows, standard trees and two arms of Lime Brook. The arable fields and hedgerows are generally of low ecological value. The brooks are considered to be of higher ecological value. The proposed development scheme for Phase 2 of Limebrook Park East will retain and enhance the brooks and will mitigate for the partial loss of the hedgerows on site by planting sections of hedgerows throughout the public open space, consisting native woody species to increase biodiversity on site and to benefit wildlife. The development would incorporate bird and bat boxes and hedgehog holes in fences.
- 12.8 The Environment Agency has provided the following advice, in relation to ecology:-
- The Water Framework Directive (WFD) has not been mentioned but they do not anticipate the proposed road crossings over Lime Brook and Lime Brook South Arm (3 road crossings in total in Phase 2) to require a WFD assessment.

- The development would include a variety of new and improved habitats both natural and man-made (including native species hedges, hedgehog highways, bat boxes) which will help counter the loss of species-poor hedgerow (approx. 200m) and the loss of arable land.
- They are satisfied that impacts on protected species and designated sites have been considered and where relevant, surveys carried out with mitigating actions identified.
- They are pleased that there would be a suitable buffer around Lime Brook and Lime Brook South Arm which are classified as main rivers, and there are proposals to enhance the brooks with wildlife sensitive cutting regimes
- In Appendix 2 of the Ecological conservation management plan statement the following needs to be added against Year 1 and Year 2 of 'Wildflower Meadow': When work is carried out during the bird breeding season (March to July inclusive) a check for nesting birds should be made prior to any cutting commencing. If nesting birds are found, work should avoid the nest / nest area to not cause damage or disturbance and cause the bird to abandon.

12.9 The Environment Agency also recommend a condition requiring the implementation of the Ecological Conservation Management Plan Statement (November 2018) and the Phase 2 Ecological Surveys and Assessment (November 2018). This and the recommended change to Appendix 2 of the Management Plan forms part of condition 2, recommended below.

12.10 Natural England has not responded to their consultation. However, Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries SAC, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones Of Influence' (ZOI) of these sites cover the whole of the Maldon District.

12.11 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. The application site falls within the ZOI for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

12.12 However, the current application is seeking approval of matters reserved as part of the outline planning permission and the principle of the acceptability of the development has already been established as part of that extant outline planning permission which specified the maximum number of residential units. The development the subject of the current application would result in no greater impact than the development the subject of the outline planning permission and therefore, it is not necessary for the Local Planning Authority to seek mitigation as part of the current application.

12.13 To accord with Natural England's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:-

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? Yes

Is the proposal within or directly adjacent to one of the above European designated sites? No.

12.14 Summary of Appropriate Assessment - As a competent authority, the Local Planning Authority concludes that the development the subject of the current application would result in no greater impact than the development the subject of the outline planning permission (reference OUT/MAL/14/01103) and therefore, it is not necessary for the Local Planning Authority to seek mitigation as part of the current application.

12.15 Based on the above, it is considered that the development proposed would not cause harm to nature conservation and is expected to result in enhancement to the ecological value of the site.

13. SPORTS PROVISION

13.1 The current application includes details of sports pitches, sports pavilion, NEAP, LEAP and MUGA, which were required as part of the outline planning permission. The sports pavilion would include player and officials changing rooms, a function hall, kitchen and toilets.

13.2 The location of the sports pavilion was agreed at Masterplan stage and outline approval. The Urban Design Officer has advised that the design of the sports pavilion has taken account of the further requirements for changing rooms and a community hall. The form of the sports pavilion has taken account of its location in open space at the sensitive southern boundary adjacent open countryside. The asymmetrical roof design of the hall and linear form of the changing rooms lend themselves to green roofs or addition of solar panels to raise the sustainability credentials. The hall and changing rooms are linked but can be used independently of each other. However, the

Urban Design Officer notes that there are no details of material palette for the sports pavilion but this could be required by condition. The Urban Design Officer also questions if there are enough benches around play areas and recommends that secure and practical cycle stands are provided at LAPS, LEAPS and NEAPS to encourage cycling but also so that adults and children have safe and secure places to leave bikes whilst playing or sitting. However, this matter can be dealt with in relation to compliance with Schedule 11 of the S106 for the outline planning permission which requires details of the children's play areas (including benches and cycle parking) to be submitted to the Council for approval prior to implementation of a given phase.

- 13.3 Sports England has advised that the design and layout of the proposed sports pitches is broadly supported by them and the Football Foundation. Sports England also advised that the Sports Pitch Performance Specification: paragraph 3.1 should require that an independent agronomist provides detailed input into the design of the playing field rather than input where required and this should be the same independent agronomist that inspects the scheme at the post construction stage. The Specification has since been amended, accordingly.
- 13.4 Sports England originally advised that they would object to the proposal due to concerns regarding the quality of the playing pitches that would be implemented, unless a condition is imposed requiring a contractor's specification for the playing pitches, a long term maintenance programme for the playing fields and a detailed construction programme for the playing pitches to ensure that the construction is programmed for the appropriate times of the year. However, Sports England have since advised that such a condition is not necessary as the matters are already covered by condition 50 of the outline planning permission.
- 13.5 Sports England also advocate that consultation takes place with the potential operator and football clubs that would use the facilities before the design of the sports ground is finalised, which is the subject of an informative below.
- 13.6 With respect to the design and layout of the proposed pavilion, Sports England originally advised that they broadly supported the proposal but requested that a revised floor plan with the internal dimensions of the key facilities including the changing rooms was provided so that they can be checked against the Football Foundation guidance. It was also requested that the internal layout of the pavilion be modified to switch the kitchen with the toilets / hall store to allow the kitchen and an external servery to open out onto the pitches and pavilion terrace. Revised drawings have now been received and Sports England has since advised that the details submitted are acceptable.
- 13.7 The function / sports hall to be included within the proposed sports pavilion is proposed to partly fulfil the developer's obligations within the Section 106 Agreement to provide youth facilities. The Section 106 Agreement requires that the developer makes a financial contribution of at least £541,667 towards youth facilities (50% to be paid prior to first occupation of a residential unit and 50% to be paid prior to the first occupation of the 250th residential unit). 'Youth Facilities' are not defined in the Agreement but it is stated that they can include a skateboarding park and teen shelters, to be provided within and/or in the vicinity of the development. It must be noted that the provision of sports facilities are dealt with separately in the Section 106 Agreement. As the current applicant is willing to construct a function / sports hall

(and MUGA) in lieu of part of the financial contribution required, they have submitted details of a MUGA and sports / function hall to be attached to the sports changing rooms they are already required to provide under the terms of the Section 106 Agreement. A formal request to vary the wording of the 'Youth Facilities Contribution' (reference MLA/MAL/19/00101), to allow this change has been submitted, which is currently pending consideration.

- 13.8 It is understood that the Countryside and Coast Manager has raised concerns that the size of the main room of the sports / function hall (height, width and length) would not be sufficient to accommodate some sports (short tennis and badminton in particular). However, under the terms of the Section 106 Agreement, the provision of a building to accommodate these sports is not required, only undefined youth facilities. As highlighted above, the provision of sports facilities are dealt with separately in the Section 106 Agreement. Furthermore, according to Sports England's 'Village and Community Halls Design Guidance Note', a hall of the size proposed (at least 10m x 10m x 3.5m) could accommodate a range of sports (aerobics, martial arts, boxing, table tennis and darts). On this basis, it is considered that the proposed sports/function hall would meet the requirement for the provision of youth facilities within the Section 106 Agreement.

14. OTHER MATERIAL CONSIDERATIONS

- 14.1 The Air Quality Assessment submitted provides the following conclusions:
- Concentrations of Nitrogen Dioxide (NO₂), Particulate Matter (PM)₁₀ and PM_{2.5} have been predicted at sensitive human health and compared with the relevant air quality standards. The results of the assessment indicate that traffic associated with the development is unlikely to result in an exceedance of the air quality objectives at either existing or proposed human receptor locations.
 - The predicted annual mean NO₂ concentrations are >75% of the air quality objective at several locations. The significance of the impact has been assessed as 'moderate adverse' at one receptor in Woodham Mortimer and 'minor adverse' at a number of receptors in Maldon and Danbury.
 - The significance of the impact on PM₁₀ and PM_{2.5} concentrations at receptor locations has been assessed as negligible at all existing receptor locations.
 - At the boundary of the Proposed Development, the predicted pollutant concentrations are well within (≤75%) the air quality objectives.
 - At the identified habitat sites, predicted airborne concentrations of NO_x exceed the air quality objectives, however there is no statutory requirement for compliance in urban areas. A minor adverse impact on nutrient nitrogen deposition rates at the River Chelmer Beeleigh to Fullbridge LWS and Maldon Wick and Maldon Wycke Meadow Local Nature Reserve (LNR) has been predicted.
 - In order to minimise any potential operational impacts associated with the Proposed Development the Masterplan includes the provision of a continuous foot / cycle path between the site and Maldon town centre. In addition, two bus services will be re-routed to pass through the wider development. A Sunday shuttle-bus service has also been proposed.

- 14.2 The Environmental Health Officer considers that further mitigation should be included but has not indicated what further measures could be added. Officers do not raise objection to the reserved matters application on the basis of air quality and consider that the mitigation proposed is sufficient.

15. **ANY RELEVANT SITE HISTORY**

- **SCR/MAL/13/01169**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **OUT/MAL/14/01103** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.
- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **NMA/MAL/17/00367** - Application for non-material amendment following grant of Planning Permission of OUT/MAL/14/0110 as amended by permissions FUL/MAL/16/01454 & FUL/MAL/16/01458 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.

- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00071** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018.
- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works. Approved 11.09.2018.
- **PROW/MAL/18/00831** - Diversion of a public footpath 8 PROW 253 Undetermined.
- **ADV/MAL/18/01066** -Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb. Approved 16.11.2018.
- **ADVI/MAL/18/01176**– 10 sign panels measuring 3,050mm by 1,500mm and one sign panel measuring 57,339mm by 2,140mm. 9no. flags 1,000mm by 2,000mm attached atop 6,000mm poles. Approved 15.11.2018.

- **SCR/MAL/18/01396** - Request for Environmental Impact Assessment Screening Opinion for a proposed development of up to 40 additional residential units. Not required.
- **FUL/MAL/18/01439** - Redevelopment to provide 33 residential units (Class C3) together with associated infrastructure. Refused 12.03.2019.
- **DET/MAL/18/05066** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103) Condition 7 - Strategic phasing plan. Approved 08.06.2018.
- **DET/MAL/18/05078** - Compliance with conditions notification FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 45 - Trees & hedgerows. Condition 47 - Position & proposed depth of excavation trenches for all services. Condition 54 - Allotments plan. Condition 61 - Management & maintenance of all watercourses. Condition 64 - Foul water drainage. Condition 67 - Submission of archaeological assessment. Condition 68 - Secured implementation of archaeological assessment. Condition 74 - Contaminated land assessment. Condition 81 - Construction Environmental Management Plan (CEMP). Condition 84 - Superfast broadband. Approved 05.10.2018.
- **DET/MAL/18/05193** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 7 - Strategic phasing plan. Approved 09.01.2019.
- **DET/MAL/19/05007** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features,

vehicle accesses onto the existing highway network and associated infrastructure.)). Condition 56 – Materials (Phase 1) Undetermined.

- **DET/MAL/19/05020** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Conditions 45 - Trees & Hedges. Condition 47 - Trenches. Condition 50 - Assessment of ground conditions. Condition 73 - Noise impact assessment. Condition 76 - Validation report. Condition 81 - Construction environmental management plan. Undetermined.
- **MLA/MAL/19/00101** - Application for a modification to Section 106 legal agreement executed under planning application FUL/MAL/16/01454 – Undetermined.

16. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

16.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval.	Noted.
Woodham Mortimer with Hazeleigh	The Council are already noticing a significant increase in traffic along the A414 through Woodham Mortimer and Fambridge Road though Hazeleigh and are receiving numerous complaints from parishioners in respect to the development's potential effect on current medical facilities, schools and highways. As per previous concerns raised, the Council believe the current infrastructure inadequate	Noted but outline planning permission has already been granted and these issues are not relevant to the determination of an application for approval of reserved matters.

16.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Archaeology	The archaeological fieldwork has been completed for this site. For these reasons no archaeological recommendations are being made with regard to this application.	Noted.
Anglian Water Services	No response received.	
Essex and Suffolk Water	No response received.	
ECC Education	No comments to make.	Noted.
Essex Bat Group	No response received.	
ECC SUDS team	<p>Cannot recommend discharge of Condition 63 at this time due to the following:</p> <ul style="list-style-type: none"> The proposed management and maintenance plan refers to a management company but does not provide information relating to the administration of any management company. Please provide details on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development. 	Noted – this matter is dealt with in paragraph 11.11 of the report and condition 6 recommended below addresses the issue of future management raised.
Essex County Fire and Rescue	<p>Access for fire service purposes is satisfactory.</p> <p>Additional water supplies for firefighting may be necessary – applicant should contact Water Technical Officer at Service Headquarter 01376 576344. Developer urged to consider installation of Automatic Water Suppression Systems.</p>	Noted – an informative to this effect is recommended below.
Natural England	No response received.	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objections subject to imposition of a condition and informatives.	Noted - refer to paragraphs 11.5-11.9 of report and condition 3 recommended below with respect to flood risk, and section 12 of report with respect to nature conservation
Essex Police Designing Out Crime	No response received.	
Essex Wildlife Trust	No response received.	
Essex County Highways	No response received.	
The Maldon Society	No response received.	
NHS Property Services	No response received.	
Sport England	Generally supportive – amendments and condition recommended.	Acceptable amended drawings now received. The condition recommended is unnecessary as the matters are already covered by condition 50 of the outline planning permission. See section 13 of report.
North East Essex Badger Protection Group	No response received.	

16.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Design	The application has responded effectively to the garden suburb principles set out in the adopted SMGS SMF SPD, the endorsed Strategic Design Codes and the design guidance set out in the MDDG SPD and the design section in the Design Codes.	Refer to section 7 of report.
Housing Officer	The Applicant is providing 30% affordable provision across Phase 1 and 2 and therefore Strategic Housing fully Supports this Application which will provide affordable housing to meet the needs of the district.	Noted – refer to section 6 of report.

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	A condition is recommended requiring a suitable flood warning and evacuation plan for this site.	A Flood Evacuation Plan forms part of the FRA submitted and so a condition requiring a flood warning and evacuation plan is not necessary.
Environmental Health	<p>Noise Assessment report suggests that satisfactory internal noise level can only be achieved with windows closed. This is at variance with our additional guidance in which the stated aim is to achieve suitable levels with windows open. The applicant has not produced any clear evidence that the external noise levels in gardens etc. will comply with the desired levels. A noise contour map of the site would help identify the noise levels in the external areas.</p> <p>Air Quality assessment suggests that the development will not adversely affect the air quality. However as is shown by the soon to declared air quality management area in Maldon, there is a deterioration of air quality, so it is suggested that the applicant offers some mitigation measures as part of their proposals.</p>	Further information in relation to noise levels in external areas has since been provided which indicates that noise levels in rear gardens would not exceed the recommended maximum. The site is not within an air quality management area and, therefore, it is considered that objection to the limited mitigation measures could not be justified, in this case.
Planning Policy	No response received.	
Tree Consultant	No objection.	Noted – refer to section 7 of report.
Waste Management Officer	<ol style="list-style-type: none"> 1. Please confirm that the blocked paving is of highways standard and suitable for a 26 tonne refuse vehicle. 2. Elderly Residents Flats and apartment blocks - no bin store has been identified - a dedicated bin store which is within 10 metres of an adopted highway required. 3. There are high number of shared driveways - for some of the longer shared driveways a dedicated collection point where there are 3 or more properties to be serviced would be advisable. 4. Please note that the developer will have to purchase refuse and recycling containers for all properties including individual properties. Please contact 	<p>Noted –</p> <ol style="list-style-type: none"> 1. The block paved roads which form part of the proposed refuse collection strategy submitted would need to be suitable for a 26 tonne refuse vehicle and this matter is part of an informative recommended below. 2. Amended drawings have now been received which include bin storage for all flats / apartments. 3. The proposed arrangements for shared

Name of Internal Consultee	Comment	Officer Response
	the Waste Team for details on waste.services@maldon.gov.uk	driveways are the same as for Phase 1 i.e. no collection point where four or less units. 4. Comment regarding container purchase is part of an informative recommended below.
Economic Development	No objections - proposal has indicated its sustainability and will contribute significantly economically to the Maldon District in terms of infrastructure, economic benefit for local retail and service centres, as well as employment opportunities, both during the build and in the future.	Noted.
Countryside and Coast Manager	The proposal is acceptable from an ecology perspective subject to the implementation of the recommendations in the Ecological Assessment.	Noted – refer to section 12 of report. Recommended condition 2 below requires the implementation of the recommendations of the ecological reports.

16.4 **Representations received from Interested Parties** (*summarised*)

16.4.1 No letters were received.

17. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Plans

1301.P0 400 PROPOSED SITE LAYOUT rev. L
1301.P0 401 PROPOSED SITE LAYOUT [LIMEBROOK NORTH] rev. A
1301.P0 402 PROPOSED SITE LAYOUT [LIMEBROOK SOUTH] rev. A
1301.P0 403 LOCATION PLAN
1301.P0 404 COLOURED SITE LAYOUT

Parameter Plans

1301.P0 411 PROPOSED PARKING LAYOUT rev. A
1301.P0 412 PROPOSED DENSITY PLAN rev. C
1301.P0 413 PROPOSED MATERIALS LAYOUT rev. B
1301.P0 414 PROPOSED GARDEN LAYOUT rev. A
1301.P0 415 PROPOSED REFUSE STRATEGY rev. B
1301.P0 416 PROPOSED STOREY HEIGHTS rev. A
1301.P0 417 PROPOSED AFFORDABLE HOUSING PLAN rev. A

House Types

1301-HT PA25 V1 500 House Type PA25 - Plans & Elevations
1301-HT PA25 V3 502 House Type PA25 - Plans & Elevations
1301-HT PA25 V4 503 House Type PA25 - Plans & Elevations (Special)
1301-HT PA25 V5 504 House Type PA25 - Plans & Elevations (Special)
1301-HT PA25 V6 505 House Type PA25 - Plans & Elevations (Special)
1301-HT PA25 V7 506 House Type PA25 - Plans & Elevations
1301-HT B3 V1 510 House Type B3 - Plans & Elevations
1301-HT B3 V2 511 House Type B3 - Plans & Elevations
1301-HT B3 V3 512 House Type B3 - Plans & Elevations
1301-HT B3 V4 513 House Type B3 - Plans & Elevations
1301-HT B3 V5 514 House Type B3 - Plans & Elevations
1301-HT NA32 V1 520 House Type NA32 - Plans & Elevations (Special)
1301-HT NA32 V2 521 House Type NA32 - Plans & Elevations
1301-HT NA32 V3 522 House Type NA32 - Plans & Elevations
1301-HT NA32 V4 523 House Type NA32 - Plans & Elevations
1301-HT NA32 V5 524 House Type NA32 - Plans & Elevations (Special)
1301-HT NA32 V6 525 House Type NA32 - Plans & Elevations (Special)
1301-HT NA32 V7 526 House Type NA32 - Plans & Elevations
1301-HT NT30 V1 530 House Type NT30 - Plans & Elevations
1301-HT NT30 V2 531 House Type NT30 - Plans & Elevations (Special)
1301-HT NT30 V3 532 House Type NT30 - Plans & Elevations (Special)
1301-HT NT30 V4 533 House Type NT30 - Plans & Elevations
1301-HT NT32 V1 540 House Type NT32 - Plans & Elevations
1301-HT NT32 V3 542 House Type NT32 - Plans & Elevations (Special)
1301-HT NT32 V4 543 House Type NT32 - Plans & Elevations (Special)
1301-HT WDMN V1 550 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V2 551 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V4 553 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V5 554 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V6 555 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V7 556 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V8 557 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V9 558 House Type WOODMAN - Plans & Elevations
1301-HT WDMN V10 559 House Type WOODMAN - Plans & Elevations
1301-HT NB32 V1 560 House Type NB32 - Plans & Elevations
1301-HT B4 V1 570 House Type B4 - Plans & Elevations
1301-HT B4 V2 571 House Type B4 - Plans & Elevations
1301-HT B4 V3 572 House Type B4 - Plans & Elevations
1301-HT PA44 V1 580 House Type PA44 - Plans & Elevations
1301-HT PA44 V2 581 House Type PA44 - Plans & Elevations
1301-HT NT41 V1 590 House Type NT41 - Plans & Elevations
1301-HT NT41 V2 591 House Type NT41 - Plans & Elevations
1301-HT NA43 V1 600 House Type NA43 - Plans & Elevations
1301-HT NA43 V2 601 House Type NA43 - Plans & Elevations
1301-HT NA43 V3 602 House Type NA43 - Plans & Elevations
1301-HT NA43 V4 603 House Type NA43 - Plans & Elevations
1301-HT NT42 V1 610 House Type NT42 - Plans & Elevations
1301-HT NT42 V2 611 House Type NT42 - Plans & Elevations
1301-HT NT42 V3 612 House Type NT42 - Plans & Elevations
1301-HT NT42 V4 613 House Type NT42 - Plans & Elevations

1301-HT NT42 V5 614 House Type NT42 - Plans & Elevations
1301-HT NT42 V6 615 House Type NT42 - Plans & Elevations
1301-HT NT42 V7 616 House Type NT42 - Plans & Elevations
1301-HT PT45 V1 620 House Type PT45 - Plans & Elevations
1301-HT PT45 V2 621 House Type PT45 - Plans & Elevations
1301-HT PT45 V3 622 House Type PT45 - Plans & Elevations
1301-HT PT45 V4 623 House Type PT45 - Plans & Elevations
1301-HT PT45 V5 624 House Type PT45 - Plans & Elevations
1301-HT PA49 V1 630 House Type PA49 - Plans & Elevations
1301-HT PA49 V2 631 House Type PA49 - Plans & Elevations
1301-HT PA49 V3 632 House Type PA49 - Plans & Elevations
1301-HT PA49 V4 633 House Type PA49 - Plans & Elevations
1301-HT PA49 V5 634 House Type PA49 - Plans & Elevations (Special)
1301-HT PA49 V6 635 House Type PA49 - Plans & Elevations (Special)
1301-HT PA49 V7 636 House Type PA49 - Plans & Elevations
1301-HT PA49 V8 637 House Type PA49 - Plans & Elevations
1301-HT PA49 V9 638 House Type PA49 - Plans & Elevations
1301-HT PA49 V10 639 House Type PA49 - Plans & Elevations
1301-HT NA51 V1 640 House Type NA51 - Plans & Elevations (Special)
1301-HT NA51 V2 641 House Type NA51 - Plans & Elevations
1301-HT NA51 V3 642 House Type NA51 - Plans & Elevations
1301-HT NA51 V4 643 House Type NA51 - Plans & Elevations
1301-HT NA51 V6 644 House Type NA51 - Plans & Elevations
1301-HT NA51 V7 645 House Type NA51 - Plans & Elevations
1301-HT NA50 V1 650 House Type NA50 - GA Plans
1301-HT NA50 V1 651 House Type NA50 - ELEVATIONS
1301-HT NA50 V2 652 House Type NA50 - GA Plans
1301-HT NA50 V2 653 House Type NA50 - ELEVATIONS
1301-HT NA50 V3 654 House Type NA50 - GA Plans
1301-HT NA50 V3 655 House Type NA50 - ELEVATIONS
1301-HT B1 V1 660 House Type B1 - Plans & Elevations
1301-HT B1 V2 661 House Type B1 - Plans & Elevations
1301-HT B1 V3 662 House Type B1 - Plans & Elevations
1301-HT B2 V1 670 House Type B2 - Plans & Elevations
1301-HT B2 V2 671 House Type B2 - Plans & Elevations
1301-HT PT22 V1 680 House Type PT22 - Plans & Elevations
1301-HT AA23 V1 690 House Type AA23 - Plans & Elevations
1301-HT AA23 V2 691 House Type AA23 - Plans & Elevations
1301-HT AA31 V2 701 House Type AA31 - Plans & Elevations
1301-HT F4 720 PRIVATE APPARTMENTS F4 - GA PLANS
1301-HT F4 721 PRIVATE APPARTMENTS F4 - GA PLANS
1301-HT F4 722 PRIVATE APPARTMENTS F4 - ELEVATIONS
1301-HT F5 725 PRIVATE APPARTMENTS F5 - GA PLANS
1301-HT F5 726 PRIVATE APPARTMENTS F5 - GA PLANS
1301-HT F5 727 PRIVATE APPARTMENTS F5 - ELEVATIONS
1301-HT F1 740 RETIREMENT APPARTMENTS F1 - GA PLANS
1301-HT F1 741 RETIREMENT APPARTMENTS F1 - GA PLANS
1301-HT F1 742 RETIREMENT APPARTMENTS F1 - ELEVATIONS
1301-HT F2 750 AFFORDABLE APPARTMENTS F2 - GA PLANS
1301-HT F2 751 AFFORDABLE APPARTMENTS F2 - ELEVATIONS
1301-HT F3 752 AFFORDABLE APPARTMENTS F3 - GA PLANS

1301-HT F3 753 AFFORDABLE APPARTMENTS F3 - GA PLANS rev. A
1301-HT F3 754 AFFORDABLE APPARTMENTS F3 – ELEVATIONS
rev.A

Garages and Car Ports

1301-GAR V1 750 Garage - Single V1
1301-GAR V2 751 Garage - Single V2
1301-GAR V3 752 Garage - Single V3
1301-GAR V4 753 Garage - Single V4
1301-GAR V5 754 Garage - Single V5
1301-GAR V6 755 Garage - Single V6
1301-GAR V7 756 Garage - Single V7
1301-GAR V8 757 Garage - Single V8
1301-GAR V9 758 Garage - Single V9
1301-GAR V1 759 Garage - Double V1
1301-GAR V2 760 Garage - Double V2
1301-GAR V3 761 Garage - Double V3
1301-GAR V1 762 Garage - Twin V1
1301-GAR V2 763 Garage - Twin V2
1301-GAR V3 764 Garage - Twin V3
1301-GAR V4 765 Garage - Twin V4
1301-GAR V5 766 Garage - Twin V5
1301-GAR V6 767 Garage - Twin V6
1301-GAR V7 768 Garage - Twin V7
1301-GAR 769 Single Car Port
1301-GAR 770 Double Car Port

Sports Pavilion

1301.P1 800 rev.F Proposed Sports Pavilion (Plans and Elevations)

Boundary Design Details CSA/3000/125

POS Design Details CSA/3000/126 rev.A

Phase 2 POS Landscape Proposals 1 of 6 CSA/3000/170
Phase 2 POS Landscape Proposals 2 of 6 CSA/3000/171
Phase 2 POS Landscape Proposals 3 of 6 CSA/3000/172
Phase 2 POS Landscape Proposals 4 of 6 CSA/3000/173
Phase 2 POS Landscape Proposals 5 of 6 CSA/3000/174
Phase 2 POS Landscape Proposals 6 of 6 CSA/3000/175 rev.A
Phase 2 - Soft Landscape Proposals - Sheet 1 of 13 CSA/3000/136
Phase 2 - Soft Landscape Proposals - Sheet 2 of 13 CSA/3000/137
Phase 2 - Soft Landscape Proposals - Sheet 3 of 13 CSA/3000/138
Phase 2 - Soft Landscape Proposals - Sheet 4 of 13 CSA/3000/139
Phase 2 - Soft Landscape Proposals - Sheet 5 of 13 CSA/3000/140
Phase 2 - Soft Landscape Proposals - Sheet 6 of 13 CSA/3000/141
Phase 2 - Soft Landscape Proposals - Sheet 7 of 13 CSA/3000/142
Phase 2 - Soft Landscape Proposals - Sheet 8 of 13 CSA/3000/143
Phase 2 - Soft Landscape Proposals - Sheet 9 of 13 CSA/3000/144
Phase 2 - Soft Landscape Proposals - Sheet 10 of 13 CSA/3000/145
Phase 2 - Soft Landscape Proposals - Sheet 11 of 13 CSA/3000/146
Phase 2 - Soft Landscape Proposals - Sheet 12 of 13 CSA/3000/147
Phase 2 - Soft Landscape Proposals - Sheet 13 of 13 CSA/3000/148

Phase 2 - Hard Landscape Proposals - Sheet 1 of 13 CSA/3000/149
 Phase 2 - Hard Landscape Proposals - Sheet 2 of 13 CSA/3000/150
 Phase 2 - Hard Landscape Proposals - Sheet 3 of 13 CSA/3000/151
 Phase 2 - Hard Landscape Proposals - Sheet 4 of 13 CSA/3000/152
 Phase 2 - Hard Landscape Proposals - Sheet 5 of 13 CSA/3000/153
 Phase 2 - Hard Landscape Proposals - Sheet 6 of 13 CSA/3000/154
 Phase 2 - Hard Landscape Proposals - Sheet 7 of 13 CSA/3000/155
 Phase 2 - Hard Landscape Proposals - Sheet 8 of 13 CSA/3000/156
 Phase 2 - Hard Landscape Proposals - Sheet 9 of 13 CSA/3000/157
 Phase 2 - Hard Landscape Proposals - Sheet 10 of 13 CSA/3000/158
 Phase 2 - Hard Landscape Proposals - Sheet 11 of 13 CSA/3000/159 rev.A
 Phase 2 - Hard Landscape Proposals - Sheet 12 of 13 CSA/3000/160 rev.A
 Phase 2 - Hard Landscape Proposals - Sheet 13 of 13 CSA/3000/161
 Sports Field Layout CSA/3000/163 rev.A
 LEAP 1 Detailed Proposals (Phase 2) CSA/3000/168
 NEAP Detailed Proposals (Phase 2) CSA/3000/169
 Sports Pavilion Car-Park Landscape Proposals CSA/3000/162
 Sports Pitch Performance Specification CSA/3000/06 rev.A
 Topographical Survey Sheet 1 21328se-01
 Topographical Survey Sheet 2 21328se-02
 Topographical Survey Sheet 3 21328se-03
 Topographical Survey Sheet 4 21328se-04
 Topographical Survey Sheet 5 21328se-05
 Topographical Survey Sheet 6 21328se-06
 Topographical Survey Sheet 7 21328se-07
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 Levels Strategy (Sheet 1 of 5)Z517_130 P1
 Levels Strategy (Sheet 2 of 5)Z517_131 P1
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 Contours & Geometry & Levels (Sheet 1 of 5) Z517_110 P1
 Contours & Geometry (Sheet 2 of 5) Z517_111 P1
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 Contours & Geometry (Sheet 5 of 5) Z517_114 P1
 Highways Note Z517-03
 Planning Statement Nov-18

Air Quality Assessment 10523/AQ/01

Noise Assessment 10523/NA/01

Energy Statement Dec-18

Arboricultural Method Statement Dec-18

Balcony Design Intent for Houses/Flats F1- F5

REASON To ensure that the development is carried out in accordance with the details as approved.

- 2 The development shall be carried-out in accordance with the Ecological Conservation Management Plan Statement (November 2018) and the Phase 2 Ecological Surveys and Assessment (November 2018), including the following elements:

- Scrub planting
- Wildflower meadow planting.
- Tree and native hedge planting.
- SuDS creation.
- Retention and biodiversity enhancement of Lime Brook and Lime Brook South Arm and as per 3.24 to 4.3 and Appendix 2 of the Ecological Conservation Management Plan Statement (November 2018).
- Bat sensitive lighting.
- Installation of bat and bird boxes at suitable locations.
- Hedgehog highways.
- Badger mitigation as outlined in 1.5 of the Ecological Conservation Management Plan Statement (November 2018)

REASON To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in accordance with policies N1 and N2 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).

- 3 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced Z515-02 and dated April 2018. The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.

REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policy D5 of the Maldon District Approved Local Development Plan.

- 4 Samples of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. 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 Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

- 5 The following shall be added to Appendix 2 of the Ecological conservation management plan statement against Year 1 and Year 2 of 'Wildflower Meadow': When work is carried out during the bird breeding season (March to July inclusive) a check for nesting birds should be made prior to any cutting commencing. If nesting birds are found, work should avoid the nest / nest area to not cause damage or disturbance and cause the bird to abandon.
REASON In the interests of nature conservation, in accordance with policies N1 and N2 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
- 6 No dwelling shall be occupied until details of how the proposed management company services for the maintenance of shared drainage features will be funded and managed for the lifetime of the development. The drainage features shall be maintained in accordance with the approved details.
REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policy D5 of the Maldon District Approved Local Development Plan.
- 7 No dwelling shall be occupied until details of a scheme of boundary treatment and landscaping for the area annotated 'Proposed Additional Units Layout' along with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
REASON In the interests of the character and appearance of the area, in accordance with policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

INFORMATIVES

- 1 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Drainage System (SuDs) which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 2 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 3 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- 4 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch / pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 5 Environmental Permit for Flood Risk Activities - the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Lime Brook, Lime Brook South Arm and Woodham Mortimer Brook are all

designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

- 6 The Environment Agency has provided the following advisory comments on the Ecological survey and assessment submitted:
- (a) Any silt management should be undertaken sensitively with regard to fish and wildlife, with no negative impact on the banks and its vegetation.
 - (b) Although negative impacts on Great Crested Newt (GCN) have been ruled out, as records have been found recently, it is recommended that as much rough grassland should be left as possible to support the population which is still potentially present even though no signs were found.
 - (c) The applicant and future companies who manage the development and watercourses are referred to the guidance here <https://www.gov.uk/guidance/owning-a-watercourse> regarding 'responsibilities and rules to follow for watercourses on or near your property, and permissions you need to do work around them.'
 - (d) Measures should be undertaken to ensure wash water from wheel washing is not discarded to any watercourses.
 - (e) The entrance road to the north-west of Phase 2 and the other proposed crossings of Lime Brook north are not within Phase 2 however it is suggested that consideration is given to otters (a Priority species) and their ability to navigate the Brooks once structures are established.

Many otter casualties are due to them having to navigate roads when they are unable to use the watercourse as they normally would due to high water levels for example. They refer the applicant to the information here <http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol10/section4/ha8199.pdf>

- 7 Sports England recommends that the applicant consults with the potential operator (if known) of the sports ground and local football clubs that would be expected to use the facilities to seek their views on the design and layout of the pitches and pavilion in order to ensure that the design is responsive to the needs of the operator and the local community as well as meeting the more general technical requirements covered in this response. The Football Foundation has advised that Maldon Saints Football Club for instance have expressed an interest in using the site. The applicant is advised to contact David Burnham at Maldon District Council for further information about potential football clubs that may use the sports ground.
- 8 Essex County Fire and Rescue advise that additional water supplies for firefighting may be necessary – the applicant should contact Water Technical Officer at Service Headquarter 01376 576344. The developer is also urged to consider installation of Automatic Water Suppression Systems.
- 9 The Council's Waste Management Officer advises that the block paved roads which form part of the proposed refuse collection strategy submitted would need to be suitable for a 26 tonne refuse vehicle and the developer will have to purchase refuse and recycling containers for all properties including individual properties. Please contact the Waste Team for details on waste.services@maldon.gov.uk

- 10 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within six weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 11 Any trees and non-standard materials / equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.
- 12 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
- SMO3 - Essex Highways,
Unit 36,
Childerditch Industrial Park,
Childerditch Hall Drive,
Brentwood,
Essex, CM13 3HD.
- 13 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**To
COUNCIL (EXTRAORDINARY)
21 MARCH 2019**

Application Number	MLA/MAL/19/00101
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Application for a modification to Section 106 legal agreement executed under planning application OUT/MAL/14/01103 as amended by Deed of Variation (references FUL/MAL/16/01454 and FUL/MAL/17/00396)
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	Not applicable
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Not delegated to Officers

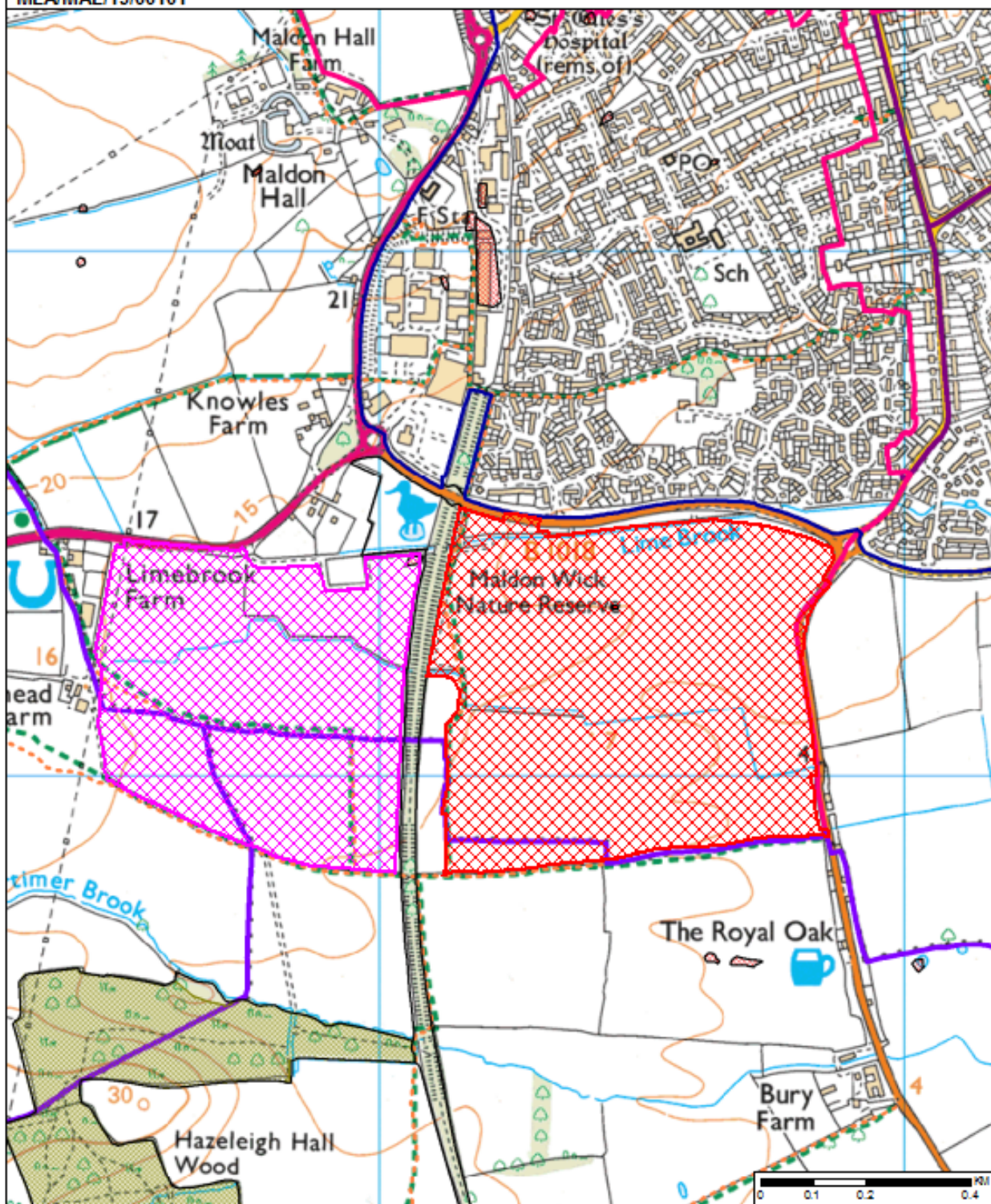
1. RECOMMENDATION


APPROVE the proposed changes to the Section 106 (S106) Agreement as set out in paragraphs 3.1.6 – 3.1.10 of the report.

2. SITE MAP

Please see overleaf.

Land south of Wycke Hill and Limebrook Way, Maldon
MLA/MAL/19/00101



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 10/0018588 2014</p>	Scale:	1:10,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Council (Extraordinary)
	Date:	19/02/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The current application relates to land which forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference OUT/MAL/14/01103) in December 2016, following the completion of a Section 106 Agreement, for ‘development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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, vehicle accesses onto the existing highway network and associated infrastructure’. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the site consists of two vehicular accesses off Spital Road / A414 on the western side, an access (roundabout) off Limebrook Way / A414 and two accesses off Fambridge Road (B1010) to the eastern side.
- 3.1.2 The site the subject of the abovementioned outline planning permission was subsequently separated into Eastern and Western Parcels. An application for approval of reserved matters of Phase 1 of the eastern parcel (for 200 dwellings) was granted in 2018 (reference RES/MAL/18/00531) and where development is underway. An application for approval of reserved matters of Phase 2 of the eastern parcel (for 406 dwellings) has been submitted (reference RES/MAL/18/01440). Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Eastern Parcel have also been approved (reference FUL/MAL/18/00494).
- 3.1.3 The current application seeks a modification to the Section 106 Agreement attached to planning permission reference OUT/MAL/14/01103 dated 1 December 2016 (as amended by Deed of Variation dated 26 February 2018 (references FUL/MAL/16/01454 and FUL/MAL/17/00396).
- 3.1.4 The Section 106 Agreement associated with the outline planning permission (reference OUT/MAL/14/01103) secured the following:
- Highway and public transport obligations;
 - Affordable Housing (30%);
 - Education (provision of land for and a financial contribution to Essex County Council);
 - Healthcare financial contribution;
 - Provision of an allotment site;
 - Financial contribution for youth facilities;
 - A local management organization to manage and administer the green infrastructure provided;
 - Children’s play areas.

- 3.1.5 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the requirements of the original S106.
- 3.1.6 The current application seeks an amendment to the definition of the Local Management Organisation (LMO) and the Youth Facilities Contribution. A draft Deed of Variation has been submitted with the current application.
- 3.1.7 The current definition of 'Local Management Organisation' is *'an incorporated or unincorporated body appointed pursuant to Schedule 8 of the Deed'*. The proposed definition is *'a community interest company or another incorporated or unincorporated body appointed pursuant to Schedule 8 of this Deed'*. Schedule 8 deals with the appointment of a Local Management Organisation (LMO) to manage and administer the proposed Green Infrastructure (open space, playing fields, sports pitches and associated facilities, play areas, allotments, existing vegetation, ecological mitigation, new structural landscaping and SuDS).
- 3.1.8 The applicant explains that it was originally envisaged that the LMO would take the form of a charitable organisation similar to the Land Trust but, to ensure the long term future of the management company, it is requested that 'charitable organisation' is replaced with 'Community Interest Company' which will ensure that there remains the opportunity for residents, Councillors and stakeholders to be represented on the board of the management company but will also ensure that the management company can be operated by a commercial entity which will secure the long term future of all maintenance aspects. In addition, it is requested that provision is made for a separate LMO for the East and West Green Infrastructure and separate LMO (or multiple) for the sports facilities, allotment site and tunnel (which would connect the Eastern and Western Parcels).
- 3.1.9 The current definition of the 'Youth Facilities Contribution' is *'the contribution to be paid to the District Council for the Purposes and specifically towards the provision of Youth Facilities, such contribution to be 72.7% of the cost of the Purposes such contribution to be no more than ... £541,667. Indexed'*. Youth Facilities are defined within the existing S106 as *'youth facilities, which can include skateboarding park and teen shelters, to be provided within and/or in the vicinity of the Development'*. 'Purposes' are defined within the existing S106 as *'the use to which each of the Contributions specified in this Deed is put in compliance with this Deed the requirements of the CIL Regulations and the Planning Permission'*. Schedule 7 of the Agreement deals with Youth Facilities and requires the payment of 50% of the Youth Facilities Contribution prior to the first Occupation of a Residential Unit and 50% prior to the first Occupation of the 250th Residential Unit.
- 3.1.10 With respect to the Youth Facilities, the applicant proposes that some elements are constructed by them rather than just a financial contribution being made. It is proposed that the applicant constructs a Multi-use Games Area (MUGA) and a sports hall/community space and kitchen (the latter to be attached to the changing room building to be constructed adjacent to the sports pitches). As a result, the proposed amended definition of the reduced 'Youth Facilities Contribution' is *'the contribution in the sum of £173,894.00 to be paid to the District Council for the Purposes and specifically towards the provision of Youth Facilities'*.

- 3.1.11 Details of the sports hall/community space and MUGA have been submitted and also form part of reserved matters application reference RES/MAL/18/01440. Costings for these two elements have also been provided. The applicant proposes that the Deed of Variation requires the pavilion extension to be completed prior to the occupation of 300 of the dwellings forming part of the Eastern parcel and the MUGA works to be carried-out prior to the completion of the phase on which the MUGA is to be constructed (which is Phase 2, the subject of current application reference RES/MAL/18/01440).

3.2 Conclusion

- 3.2.1 The proposed Deed of Variation would widen the definition of the 'Local Management Organisation', allow for a separate LMO for the East and West Green Infrastructure and allow for a separate LMO (or multiple) for the sports facilities, allotment site and tunnel. The proposed Deed would also introduce a requirement for a MUGA and sports hall / community space to be provided by the developer, with an associated reduction in the 'Youth Facilities Contribution'.
- 3.2.2 No objection is raised, in principle, to the proposed variation of the Section 106 Agreement, subject to agreement to the detailed wording of the Deed of Variation.
- 3.2.3 Based on the above, it is recommended that the application is approved.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 54 - 57 Planning Conditions and Obligations

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy N1 - Green Infrastructure Network
- Policy N3 - Open Space, Sports and Leisure
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)

- South Maldon Suburb Strategic Design Code (March 2016)

5. **MAIN CONSIDERATIONS**

- 5.1 As set out in paragraph 56 of the NPPF, planning obligations must only be sought where they meet all of the following tests (as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010): 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.
- 5.2 Where an application is made to an authority for the modification or discharge of planning obligations, the authority may determine a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 5.3 In the assessment of an application to vary a Section 106 Agreement, regard needs to be had to the judgement of R (The Garden and Leisure Group Ltd) v North Somerset Council [2003] EWHC 1605 (Admin) where it was concluded that *“there are four essential questions to be considered: what is the current obligation? what purpose does it fulfil? is it a useful purpose? and if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications?”*.
- 5.4 It is considered that the existing obligations the subject of this application serve a useful purpose as they would ensure the appropriate management of the Green Infrastructure which forms part of this strategic development site and an adequate level of provision of youth facilities as part of the development. However, it is also considered that the relevant obligations would serve that purpose equally well if they had effect subject to the proposed modifications.
- 5.5 Sports England have raised no objection to the proposed changes. They have advised that the proposed changes to the definition of the Local Management Organisation would have the benefit that the Community Interest Company can be operated as a commercial entity while maintaining representation on the Board by elected members and other local stakeholders. The management of the proposed sports facilities on the site as a Community Interest Company would offer more flexibility than a charity to generate revenue to support the long-term maintenance of the proposed sports facilities. Sports England go on to advise that many community sports facilities are successfully managed by Community Interest Companies which is considered to be an appropriate form of management in the context of the challenges that sports facilities and other community facilities face in terms of sustaining their operation over a long-term period. Sports England also advise that the amendment to allow a separate LMO for the sports facilities is also welcomed as this would allow the flexibility for a LMO with a specialism in managing such facilities to be put in place which may be preferential from an operational perspective than requiring a single LMO to be set up to manage all of the community facilities that may not have the experience in managing sports facilities.

- 5.6 With respect to the proposed change to the 'Youth Facilities' contribution, Sports England raise no objection to the 'Youth Facilities' contribution being reduced to take account of the additional investment proposed into the pavilion subject to the revised agreement making provision for the additional facilities to be delivered within an acceptable timescale. It is considered that completion of the pavilion extension prior to the occupation of 300 of the dwellings forming part of the Eastern parcel (which would be just under half of the number of dwellings forming part of the Eastern parcel) would be reasonable.

6. ANY RELEVANT SITE HISTORY

- **SCR/MAL/13/01169**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **OUT/MAL/14/01103** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.
- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **NMA/MAL/17/00367** - Application for non-material amendment following grant of Planning Permission of OUT/MAL/14/0110 as amended by permissions FUL/MAL/16/01454 & FUL/MAL/16/01458 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.

- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00071** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018.
- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works. Approved 11.09.2018.
- **PROW/MAL/18/00831** - Diversion of a public footpath 8 PROW 253 Undetermined.
- **ADV/MAL/18/01066** -Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb. Approved 16.11.2018.

- **ADV/MAL/18/01176**– 10 sign panels measuring 3,050mm by 1,500mm and one sign panel measuring 57,339mm by 2,140mm. 9no. flags 1,000mm by 2,000mm attached atop 6,000mm poles. Approved 15.11.2018.
- **SCR/MAL/18/01396** - Request for Environmental Impact Assessment Screening Opinion for a proposed development of up to 40 additional residential units. Not required.
- **FUL/MAL/18/01439** - Redevelopment to provide 33 residential units (Class C3) together with associated infrastructure. Refused 12.03.2019.
- **RES/MAL/18/01440** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated work. Undetermined.
- **DET/MAL/18/05066** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103) Condition 7 - Strategic phasing plan. Approved 08.06.2018.
- **DET/MAL/18/05078** - Compliance with conditions notification FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 45 - Trees & hedgerows. Condition 47 - Position & proposed depth of excavation trenches for all services. Condition 54 - Allotments plan. Condition 61 - Management & maintenance of all watercourses. Condition 64 - Foul water drainage. Condition 67 - Submission of archaeological assessment. Condition 68 - Secured implementation of archaeological assessment. Condition 74 - Contaminated land assessment. Condition 81 - Construction Environmental Management Plan (CEMP). Condition 84 - Superfast broadband. Approved 05.10.2018.
- **DET/MAL/18/05193** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 7 - Strategic phasing plan. Approved 09.01.2019.

- **DET/MAL/19/05007** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)). Condition 56 – Materials (Phase 1) Undetermined.
- **DET/MAL/19/05020** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), 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 SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Conditions 45 - Trees & Hedges. Condition 47 - Trenches. Condition 50 - Assessment of ground conditions. Condition 73 - Noise impact assessment. Condition 76 - Validation report. Condition 81 - Construction environmental management plan. Undetermined.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval to the setting-up of a Management Company but recommends refusal to the diversion of part of 'sports facility' contribution to facilities located elsewhere than this development	Recommendation regarding Management Company noted. The current proposal is not to divert any of the 'sports facility' contribution elsewhere but for the developer to provide youth facilities on site (a MUGA and sports hall/community space) instead of making the full financial contribution secured as part of the outline planning permission (OUT/MAL/14/01103)
Woodham Mortimer with Hazeleigh	No response received	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) SUDS team	No comments made as the application does not relate to surface water drainage.	Noted.
Essex County Highways	No response received.	However, none of the changes proposed to the Section 106 Agreement relate to highway matters.
Sport England	No objections.	Noted – refer to paragraphs 5.5 and 5.6 of report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Countryside and Coast Manager	No objection.	Noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters were received.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COUNCIL (EXTRAORDINARY)
21 MARCH 2019**

Application Number	FUL/MAL/17/01262
Location	Land Bounded by Maldon Road and Creeksea Lane Burnham-on-Crouch
Proposal	4 new homes and garages, access to Maldon Road, amenity space and associated infrastructure.
Applicant	Mr S Butler-Finbow – Pigeon Land Ltd
Agent	Mr Simon Charter- Parc Design Solutions Ltd.
Target Decision Date	22.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

1. RECOMMENDATION

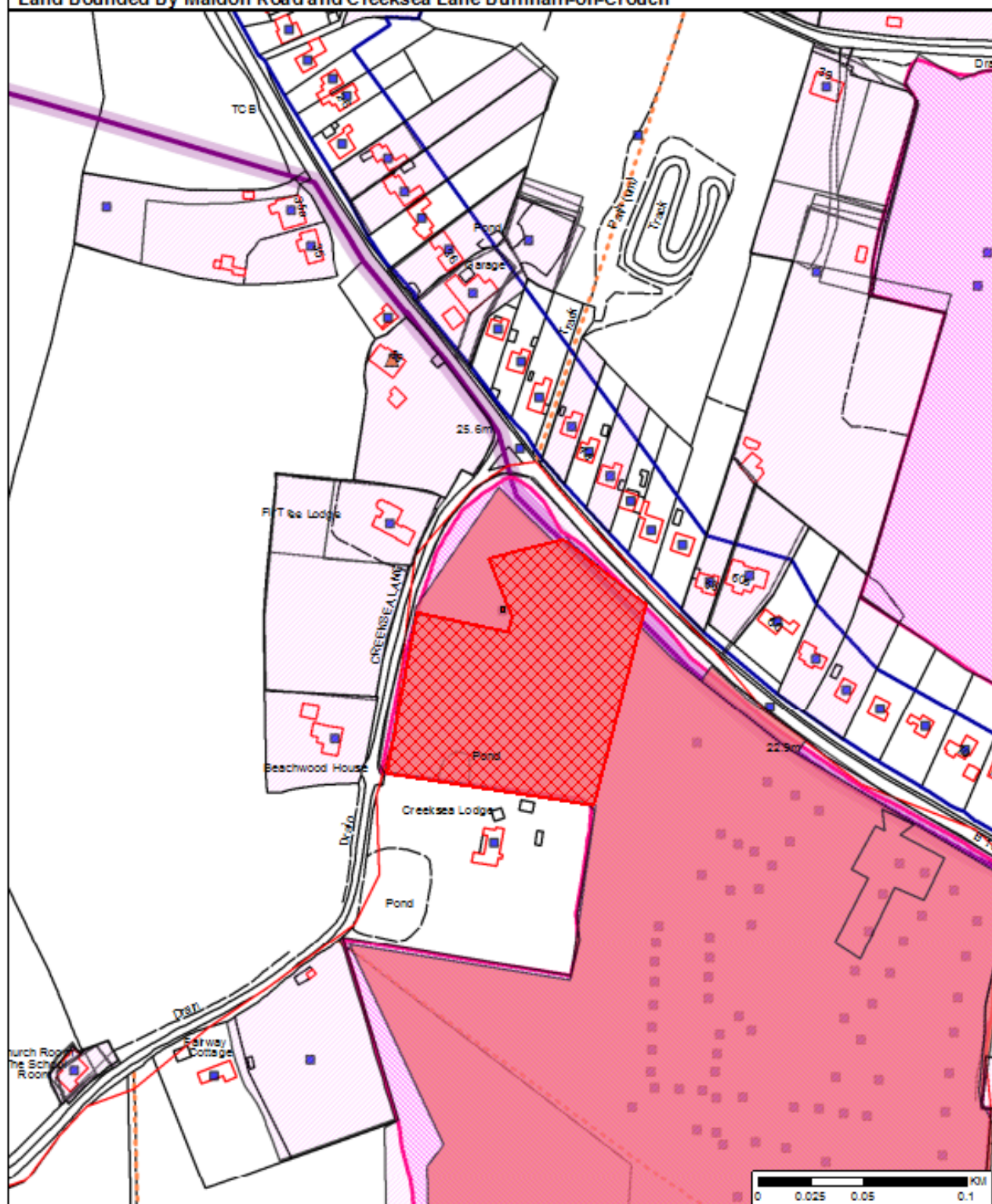
APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

17/01262/FUL

Land Bounded By Maldon Road and Creeksea Lane Burnham-on-Crouch



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Maldon District Council 100018558 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: 17/01262/FUL

Date: 21/02/2019

MSA Number: 100018558

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Maldon Road and to the east of Creeksea Lane. The application site is located outside the settlement boundary of Burnham-on-Crouch, but forms parts of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for 180 dwellings.
- 3.1.2 The site measures 1 hectare in area, but is irregularly shaped with the east boundary measuring 105.4 metres long, the south 105.2 metres long, the west 128.1 metres long and the north 43 metres long.
- 3.1.3 The site consists of agricultural land which does not contain any built form.
- 3.1.4 To the south of the site is a dwelling house known as Creeksea Lodge. This is a two storey dwelling that is located approximately 16.1 metres from the shared boundary with an access from Creeksea Lane that is immediately adjacent to the south west corner of the application site.
- 3.1.5 To the north west of the application site is a 22.1 hectare parcel of land that is shown to be within the applicant's control. This site is also free of built form and appears to be agricultural land.
- 3.1.6 To the north of the site is Maldon Road which is lined by residential properties consisting mostly of detached dwellings on large plots.
- 3.1.7 The site benefits from planning permission as part of the larger site allocation, which was granted planning permission under the terms of application FUL/MAL/14/00356. The permission allows for the erection of 120 dwellings at the site, which would be accessed from Maldon Road.
- 3.1.8 This application seeks planning permission for the erection of four dwellings at the application site. Planning permission has already been granted for four dwellings and associated garages under permission FUL/MAL/14/00356. Furthermore, it must be noted that the proposed development would not increase the overall number of dwellings on the site. The proposed dwellings and garages are of the same design, scale and bulk as those that were previously approved under the terms of application FUL/MAL/14/00356.
- 3.1.9 The site would be accessed from Maldon Road with a vehicle access being provided 60 metres to the east of the junction with Creeksea Lane and 84 metres from the proposed access to the neighbouring housing site that is currently being constructed. The estate road that would serve the development would run in a south westerly direction to a point that is adjacent to the Creeksea Lane frontage of the site, with access onto Creeksea Lane restricted to pedestrian and cycle access only.
- 3.1.10 Plot one would be located to the north west of the access road and south west of Maldon Road. The plot would measure 1,127 square metres in area. Plot 2 would be located directly opposite on the south east side of the access road and to the south

west of Maldon Road. Plot 3 would be provided at the south east corner of the site and plot 4 would be provided to the north of the estate road, adjacent to the Creeksea Lane frontage of the site.

- 3.1.11 The dwellings on plots 1 and 2 would consist of house type 5E, with the dwellings being handed replicas of each other. Each dwelling would consist of a pair of gable wings running from front to back (measuring 5.6 and 6 metres wide and 8.6 and 12.3 metres deep) with an eaves height of 5 metres and a maximum height of 9.1 metres. A subservient link would be provided between these blocks that would measure 6 metres wide and 6.1 metres deep with an eaves height of 3.8 metres and a ridge height of 7.4 metres and two eaves dormers to the front elevation. A 5.8 metre wide, 6.1 metre deep two storey projection would be provided to the side of the dwelling that would have a height that matches the abovementioned link section, this would contain a garage measuring 5.6 metres by 5.5 metres internally.
- 3.1.12 The dwellings on plots 3 and 4 would consist of house type 5D, with the dwellings being handed replicas of each other. Each dwelling would consist of a single gable wing running from front to back (measuring 6.1 metres wide and 12.5 metres deep) with an eaves height of 5.3 metres and a maximum height of 9.4 metres. To one side would be a side projection that would measure 5.6 metres wide and 6.1 metres deep with an eaves height of 3.8 metres and a ridge height of 7.6 metres. An 8.2 metre wide, 6.1 metre deep two storey projection would be provided to the opposite side of the dwelling that would have an eaves height of 5 metres and a ridge height of 8.6 metres.
- 3.1.13 Plots 3 and 4 would also feature detached triple garage buildings with accommodation above. Each building would measure 6 metres deep and 9.9 metres wide with an eaves height of 3.9 metres and a ridge height of 7.5 metres. The buildings would feature three garage doors and a conventional door to the front along with three eaves dormer windows which would serve the first floor accommodation, including a bedroom, living area, kitchen and bathroom.

3.2 Conclusion

- 3.2.1 The application site forms part of strategic site allocation S2(i) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for 180 dwellings. Therefore, the principle of development is considered acceptable and the site is regarded as sustainable.
- 3.2.2 In addition to the above, having taken all the material planning considerations into account it is considered that the proposed dwellings are of are considered to be of an acceptable design which would not cause detrimental impacts on the character and appearance of the area and the development would not cause undue harm to neighbouring amenity or highway safety. Furthermore, subject to conditions it has also been found that the development would provide suitable surface water and foul drainage schemes which would not negatively impact on surface water flooding. Nor is it considered that the development would be harmful to protected species. Having regard to this the development is considered to accord with the policies within the approved Local Development Plan and the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained within the Maldon District Design Guide and National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

4.1 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- N2 Natural Environment and Biodiversity

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)
- Maldon District Design Guide SPD
- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be determined in accordance with the Development Plan unless material considerations dictate otherwise, which in this case is formed of the Maldon District Local Development Plan (LDP) and the Burnham-on-Crouch Neighbourhood Development Plan.
- 5.1.2 The application site is part of a strategic site allocation identified under policy S2, which allows for the erection of 180 houses on a 22.3 hectare parcel of land. Planning permission was granted under the terms of application FUL/MAL/14/00356 for 180

homes, including 20 bungalows, a new vehicular access, a spine road through the development, green space and associated infrastructure, and it is noted that the land within the application site was to be developed for the purposes of providing four dwellings.

5.1.3 Therefore, taking into account planning permission for the provision of four dwellings on the site already exists, it is considered that the principle of constructing four dwellings at this site is acceptable in accordance with policies S2 and S6 of the LDP.

5.1.4 In terms of sustainability, the site is a strategic allocation defined under policy S2 of the LDP and has previously been considered to be sustainable. There are no material planning considerations that would also this stance and therefore, there are no objections in regards to sustainability.

5.1.5 Annexe Accommodation

5.1.5.1 The application proposes the provision of two garages with annexe accommodation within the roofspace. The accommodation would include an open plan kitchen and living area, a bedroom and bathroom. It is a conventional expectation that annex accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.

5.1.5.2 In addition to the above the Specialist Needs Housing SPD, which was adopted September 2018, states that proposals for annexe accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:

1. Be subservient / subordinate to the main dwelling;
2. Have a functional link with the main dwelling (i.e. the occupants dependant relative(s) or be employed at the main dwelling);
3. Be in the same ownership as the main dwelling;
4. Be within the curtilage of the main dwelling and share its vehicular access;
5. Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
6. Have no separate boundary or sub division of garden areas between the annex and main dwelling; and
7. Have adequate parking and amenity facilities to meet the needs of those living in the annex and main dwelling.

5.1.6 In regards to the first criteria outlined above, the proposed annexes are considered to be subservient to the main dwellings, as although the outbuildings which house them are of a significant scale and bulk, this is relative to the size of the proposed dwellings. This visual impact is discussed fully in section 5.4 of this report. Furthermore, the proposed annexe would not be a standalone building and would be built as part of an outbuilding that also provided a garage.

- 5.1.7 In relation to the second criteria, no details have been provided of who would occupy the proposed buildings and it has therefore not been established that there would be a functional link between the dwellings and the annexes. However, it is considered that this matter could be adequately addressed through the imposition of a condition. Likewise, with respect to the third criteria, it is considered that the imposition of a condition to limit the use would also have the effect that the buildings would remain in the same ownership. The sixth criteria sets out a similar requirement in terms of the site not being sub-divided and like the response to the second and third criteria, it is considered that this matter can be addressed through the imposition of conditions.
- 5.1.8 In relation to the fourth criteria, whilst the large buildings would be slightly detached from the host properties, the proposed building would be built within the curtilage of the host dwelling and would provide a garage which serves the host dwelling at ground floor. Furthermore, the annexes would share their vehicular access with the host dwellings and therefore this criteria has been met.
- 5.1.9 The proposed buildings would be detached from the host dwelling which would prevent the fifth criteria being complied with as it could not be converted to be 'integral' to the host dwelling. However, it is considered that this requirement is somewhat onerous as a number of annexes approved by the Local Planning Authority and the Planning Inspectorate allow for detachment between the host dwelling and the annexe. Furthermore, as the annexe would be located above the proposed garage it would have the potential to be used in association with this ancillary use. This is not to say that this is acceptable in visual terms, as will be discussed further below, but it is considered that the requirement to be 'integral' is outweighed as a material consideration by other decisions.
- 5.1.10 As discussed at section 5.6, adequate parking would be able to be provided at the site in accordance with the seventh criterion.
- 5.1.11 For these reasons, notwithstanding the concerns that are raised above, it is considered that conditions could be imposed to ensure that the development would comply with the majority of the criteria set out above. Whilst the buildings would have a full range of facilities, it is considered that there is no preclusion from this within the abovementioned guidance and the 'subordination' in this regard could be secured through the imposition of a condition. Therefore, although there are concerns that the proposed development would exceed what can be reasonably considered to be annexes to the host dwellings, it is considered that subject to the imposition of a suitable condition, the Locals Planning Authority (LPA) can proceed on the basis that the buildings will be used as ancillary accommodation and not as independent dwellings, which would not be an acceptable form of development in this location

5.2 Housing Mix

- 5.2.1 The proposals would provide a range five bedroom detached dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June

2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

5.2.2 Policy HO.2 of the Burnham-on-Crouch Neighbourhood Plan (BOCNP) states that new housing development should include homes for first time buyers, single people, affordable homes and family homes at a range of sizes and styles including bungalows, semi-detached, detached and terrace houses.

5.2.3 Having regard to the above, the proposed five bedroom dwellings will not make a significant contribution to the District's Housing Need. However, the site benefits from permission and four dwellings of this scale could be built out on this site. Therefore, no objection is raised to the housing mix of the development.

5.3 Affordable Housing

5.3.1 Policy H1 of the LDP states that housing developments of more than 10 dwellings or more than 1,000sqm will be expected to contribute towards affordable housing. Within the Strategic Allocations the expected requirement is 40%. Any relaxation of this requirement will only be considered where the Council is satisfied that such requirement will render any development proposals unviable. As the floor area of the proposed dwellings exceeds 1,000sqm (1,508sqm), then there is a requirement for a 40% affordable housing contribution.

5.3.2 The four dwellings proposed as part of this application were also considered as part of the 180 approved under the previous permission (FUL/MAL/14/00356). As part of this application it was agreed within the Section 106 (S106) Agreement (Deed of Variation) signed and dated 23 January 2019 that a 40% contribution (72 homes) would be provided. These homes are shown within the agreement to be provided in whole on the land to the east of the application site and not within the red line boundary of this site. Therefore, as the required 40% has been provided as part of the larger planning permission for the entire strategic site it would not be considered reasonable to seek a further contribution within this site, despite the trigger for a contribution.

5.4 Design and Impact on the Character of the Area

5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents.”

- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.4.5 Policy HO.5 of the Burnham-on-Crouch Neighbourhood Development Plan states that development on the Maldon Road and Creeksea Lane frontages should respect the scale and character of existing development and should bring forward high quality designs. Similarly HO.8 states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.4.6 The application site lies outside of any defined development boundary. However, the site is a Strategic Allocation which has been identified for housing development under Policy S6 of the LDP.
- 5.4.7 As part of the consideration of application FUL/MAL/14/00356 the wider application site was split into three character areas. The dwellings subject of this application fall within the northern section which was characterised by low density development with larger dwellings in more spacious plots and significant amounts of green landscaping to reflect the existing low density along Maldon Road.
- 5.4.8 The proposed dwellings in terms of their scale, bulk and height are of a considerable size. However, each is set within a substantially sized plot and there are sufficient distances between the proposed dwellings to ensure that the development does not appear cramped and that the spacious character defined by Creeksea Lodge to the south is maintained.
- 5.4.9 The design and layout of the proposed dwellings has not been altered in relation to the previous approval. As part of the previous application it was considered that the

house types proposed are of a high quality design. Given that there has been no variation in the design, size, scale and bulk of the dwellings proposed it is considered reasonable to reach the same conclusion when assessing this application.

Furthermore, it is noted that the design of the dwellings reflect the size, scale and bulk of the two gateway dwellings to the east of the application site along the spine road approved as part of the previous application and application FUL/MAL/18/00093, which related to a variation of layout for the land to the east of this application site. Therefore, it is considered that the proposed dwellings will assimilate into the wider site to an acceptable degree.

5.4.10 The proposed garages at a height of 7.5m are large structures, with a significant scale and bulk. Furthermore, the provision of three dormer windows within the principle roofscape, two rooflights to the rear and a first floor window in the side elevation creates the appearance of a dwelling rather than an outbuilding. However, it is noted that the proposed garages would be of a smaller scale and bulk than their associated dwellings which are also of a considerable size and therefore, when considered alongside the dwellings rather than in isolation, it is not considered that the garages, on balance, would appear as overly large or dominant additions. Furthermore, given that they would be situated at the end of a driveway at a maximum of 6m from the host dwelling it is considered that they would be seen in association with the host dwelling rather than independent units of accommodation.

5.4.11 In addition to the above, there have been no alterations to the design, siting, scale or bulk of the proposed garages. Therefore, given that there were no previous objections to these structures as part of the previously approval, taking a pragmatic approach, it would not be reasonable to object to the application on design grounds.

5.4.12 Having regard to the above assessment it is not considered that the development will result in detrimental harm to the character and appearance of the site or the surrounding are in accordance with policies S1, S8 and D1 of the LDP, policies HO.5 and HO.8 of the BOCNDP and guidance contained with the Maldon District Design Guide (MDDG) and the NPPF

5.5 Impact on Residential Amenity

5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).

5.5.2 The application site adjoins two neighbouring dwellings, Creeksea Lodge to the south and Plot 7 of the adjoining development site (FUL/MAL/18/00093). There are also neighbouring properties on the northern side of Maldon Road which are adjacent to the application site.

5.5.3 The closest dwelling to Creeksea Lodge would be plot 3 at a distance of 10m from the shared boundary. The dwelling within this plot is positioned within its flank elevation facing south towards Creeksea Lodge, which contains no windows and only one bathroom window on the return set further from the boundary. Having regard to this, it is considered that given the orientation and the position of the dwelling in plot 3 that the proposal would not result in demonstrable harm to the amenity of the occupiers of

Creeksea Lodge. Given that a condition requiring obscure glazing was not imposed as part of the previous permission, it is not considered reasonable to do so in this instance.

- 5.5.4 To the north and west of the application site there are a number of residential dwellings located along both Maldon Road and Creeksea Lane. The proposed development will include the addition of a vehicular access onto Maldon Road. Whilst it is acknowledged that the development would increase vehicular movements, it is not considered that this would result in materially harmful impacts upon neighbouring occupiers. Therefore, it is not considered that there would be detrimental harm to the amenity of occupiers along both Creeksea Lane and Maldon Road.
- 5.5.5 C07 of the MDDG states that ‘where new development backs onto the rear gardens of existing housing; their distances must be a minimum of 25m’. Whilst this relates to existing housing it is considered good practice to maintain this standard for new dwellings also. The proposal generally maintains these distances and due to the layout of the site and angling of the dwellings, the properties would not directly face onto one and other. The only exception to this is plot 4 which is set 19.9m from the approved plot to the north. However, given that the dwelling would look onto the flank elevation of the neighbouring dwelling which does not contain any windows at its closet point and two first floor windows serving bedrooms in a set back at a distance of 27m from plot 4. Therefore, it is not considered that there would be any undue harm to the neighbouring amenity of the future occupiers of the dwellings.
- 5.5.6 Plots 2 and 3 are the closest to plot 7 of FUL/MAL/18/00093 at a distance of 55m. Given the separation distance and the amount of landscaping between the plots, it is not considered that the development would result in undue harm to the future occupiers of neighbouring plot 7.
- 5.5.7 Having regard to the above it is not considered that the development would result in undue harm to the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the LDP and guidance contained with the MDDG.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council’s adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council’s adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the

negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.6.3 The standards state that a dwelling with four or more bedrooms should provide parking for three vehicles. A one car garage should measure 3m x 7m and parking bay should measure 2.9m x 6m where it would be situated in front of a garage door.
- 5.6.4 Although the detached garages proposed at plots 3 and 4 are of a depth of 6m and therefore, would not provide sufficient space to park a vehicle within the garage, there is sufficient space to the front of the garages to provide the required three spaces.
- 5.6.5 The garages proposed at plots 1 and 2 would have a depth of 6.1m and therefore also fall short of the required standard. There is space to the front of the garages to park two vehicles and so there would be a shortfall of one parking space per dwelling. However, it is noted that the provided level of parking has not altered since the previous permission and given that the site is set within a sustainable location it is not considered that the shortfall is so significant as to warrant refusal of the application.
- 5.6.6 In terms of the access, the proposal originally proposed the use of a bell mouth junction. However, the Local Highway Authority stated that that proposal would not be adoptable by them due to the small scale of the proposal and the junction arrangement being over engineered. In response to this the applicant has altered the access arrangement to include a 5m wide drop kerb access. Following further consultation with the Local Highway Authority regarding the revisions they have confirmed that the proposal is now acceptable from a highway safety perspective. Therefore, there is no objection in this regard.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 The proposal relates to four, five bedroom dwellings and therefore, there is a requirement for 100m² of amenity space per dwelling. The submitted information demonstrates that each dwelling will be provided with amenity space well in excess of the stated requirement and therefore, there is no objection in this regard.
- 5.7.3 The application includes the provision of approximately 0.2ha of public open space towards the southwest corner of the site. This level of public open space in relation to the number of dwellings proposed is considered acceptable.

- 5.7.4 There have been no arboricultural related reports submitted with the application, although the submitted site plan demonstrates that there will be an extensive amount of tree planting within the site. Given the lack of detail regarding landscaping and that an intermediate pressure gas pipeline lies to the north of the site where landscaping is restricted, it is considered that a condition should be imposed requiring the proposed hard and soft landscaping to be agreed with the Local Planning Authority.

5.8 Surface Water and Foul Drainage

- 5.8.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.8.2 Policy D5 also states that *“The Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency”*.
- 5.8.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Surface Water Drainage Strategy which includes details of how surface water would be managed. A foul drainage strategy is also included.
- 5.8.4 The proposed strategy will involve the discharge of surface water into a local watercourse via an existing on site pond and the provision of an attenuation pond to control the discharge flows. The strategy has been outlined to function as follows:
- Domestic drainage from roofs and private driveways for plots 1, 2, 3 & 4 are proposed to drain into a private pipe network to then discharge into the proposed piped surface water network underneath the highways area.
 - The runoff collected into the surface water piped network will attenuate into a proposed attenuation pond.
 - The attenuation pond will discharge into the existing pond at a controlled rate of 0.73 l/s.
 - These flows from the existing pond then discharge into the ditch to the north-east of Creeksea Lodge.
- 5.8.5 It is noted that objecting comments have been received in relation to this proposed scheme which largely relate to ownership issues and due to blockages within the ditches. However, given that the Lead Local Flood Authority (LLFA) have raised no concerns in this regard and consider that the scheme as proposed is suitable subject to conditions relating to maintenance which would address the blockages issue, it is considered that the proposed drainage system is acceptable. Furthermore, ownership is not something that can be dealt with via planning legislation and is a civil matter.
- 5.8.6 Although the proposal is considered acceptable in drainage terms, concerns have also been raised in relation to the impacts on the Great Crested Newts population which exist in the pond proposed to accept the flows. This will be addressed at section 5.11.

5.9 Contamination

- 5.9.1 Policy D2 of the Approved Maldon District Local Development Plan states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.9.2 No information regarding contamination has been submitted as part of the application. However, it is noted that as part of the previous permission a Phase 1 Environmental Assessment was submitted and identified that the application site was to be of low risk of the presence of contamination. The report recommended that further intrusive investigation should be carried out which was imposed via a condition. This condition was subsequently cleared under application DET/MAL/18/05057 and it was concluded that no remediation was required. The report encompassed the application site.
- 5.9.3 Having regard to this it is not considered reasonable or necessary to re-impose the condition as the matters have previously been dealt with.

5.10 European Designated Sites

- 5.10.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.10.2 The development of four dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to four dwellings

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.10.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.10.4 It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of four additional dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of four additional dwellings in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused. Furthermore, as discussed above, the site benefits from planning permission for four dwellings. It is not considered that the granting of this planning application would result in any more harm than already could occur if these dwellings were built out.

5.11 Ecology

- 5.11.1 The proposed surface water drainage scheme will involve the surface water discharging from the attenuation pond into the existing pond on site. This differs from the permission (FUL/MAL/14/00356) as the previous permission did not involve the surface water run-off going through the existing pond. Therefore, the impact on the Great Crested Newt population needs to be considered.
- 5.11.2 The design drawings for the attenuation pond and flow control mechanisms connecting the new to the existing ponds are satisfactory in demonstrating that there would be minimal negative impact on Great Crested Newts in the area. Furthermore, any initial impact would be mitigated in the longer term with the net benefit / gain of the new attenuation area as a potential forage / refuge habitat. However, a condition should be imposed ensuring that there is a suitable Non-Licensed method statement in place to ensure that there is minimal disturbance or damage to species or habitats. Furthermore, it is also possible that the Newt population size has changed, either increasing or decreasing and so a 'watching brief' will also need to be maintained throughout the works which can be secured via a condition. This is particularly important as Great Crested Newts are largely terrestrial and depending upon the timing of the excavation works for the attenuation pond, they are most likely to be in the environment around the existing pond and not in the water.
- 5.11.3 The Countryside and Coast Manager has been consulted and supports this stance.

5.12 Environmental Impact Assessment

- 5.12.1 It is noted that an Environmental Impact Assessment (EIA) was required as part of the previous permission. However, given the size of the site (1ha) and the limited number of dwellings proposed (4) it is not considered that the development would have a significant effect on the environment. Therefore, in this instance an EIA is not required.

5.13 Archaeology

- 5.13.1 The Essex Historic Environment Record (EHER) shows that the proposed development site is located to the north-west of an extensive Late Iron Age and Roman settlement site (EHER 49206). Trial-trenching in the area adjacent to the site, which was conducted as part of the neighbouring permission, identified archaeological features including Late Bronze Age and post-medieval or post-medieval roadside activity in this area. Therefore, it is considered that a full archaeological condition should be attached to the permission.

5.14 Other Material Considerations

- 5.14.1 The Environmental Health Team have recommended a condition requiring a noise impact report and scheme of mitigation due to the proximity of the development to Maldon Road. However, given that a noise condition was imposed on permission FUL/MAL/14/00356 only in relation to the south of the site, which would be adjacent to an industrial site and not in relation to the development fronting Maldon Road, it is not considered reasonable to impose this condition as part of this application.
- 5.14.2 The conditions imposed on FUL/MAL/14/00356 have been considered in relation to this application and were re-imposed where relevant and necessary in order to provide consistency. Where required the conditions were updated to reflect changing guidance, which includes resisting the use of pre-commencement conditions unless necessary. As part of this process a condition regarding the provision of broadband was not considered proportionate to a development of four houses and therefore, has been omitted in this instance. Likewise, a condition requiring details of the phasing of the development is not considered necessary as the development relates to four dwellings only.
- 5.14.3 Plan 017-038-001 (Block Plan) shows that 1.8m brick walls will be provided as boundary treatments adjacent to the public realm and 1.8m high fences to the rear gardens, which are considered appropriate. Therefore, a boundary treatment condition is not considered necessary, but material details of the proposed walls should be submitted as part of the materials conditions.

5.15 Pre-Commencement Conditions

- 5.15.1 The applicant has been contacted to seek confirmation of the use of pre-commencement conditions. Any response will be communicated via the members update.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00356**– Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments. Approved Subject to S106.
- **FUL/MAL/17/01242** - Variation of conditions 39 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.). Approved.
- **FUL/MAL/17/01445** - Variation of condition 18 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.) Approved.
- **FUL/MAL/00093** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Object – lack of sufficient detail regarding SuDs, foul sewage, ecology and the separate living accommodation above two of the 3 garage structures and the ridge height of the houses.	<p>The Town Council have been re-consulted on the revised drainage strategy that has been received. Any response will be updated via members update. However, it should be noted that Environmental Health and the LLFA raise no objection to the proposal in relation to SuDS or foul sewage.</p> <p>The Coast and Countryside Team have been consulted on the changes and consider that the works are</p>

Name of Parish / Town Council	Comment	Officer Response
		<p>acceptable in terms of impacts on ecology. This is addressed at section 5.11.</p> <p>Matters in relation to drainage are covered in section 5.8</p> <p>In terms of the living accommodation and the ridge height of the garage structures, the proposed garages do not differ was approved under the terms of the previous application FUL/MAL/14/00356. Furthermore, the separate living accommodation can be condition to remain ancillary to the host dwelling.</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	The proposal is acceptable subject to a condition	Noted and addressed at section 5.6 of this report.
Sustainable Drainage Systems	Final response dated 8 th January 2019 states that there is no objection subject to conditions	Please see section 5.8 of this report.
Anglian Water Services	No objection received. The development does not fall within the threshold of which bespoke advice is given.	Noted.
Environment Agency	No objection received. The development does not fall within the threshold of which bespoke advice is given.	Noted.
Cadent Gas	Objection will be raised to any proposed dwelling that is proposed within the 6m easement of the intermediate pressure gas pipeline. Formal written approval must be obtained from Cadent Gas before commencing any works within the easement.	Whilst this would not prevent the granting of planning permission, an informative will be included on the decision if the application is approved.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	<p>The proposed development is located to the north-west of an extensive Late Iron Age and Roman settlement site (EHER 49206). Trial trenching in the area adjacent to this application identified archaeological features including Late Bronze Age and post-medieval features. The location at the road junction also raised the possibility of medieval or post-medieval roadside activity in this area.</p> <p>Archeological features are both fragile and irreplaceable and it is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent.</p>	Noted and addressed at section 5.13 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle. A noise impact survey should be submitted to demonstrate how the proposed development is to be protected from noise resulting from Maldon Road.</p> <p>A contaminated land survey has not been submitted. As part of the previous application for the larger site a preliminary investigation suggested further intrusive investigation was required and so contaminated land conditions should be applied.</p>	<p>Addressed at section 5.14 of this report.</p> <p>Addressed at section 5.9 of this report.</p>

7.4 Representations received from Interested Parties (*summarised*)

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

Objection Comment	Officer Response
Scheme is reliant on discharges of surface water through a new attenuation pond into the established pond owner by Pigeon and Creeksea Lodge, and then into trenches and non-contiguous ditches owned by Creeksea Lodge.	Addressed at section 5.8 of this report.
Established pond is a breeding ground for Great Crested News and unsuited to receive road and domestic runoff water.	Addressed at section 5.11 of this report.
Works in relation to the pond and trenches would damage the vulnerable root system of the mature trees bordering the Creeksea Lodge property.	The protection of the trees can be addressed via a condition.
The plan showing the proposed diversion of the sewer is incorrect. Creeksea Lodge discharges combined foul / water into the public system. Currently the plan shows that the diversion of the combined sewer becomes declassified to a foul sewer only. This requires correction and any abandoned length of sewer pipe would need to be well sealed against vermin occupation.	The Environmental Health Department, LLFA and Anglian Water have been consulted and raise no objection.
Concerns regarding extra load on foul and surface water systems.	Addressed at section 5.4 of this report.
Lack of noise and visual barriers between the development and Creeksea Lodge.	Landscaping can be agreed by a condition. It is not considered that a residential use would have unacceptable noise impacts on the adjacent occupiers. An informative will be included outlining working hours and a construction management plan will be required via a condition which will also help mitigate against any adverse impacts during the construction phase.
No construction traffic should enter Creeksea Lane.	
A document outlining the changes between this proposal and the original would be helpful. It is not clear whether the originally approved 180 houses include the ones subject of this application.	The development is included within the originally approved 180 homes as part of application FUL/MAL/14/00356.
Appendix 5 – the historical land uses should reference the WW2 usage of the	Any land contamination will be addressed through the proposed

Objection Comment	Officer Response
site by the Armed Forces who have left behind munitions and asbestos.	conditions outlined at section 5.9 of this report.
Appendix 6 – Any works to the pond would need to be agreed contractually by Creeksea Lodge as it is in joint ownership.	This is a civil matter and cannot be dealt with through planning legislation.
Additional landscaping should be mandated to block up the existing tractor access on the southwest corner of the site.	The plans show landscaping along the western boundary of the site. This will be secured by a condition.
Concerns regarding construction traffic using Creeksea Lane and the noise levels from machinery.	This will be addressed through a construction management plan.
Concerns over the size of the proposed garages in relation to their mass and drainage capacity.	Addressed at sections 5.4 and 5.8 of this report.
Foul and surface water drainage proposals are not feasible and are based upon inaccurate surveys and ownership assumptions.	Addressed at section 5.8 of this report. Although it should be noted that ownership is a civil matter.
Concerns that the development will fail to protect the Great Crested Newts.	Addressed at section 5.11 of this report.
The dwellings access onto to Creeksea Lane do not provide suitable visibility splays.	There dwellings shown to access Creeksea Lane are illustrative and do not fall within the site area and therefore, are not for consideration as part of this application.
The Hydro-brake proposed by TPA could not function even if the ditches were not 100% owned by Creeksea Lodge due to the long established blockages in the ditches.	Drainage is addressed at section 5.8 of this report.
Object to the proposal TPA should revise the proposal so that it connects with Barratt David Wilson Homes SuDS system on the immediately adjacent development to the east.	The developer has no obligation to connect to this system.
Concerns with Essex County Council's SuDS department recommending approval due to: <ul style="list-style-type: none"> - Barratt David Wilson Homes have left a connection to their own SuDS system which could be connected to. - Run off into the shared pond will impact on Great Crested Newts. Any overflow of the pond is proposed to flow in trenches on the northern and eastern sides of Creeksea Lodge. Due to	<p>The developer has no obligation to connect to this system.</p> <p>Addressed at section 5.11</p> <p>Addressed at section 5.11</p>

Objection Comment	Officer Response
historical blockages they have not been used as part of a drainage system in excess of four decades and the flow would not pass through the existing headwall to culverted watercourse on the east-southeast corner of Creeksea Lodge as shown. This has not been verified or tested.	

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted 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
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 017-038-001, 017-038-002, 017-038-003, 017-038-004, 017-038-005, 017-038-011, 017-038-012, 017-038-013, 1203-03 PL12.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No works above ground level shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development and the proposed boundary walls hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with guidance of the National Planning Policy Framework and policy D1 of the Approved Maldon District Local Development Plan.
- 4 No works above ground level shall commence until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1 Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2 Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3 Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation

Hard Landscape works:

- 1 Details of walls with brick types, construction design and dimensions
- 2 Details of paved surfacing, with materials finishing and edgings
- 3 Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

The scheme shall include details of future maintenance and management of any parts of the site that are not within a residential curtilage or adopted highway, which shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.

- 5 Prior to first occupation details of a Residential Travel Information Pack for sustainable transport shall have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.
REASON In the interests of increasing the use of sustainable transport in accordance with policy T2 of the Approved Maldon District Local Development Plan.

- 6 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.

Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be

- fully completed with final surfacing within twelve months from the occupation of such dwelling.
- REASON In the interests of highway safety in accordance with policies D1 and T2 of the Approved Maldon District submitted Local Development Plan
- 7 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.
- REASON To improve and enhance biodiversity value of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan.
- 8 No works above ground level shall occur until details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- REASON In order to ensure that development appropriately integrates with the setting and its proposed neighbouring dwellings, in compliance with policy D1 of the Approved Maldon District Local Development Plan.
- 9 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.
- REASON To protect the existing landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies D1, N1 and N2 of the Approved Maldon District Local Development Plan.
- 10 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:
- Access arrangements to the site in conjunction with demolition/construction operations.
 - The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - Wheel and underbody washing facilities.
 - Mitigation measures to protect ecology on site.
 - Dust management.
 - Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
 - Temporary site illumination.
 - Arrangements for keeping the site entrance and adjacent public road clean.
 - Construction noise management plan.

- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

REASON In the interests of amenity, highway safety and biodiversity having regard to policies D1, T2 and N2 of the Approved Maldon District Local Development Plan.

- 11 No works above ground level shall occur until details of the external public lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Approved Maldon District Local Development Plan.
- 12 Prior to the first occupation of the development the access arrangements, which shall have clear to ground visibility splays of 2.4m x 90m in either direction, as shown on drawing no.1203-03 PL12, Rev A, shall be fully implemented and retained as such in perpetuity.
REASON To provide safe and suitable access in the interests of highway safety in accordance with policies T1 and T2 of the LDP.
- 13 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Approved Maldon District Local Development Plan.
- 14 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has 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 development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Approved Maldon District Local Development Plan.

- 15 No works above ground level shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Pollution in accordance with policy D5 of the Approved Maldon District Local Development Plan.

- 16 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the LDP.

- 17 The development hereby permitted shall not commence until the measures set out in the approved remediation scheme, 774845-REP-ENV-001-Rev 2 - Phase 2 Geoenvironmental Assessment Report, which was approved under the terms of application 18/05057/DET, have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent undue contamination of the site in accordance with policy D2 of the Approved Maldon District Local Development Plan.

- 18 The annexe's within the first floor of the garages hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling within plots 3 and 4, not as a separate or independent unit of residential accommodation.

REASON To ensure that the extended annexe remains ancillary accommodation incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 19 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 017-038-005 for 10 cars to be parked and that

space shall thereafter be kept available for the parking of vehicles in perpetuity.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

- 20 The garage(s) shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure that the garage remains incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 21 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a Non-Licensed Method Statement, ensuring minimal disturbance or damage to species or habitats. This should include details of a watching brief and the timing of the excavation works.

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan.

INFORMATIVES

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.

- 2 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- 3 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- 4 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 5 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 6 Formal written approval must be obtained from Cadent Gas before commencing any works within the 6m easement of the immediate pressure gas pipeline. No buildings are permitted to be sited within the easement and landscaping in this area is also restricted.
- 7 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 8 Please note that the landscaping scheme should reflect the access shown on plan 1203-03 PL12 Rev A opposed to plan 017-038-001.