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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

22 January 2020

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE

on **THURSDAY 30 JANUARY 2020 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
DISTRICT PLANNING COMMITTEE
THURSDAY 30 JANUARY 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 20)

To confirm the Minutes of the special meeting of the District Planning Committee held on 23 October 2019 (copy enclosed).

4. **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.)

5. **19/01093/FUL - Land South Of Wycke Hill And Limebrook Way (Western), Maldon, Essex** (Pages 21 - 50)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **Any other items of business that the Chairman of the Committee decides are urgent**

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
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**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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.



**MINUTES of
DISTRICT PLANNING COMMITTEE
23 OCTOBER 2019**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, B S Beale MBE, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

474. CHAIRMAN'S NOTICES

The Chairman referred to the notices printed on the agenda.

475. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, Miss A M Beale, K W Jarvis and N Skeens.

476. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 19 September 2019 be approved and confirmed.

477. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council who were consulted on matters including highways and access and were Lead Local Flood Authority. In relation to Agenda Items 6, 7 and 8 she advised that as an Essex County Councillor she had been involved in a meeting with Anglian Water, North Fambridge Parish Council and the respective Ward Members and would also be involved in subsequent meetings.

Councillor R H Siddall disclosed a pecuniary interest in Agenda Item 5 – FUL/MAL/19/00561 The Commodity Centre, Braxted Park Road, Great Braxted as

they were one of his customers and advised that he would leave the meeting for this item of business.

Councillor M F L Durham disclosed a non-pecuniary interest as a member of Essex County Council who were statutory consultees on matters including education and highways.

In light of his earlier declaration, Councillor R H Siddall left the meeting at this point.

478. FUL/MAL/19/00561 - THE COMMODITY CENTRE, BRAXTED PARK ROAD, GREAT BRAXTED

Application Number	FUL/MAL/19/00561
Location	The Commodity Centre, Braxted Park Road, Great Braxted
Proposal	Change of use of land to a Lorry marshalling area, additional car parking and associated landscaping.
Applicant	Routebuy Ltd.
Agent	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	EOT 30.09.2019
Case Officer	Devan Lawson
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Partially sited within a Strategic site within the Local Development Plan

Following the Officers' presentation, the Agent, Mr Forde addressed the Committee.

The Chairman then formally moved approval of the recommendations as set out in the report. This was duly seconded.

In response to questions raised the Senior Planning Officer clarified that proposed condition 2 sought approval of a landscaping scheme.

The Chairman then put the proposal which upon a vote being taken was duly agreed.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development, with the exception of the landscaping, shall be carried out in accordance with the following approved plans and documents: 17.4443/M001, 17.4443/M002 Rev E, 17.4443/M003 Rev D, 17.4443/E101 Rev D, 17.4443/P201 Rev G, 17.4443/P205 Rev D, NC18.441-P201 Rev B, 12292-SK03 Rev A,
- 2 No further development shall be carried out unless within three months of the date of this decision a scheme for the landscaping of the site, including details of changes to natural ground level and a timetable for its implementation, has been submitted for the written approval of the local planning authority.

The use hereby permitted shall cease and all hardstanding and stored items brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three months of the date of this decision the above mentioned landscaping scheme shall have been submitted for the written approval of the local planning authority
 - (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable
- 3 The hard surfacing of the development hereby approved shall be constructed of grey coloured road planings / scalpings as detailed within the application form and as detailed on plan 12292-SK03 Rev A.
- 4 No further development shall be carried out unless within three months of the date of this decision a scheme for scheme detailing the means of preventing oil and other such liquid pollutants leaking / seeping into the land or controlling such leaking / seeping, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three (3) months of the date of this decision a scheme detailing the means of preventing oil and other such liquid pollutants leaking/seeping into the land or controlling such leaking/seeping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable
- 5 Any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway.
- 6 The movement of vehicles and running of engines shall only be undertaken between 0700 hours and 1900 hours on weekdays and between 0700 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 7 No further development shall be carried out unless within three months of the date of this decision a scheme detailing any lighting to be installed at the site, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a scheme detailing any lighting to be installed at the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
 - (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 8 The hardstanding and parking shall be used only for purposes in conjunction with and ancillary to the primary use of the buildings labelled 'A Shed' 'B Shed', 'E Shed', 'K Shed' 'F Shed' on plan 17.4443/P201 G and shall not be used separately.
- 9 The vehicle parking area and associated turning area as shown on planning drawing 17.4443/P205 Rev D shall be retained in the agreed form at all times.
- 10 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the abovementioned plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
- 11 Within 3 months of the date of this decision the measures, including the maintained measures, contained within the Flood Risk Assessment and Drainage Strategy a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place and retained in perpetuity. The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet this requirement.

Councillor Siddall returned to the meeting at this point.

479. DET/MAL/19/05116 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	DET/MAL/19/05116
Location	Land West of Fambridge Road, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

Following the Officer's presentation Councillor Lloyd of North Fambridge Parish Council, Mr Boden (an objector) and the Agent Mr Houghton addressed the Committee.

The Chairman then formally moved that the Officers' recommendation as set out in the report be agreed. This was duly seconded.

Both Ward Members addressed the Committee, providing some history regarding the site and raised concern regarding zonal funding, the proposed route of the pipeline and proposed conditions. Deferral of the application until written agreements, pipeline plans had been agreed was suggested but not supported.

In response to a query regarding condition 13 and discharging this, the Senior Development Control Officer clarified that legal advice had been sought and it had been confirmed that the majority of the second part of this condition related to compliance. The element that needed information submitted related to the confirmation of capacity which had been received. It was clarified, that in discharging a condition Members were not removing the condition from the consent and it could therefore be enforced. By discharging the Council was purely discharging particular elements of the condition.

A comment was raised in relation to the location of the pumping station, referred to by the public speaker and it was confirmed that approval of the pumping station had been given as part of a separate Reserved Matters application. Following further comments regarding conditions, the Lead Specialist Place advised that any differences related to drafting styles.

The Senior Development Control Officer provided Members with information from Anglian Water with regards to installation of the rising main and how the proposed route of this was for them to agree.

Following further debate the Chairman put the earlier proposal of approval. Upon a vote being taken this was agreed.

RESOLVED that the following conditions be **DISCHARGED**:

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
13	Yes
31	Yes
33	Yes

480. DET/MAL/19/05117 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE

Application Number	DET/MAL/19/05117
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 16 - Foul water strategy. Condition 29 - Detailed wastewater
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

In response to a question regarding the Planning Inspectorate's appeal decision in relation to the outline application, the Senior Development Control Officer advised Members that this application dealt with discharge of conditions no additional dwellings were proposed and therefore no further mitigation was required in respect of the adjacent RAMSAR site.

In response to a request, the Officer outlined why these conditions were being discharged and a subsequent application due to be considered by the Committee was removing them. Members were informed that the Council had a duty to determine this application, but its implementation was up to the applicant.

The Chairman put the Officers' recommendations to the Committee and upon a vote being taken this was agreed.

RESOLVED that the following conditions be **DISCHARGED**:

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
16	Yes
29	Yes

481. OUT/MAL/19/00556 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE

Application Number	OUT/MAL/19/00556
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Remove conditions 16 & 29 on approved application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) and replace with a new condition.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Member Call In Under Planning Performance Agreement (PPA)

Following the Officers' presentation Councillor Lloyd of North Fambridge Parish Council addressed the Committee.

Councillor Miss S White, a Ward Member, felt that the comments raised by the Parish Council in respect of lighting were valid and Condition 6 should be amended to request the height of lighting poles be reduced to take into consideration wildlife and nature on the site. In response the Senior Development Control Officer explained that the reasons why this change to the condition could not be applied as nothing had materially changed but advised that an informative could be added suggesting that a sensitive lighting scheme be implemented.

In response to comments from Members, the Lead Specialist Place advised that a variation of conditions application provides the Council opportunity to review conditions, the proposed revised conditions had taken into account changes to Government Guidance one of which was that prior to commencement should not be used.

Councillor Miss White proposed that a condition be added seeking that the lighting strategy be brought back for Member approval. In response the Lead Specialist Place provided some guidance regarding requiring conditions to be brought back to the Committee as this was delegated to Officers. He further explained and gave example of where the Director of Strategy, Performance and Governance had used his delegated powers to send an item back to the Committee.

It was further clarified that the Ecological Mitigation Strategy (EMS) had been approved under the previous DET permission and would apply to this application. Any lighting scheme submitted would have to be sensitive as part of the EMS.

The Chairman then proposed that the Officers recommendation of approval as set out in the report be agreed and this was duly seconded. Upon a vote being taken this motion was declared lost.

A discussion ensued and in response the Lead Specialist Place advised that in relation to Members' concerns regarding ecology and lighting taking into account the DET application which had been agreed it would be reasonable to vary proposed condition 6 to accommodate details from the DET and make the condition clearer that the two matters were dealt with together.

Councillor Mrs P A Channer proposed that the application be approved as set out in the report subject to an amendment to condition 6, the wording revised condition to be agreed with the Chairman of the Committee and Ward Members. This proposal was duly seconded and upon a vote being taken agreed.

RESOLVED that this application be **APPROVED** subject to the applicant entering into a deed of variation legal agreement to tie the Section 106 legal agreement pursuant to the Town and Country Planning Act 1990 (as amended) attached to planning application OUT/MAL/14/01018 this permission to secure planning obligations and the following conditions:

HEADS OF TERMS OF DEED OF VARIATION / SECTION 106

AGREEMENT:

- 30% Affordable Housing required
- School Transport Contribution

CONDITIONS:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters"), for which approval was granted under reference RES/MAL/18/00558 on 7 July 2018. The development shall be carried out fully in accordance with the details as approved.
- 2 The development hereby permitted shall be begun by 17 July 2020. The development shall be carried out as approved.
- 3 The development hereby approved shall be constructed in accordance with the finished ground and finished floor levels agreed under DET/MAL/17/05142 and detailed on the submitted Site Levels Layout plan (Drawing No: Site B 132915-301-5 Revision P4 dated 21.02.2018 prepared by RSK) unless further details showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.
- 4 The hard landscape works approved under RES/MAL/18/00558 (as specified on External Works Plan Drawing No: 746.231.07 dated 05.06.2018) shall be carried out as approved prior to the beneficial occupation of the development hereby approved and retained as such thereafter.
- 5 The tree protection and soft landscape works approved under RES/MAL/18/00558 as per the following details and Drawing No:-
 - JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
 - Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
 - Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
 - Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd

- Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, 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.

- 6 Prior to the first occupation of the development hereby approved, a lighting strategy for the development, including the details of any street lights shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will need to be sensitively designed to minimise disturbance to wildlife and accord with the Outline Ecological Mitigation Strategy dated July 2017 (or any subsequent ecological mitigation strategy approved pursuant to condition 18). The lighting shall thereafter be installed and retained in accordance with the approved details. There shall be no other lighting of the public areas of the site.
- 7 The construction of the development hereby approved shall be carried out in accordance with the construction management plan approved under DET/MAL/18/05092 and detailed in the following submissions:
 - Construction Management Plan – Rev D – dated July 2018
 - Crouch Road Access Plan (BDW_2A_SP_004 Revision A)
 - Construction Management Layout Plan (BDW_2A_SP_001 Revision D)

The construction management plan shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.
- 8 Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport which shall be submitted to and approved in writing by the Local Planning Authority. The travel information pack shall be provided on first occupation of each of the new dwellings.
- 9 The surface water drainage scheme approved as part of RES/MAL/18/00558 (Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018) shall be implemented prior to the first occupation of the development.
- 10 The surface water drainage scheme as referred to in condition 9 shall be managed and maintained in accordance with the details agreed under DET/MAL/17/05142 unless further details of who shall be responsible for the maintenance of the surface water drainage system in perpetuity, have been submitted to and approved in writing by the Local Planning Authority. The management of the surface water drainage system shall accord with the approved details thereafter.
- 11 No occupation of dwellings approved by this permission shall occur until:
 - 1) a foul and wastewater scheme has been submitted to and approved in writing by the Local Planning Authority;
 - 2) the foul and wastewater scheme referred to above is implemented, and

- 3) there is confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.

The foul and wastewater scheme as agreed and implemented shall be retained as such thereafter.

- 12 The approved remediation scheme agreed under DET/MAL/18/05122 (WSP Remediation Strategy dated September 2018) must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 13 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
- 14 Prior to the commencement of the development, and in accordance with plan reference b/PvPTheAvenue.1/01, received on 21 October 2014 under OUT/MAL/14/01018, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 15 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 there from. 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.

- 16 Prior to the first occupation of the development a scheme works setting out details of the access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- The construction of the access by way of a bellmouth with minimum radii of 6 metres;
 - The provision of two pedestrian dropped kerb crossing points with appropriate tactile paving across the bellmouth;
 - The provision of a 1.8 metres wide footway to the east of the access, for approximately 25-30 metres to tie in with the existing footway outside of the property known as Orchard House.
- The access shall be implemented as per the approved scheme of works.
- 17 The boundary treatment erected as part of the development hereby permitted shall be as agreed under DET/MAL/17/05142 (as shown on Drawing No: 746.231.05 dated 19.02.2018) unless further details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers are submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 18 The development hereby permitted shall be carried out in accordance with the Outline Ecological Mitigation Strategy dated July 2017 approved under DET/MAL/17/05142 unless a further scheme detailing ecological mitigation measures are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved mitigation scheme.

482. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES

The Chairman advised that the appointment to these Liaison Committees was not for this Committee to determine and should therefore be referred to the Council. This was agreed.

RESOLVED that appointment to the bodies detailed in the report be referred to the Council for determination.

483. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

At this point in the meeting, with the permission of the Chairman, Councillor M F L Durham made a statement. He referred to the 39 people that had lost their lives in the County that morning in dreadful circumstances and expressed the Council's support for the Police and emergency services who were having to carry out identifications and investigations in relation to the incident.

The meeting closed at 9.07 pm.

R G BOYCE MBE
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
30 JANUARY 2020**

Application Number	19/01093/FUL
Location	Land South Of Wycke Hill And Limebrook Way (Western) Maldon Essex
Proposal	Full planning application for infrastructure works, including: foul and surface water drainage; provision of highways; site levelling and associated works for the Western Parcel of planning permission 18/00071/FUL.
Applicant	Crest Nicholson (Eastern)
Agent	Ms Catherine Williams - Savills
Target Decision Date	05.02.2020
Case Officer	Kathryn Mathews
Parish	MALDON TOWN COUNCIL
Reason for Referral to the Committee / Council	Strategic site in the Approved Local Development Plan

1. RECOMMENDATION

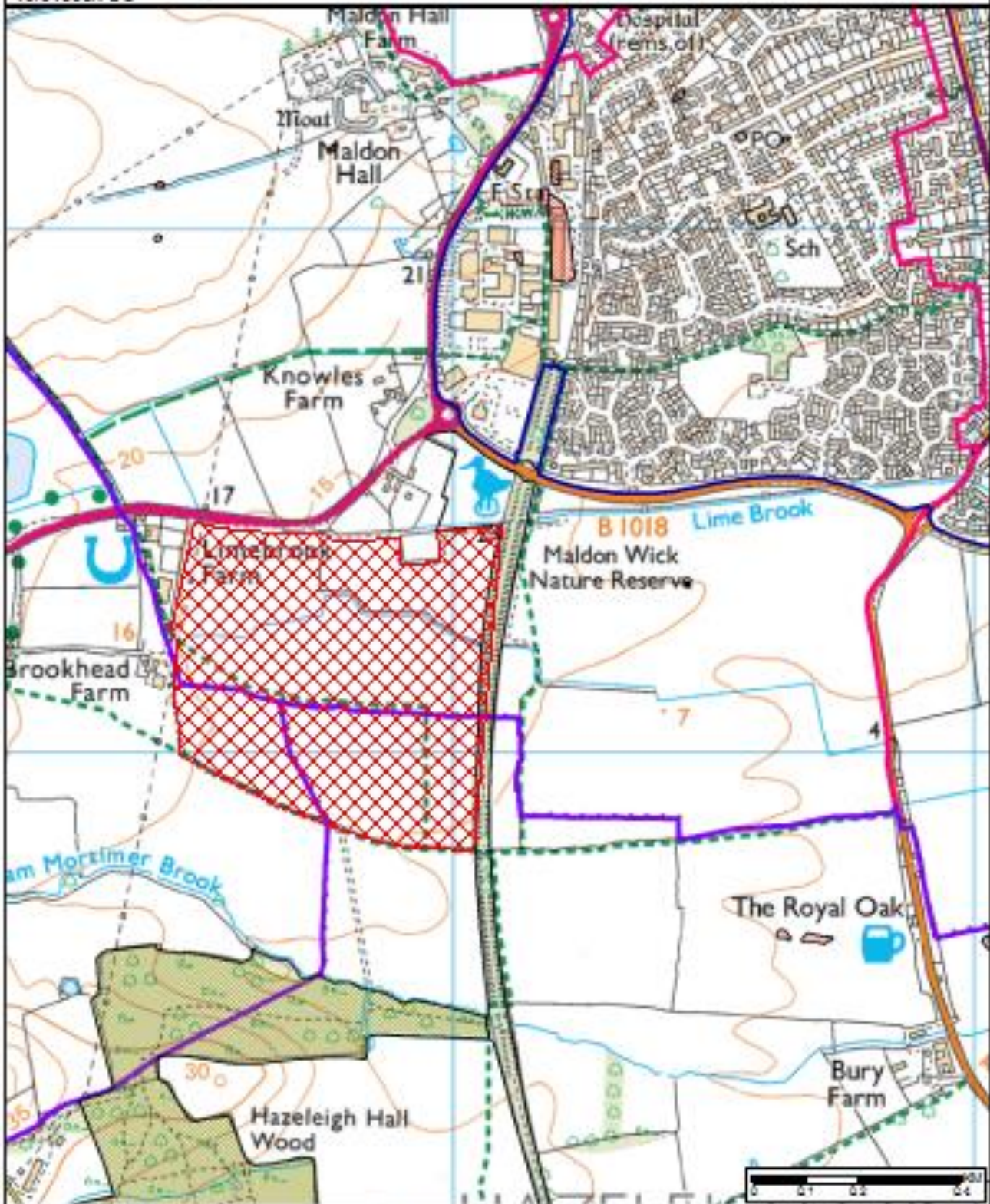
APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Land South of Wycke Hill and Limebrook Way (Western), Maldon

18/01083/FUL



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Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Committee: District Planning Committee

Date: 22/12/2019

MSA Number: 1000183333

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The 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 14/01103/OUT) 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. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 3.1.2 The LDP sets out the housing and infrastructure requirements for strategic sites at Policies S2 Strategic Growth; S3 Place Shaping and S4 Maldon and Heybridge Strategic Growth. The western parcel of Site S2(a) is within the South Maldon Garden Suburb strategic allocation delivering 394 dwellings and infrastructure; to be developed by Crest Nicholson. Taylor Wimpey are currently building out the eastern parcel of Site S2(a) in the South Maldon Garden Suburb delivering 606 dwellings and infrastructure in 2 phases – Phase 1 for 202 dwellings has commenced.
- 3.1.3 Policy S3 Place Shaping required a Masterplan to be prepared collaboratively with developers, land promoters and infrastructure providers. The South Maldon Garden Suburb Strategic Masterplan Framework was endorsed by the Council in 2014 and adopted as a Supplementary Planning Document (SPD) in March 2018. The Masterplan sets out the strategic framework for primary streets, public open space, walking and cycling routes, SuDs management and bus routes set around residential land parcels.
- 3.1.4 To ensure the South Maldon Garden Suburb is developed in a consistent manner across all development sites, Strategic Design Codes (endorsed March 2016) were prepared by the Council based on submitted outline applications and approved Design Parameter Plans for:
- Land Use;
 - Access and Movement;
 - Green and Blue Infrastructure;
 - Density;
 - Building Heights.
- The Strategic Design Codes are summarised in the Structuring Plan in the South Maldon Garden Suburb Strategic Design Codes document.

- 3.1.5 The original outline planning permission was subsequently varied most recently by permission reference 18/00071/FUL which was approved on 13 April 2018. The site the subject of the original outline planning permission (reference 14/01103/OUT) has subsequently been separated into Eastern and Western Parcels. The current application site forms the Western Parcel.
- 3.1.6 An application for approval of reserved matters of Phase 1 of the eastern parcel (for 200 dwellings) was granted in 2018 (reference 18/00531/RES) and approval of reserved matters for Phase 2 of the eastern parcel (reference 19/00411/RES) was granted in 2019 for 406 dwellings. Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Eastern Parcel have also already been approved (reference 18/00494/FUL). The current application seeks a similar approval for the Western Parcel.
- 3.1.7 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. There are two Public Rights Of Way (PROW) within the site which will require formal application for diversion as part of the future development of this site (footpath no.14 and 41) and a third footpath (footpath no.23) runs along the southern boundary of the site.
- 3.1.8 A watercourse, known as the Lime Brook, runs west-east adjacent to the northern boundary of the site. A second watercourse, the 'Lime Brook South Arm', flows through the northern part of the site from the western boundary to the eastern boundary where it is culverted through the former railway embankment. The confluence of the Lime Brook and Lime Brook South Arm is approximately 1,300 m east of the site. The Lime Brook then flows south for approximately 400 m before its confluence with a third watercourse, the 'Woodham Mortimer Brook'. This watercourse flows parallel to the southern boundary of the site at a distance of approximately 200 - 300 m. The Woodham Mortimer Brook eventually discharges to the Blackwater Estuary approximately 3.8 km east of the Site.
- 3.1.9 The topographical survey data indicates that the development site slopes from north-west to south-east with elevations in the northwest corner on Maldon Road in the order of 16.5 m Above Ordnance Datum (AOD) falling to approximately 10.0 m AOD in the south-east corner of the site. This represents a slope of approximately 1 in 130.
- 3.1.10 Two new access points are to be created off Maldon Road towards the north-western corner of the site which were approved as part of the outline planning permission (reference 14/01103/OUT).
- 3.1.11 The site accommodates hedgerows and ditches within and along the boundaries of the site.
- 3.1.12 The current application seeks full planning permission for infrastructure works, including foul and surface water drainage; provision of highways; site levelling and associated works for the western parcel of planning permission 18/00071/FUL. The infrastructure proposed would provide the framework for the future phases of development within the Western Parcel including the internal spine road. The site area

is stated as extending to around 31ha.. There would be a bus route through the site and traffic calming is to be included. An application seeking approval for reserved matters for Phase 1 (106 dwellings) of the Western Parcel was submitted in December 2019 (reference 19/01097/RES) which will be considered at a future meeting of the District Planning Committee.

3.1.13 The application is subject to a Planning Performance Agreement.

3.1.14 The application is accompanied by some details required by the conditions attached to the outline planning permission for the site. The applicant is aware these conditions will require separate approval, but the information is submitted to avoid the need for the imposition of conditions on any planning permission to be granted for the current infrastructure application requiring any further details to be submitted to facilitate an earlier commencement of the development.

3.1.15 The application is supported by the following documents:

- Planning and Design and Access Statement.
- Phase 2 Ecological Surveys and Assessment dated October 2019.
- Flood Risk Assessment ref. 181870-05B.
- Written Scheme of Investigation for a Programme of Archaeological Evaluation August 2018 – contains details as required by conditions 67 and 68 of the outline planning permission (ref. 18/00071/FUL) and which were also approved under reference 19/05115/DET
- Construction Code of Conduct Method Statement Rev.B dated October 2019 which sets out how the proposed construction works on the site will be carried-out and contains details as required by condition 81 of the outline planning permission (ref. 18/00071/FUL)
- Arboricultural Impact Assessment rev.4 October 2019 – contains details as required by condition 45 of the outline planning permission (ref: 18/00071/FUL)
- RSK Ground Investigation Report 1920358-R01 (00) dated November 2018 – contains details as required by 74 of the outline planning permission (ref. 18/00071/FUL). The report concludes that no further assessment or remedial measures are considered necessary and the site is considered suitable for the proposed residential end use.
- Drainage Strategy Technical Note dated October 2019 ref. 181870-03B – contains details as required by conditions 61, 62, 63 and 64 of the outline planning permission (ref. 18/00071/FUL).
- Highways Technical Note ref. 181870-01A dated November 2019 – contains details as required by conditions 17 and 19 of the outline planning permission (ref. 18/00071/FUL).

3.1.16 The application is also supported by drawings showing the changes in ground levels proposed, in the context of condition 58 of the outline planning permission (ref. 18/00071/FUL). Details of an electricity sub-station to be sited adjacent to the boundary of Phase 1 of the Western Parcel have also been submitted as part of the current application.

3.2 Conclusion

- 3.2.1 The development the subject of this application accords with the Strategic Masterplan Framework for the Strategic housing allocation of which the site forms part, along with the South Maldon Strategic Design Codes.
- 3.2.2 The infrastructure proposed is considered to be acceptable with respect to character and appearance, highway safety/access, drainage and nature conservation, subject to the imposition of conditions. The statutory consultee responses received support this view.

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 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
- 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, the impact of the development on the character and appearance of the area, any impact on the amenity of existing residents, flood risk/drainage, highway safety and nature conservation.

5.2 Principle of Development

- 5.2.1 The principle of the development has been accepted as part of the outline planning permissions previously granted, most recently under reference 18/00071/FUL and the site is allocated for strategic development within the District as part of the adopted Local Development Plan. As the development proposed for the site would facilitate the construction of the development subject to this outline planning permission and strategic allocation, no objection is raised to the principle of the development proposed.

5.3 Impact on the Character of the Area

- 5.3.1 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.
- 5.3.2 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”.

- 5.3.3 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.
- 5.3.4 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.3.5 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.
- 5.3.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (2017) (MDDG) and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.
- 5.3.7 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.
- 5.3.8 The application is supported by a Planning and Design and Access Statement and an Arboricultural Impact Assessment rev.4 October 2019. As part of the Design and Access Statement submitted the applicant acknowledges that important considerations identified by the analysis of the wider site include the public rights of way that cross the site and form the southern boundary, the gently undulating topography and the long view from the site to the north and south, the landscape context of the densely wooded railway embankment, Lime Brook and field boundaries, and the Grade II listed building at Brookhead Farm to the west.

- 5.3.9 As part of the Arboricultural Impact Assessment (AIA), the following information is provided:

The tree population comprises of a mix of predominantly young, semi-mature and early-mature native field edge trees and hedges located around the field boundaries at the site. Details of all trees forming the survey can be found in the AIA, including specific comments in regard to their condition and quality.

7 trees and 1 area of scrub are to be removed due to their condition (T6, T9, T12, T21, T77, T94, T99 and S84). The removal of 6 individual trees (T91, T101, T102, T103, T109, T120) one tree from a group (G119), 5 areas of scrub (S115, S116, S117, and a section of S121 and S122) is required in order to facilitate the development. A section of scrub (S114) and a section of 3 woodland groups (W62, W71 and W79) require crown pruning cutback to facilitate the development. The Root Protection Areas of T75, T95, G96, T97, T113 will be incurred into by the proposed development layout, and as such specialist design considerations will be required.

Provided precautions to protect the identified trees are specified and implemented through the measures included in this report; the development proposal will have little impact on the retained trees or their wider contribution to amenity and character. If the recommendations made within this report are followed, the development should be achievable in arboricultural terms and should be acceptable to the local planning authority.

- 5.3.10 The Tree Consultant has advised that the arboricultural impact assessment submitted details trees to be removed to implement the approved planning consent. However, he recommends that further details are required (tree protection measures, a method statement in accordance with BS5837:2012 and an arboricultural supervision schedule). He has also advised that it will be useful to have an outline scope of when these visits will take place, with a more detailed indication of visits once a pre-commencement meeting has taken place. Further information has been submitted on behalf of the applicant in response to these matters and a further response from the Tree Consultant is awaited. Condition 43 of the outline planning permission requires a strategic management and maintenance plan to be submitted for the Green Infrastructure.
- 5.3.11 It is considered that it will be important to design the engineered features (crossings, outflows and culverts) to relate and integrate with landscape design and natural landscape features and for them to be softened where possible. The Lime Brook is an important natural structural feature to the garden suburb and an important element of the green and blue infrastructure network. These details will form part of the future applications for approval of reserved matters for each phase of development.
- 5.3.12 No objections are raised with respect to the Construction Environmental Management Plan; specifically, site compounds are not on any public open space or greenways and adequate management consideration of the watercourses that flow through the site has been given to protect the watercourses during construction.
- 5.3.13 The development the subject of the current application is predominantly at or below ground level consisting of a highway network, drainage works and associated changes in ground levels, including the construction of attenuation ponds and swales. In the context of the existing outline planning permission and allocation of the site for

development, it is considered that the development proposed would not have an adverse visual impact and, therefore, comply with Policy D1 of the LDP, the adopted Masterplan, the MDDG, the South Maldon Garden Suburb Design Code and the NPPF. Details of new planting would be required and assessed as part of the future applications seeking approval of reserved matters for each phase of the Western Parcel. Subject to the Tree Consultant raising no further concerns, the development is considered to be acceptable from an arboriculture perspective.

5.4 Impact on Residential Amenity

- 5.4.1 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).
- 5.4.2 The application is supported by a Construction Code of Conduct Method Statement Rev.B dated October 2019 which sets out how the proposed construction works on the site will be carried-out and contains details as required by condition 81 of the outline planning permission (ref. 18/00071/FUL).
- 5.4.3 The application site abuts part of a new housing estate along part of its northern boundary, some of these properties are now occupied.
- 5.4.4 As a result of the nature and extent of the infrastructure works proposed, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of existing residential properties. There is the potential for noise and disturbance etc. to adversely affect these neighbouring residents during the construction period, but this impact would be minimised through the Construction Method Statement submitted and would, in any event, be temporary. The Environmental Health Officer has raised no objections to the Construction Method Statement submitted.
- 5.4.5 No objection to the proposal is raised in relation to the impact on residential amenity.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T1 of the approved LDP seeks to secure provision for sustainable transport in new development and enable the provision for new bus services as well as maintaining and improving existing services in the district.
- 5.5.2 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, 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.
- 5.5.3 The application is supported by a Highways Technical Note ref. 181870-01A dated November 2019 and a Construction Code of Conduct Method Statement Rev.B dated October 2019.

- 5.5.4 Access to Limebrook Park West is proposed to be taken from the external highway network in accordance with the outline consent i.e. via two new priority 'T' junctions with ghost right-turn lanes on Maldon Road. The approved Movement and Access Parameter Plan shows the main vehicle and cycle/pedestrian routes.
- 5.5.5 Condition 18 of the outline planning permission requires a bus service through site prior to occupation. Condition 19 of the same permission requires applications for approval of reserved matters to include details of bus stop infrastructure including bus stop locations.
- 5.5.6 Two pairs of bus stops are proposed along the western spine road, so no dwelling would be more than 400m from a bus stop.
- 5.5.7 The Primary Street network within the western parcel of site S2(a) proposed is in accordance with the Access and Movement Design Parameter Plan and the 2 approved access points from the A414 approved at outline stage. As detailed in the Masterplan, the Strategic Design Codes Structuring Plan and the approved Access and Movement Design Parameter Plan, the primary vehicle route (Primary Street PS01) crosses the Limebrook at 3 points. The Limebrook is a natural landscape feature (classed as main river/ordinary water course within the development site) flowing west to east through the entire South Maldon Garden Suburb.
- 5.5.8 The current proposal differs from the site layout previously proposed in that the number of vehicular crossings over Lime brook has been reduced from 3 to 2 with the 3rd crossing being retained as a dedicated walking and cycling route adjacent to the public open space. The Primary Street network is not affected as the circular route now links south of the Limebrook instead of to the north. The loss of one vehicle crossing means that one of the crossing points over the natural landscape feature will not be 'engineered' to accommodate motor vehicle traffic and could be a 'softer' landscaped crossing for a dedicated off-road pedestrian and cycle route linking to public open space including the extension to Wycke Meadow. This approach supports the garden suburb principles set out in Policy S3 Place Shaping and the Masterplan SPD for a landscape-led development to encourage safe and attractive walking and cycle routes and walkable and cyclable neighbourhoods to local facilities and services. The pedestrian and cycle routes and surface treatments are considered appropriate where adjacent the primary street network and within public open space.
- 5.5.9 The 2 vehicle crossing points over the Limebrook that are linked south of the Limebrook will accommodate the bus route in and out of the western parcel from A414 access. The primary street network in the garden suburb has a consistent design and technical detail to Essex County Council (ECC) Highway road type requirements and adoption standards including lighting and confirmed in the Highways Technical Note and drawings submitted.
- 5.5.10 With respect to the existing public rights of way which cross the site, the applicant has advised that it is their intention is to get a temporary closure with an alternative route provided to allow safe access through the site. Construction works mean they will need to close the current route temporarily. When details for the second phase are known a diversion will be applied for. The current public right of way alignment will not be obstructed or constructed over, in accordance with the relevant Highways laws.

It will be closed only for health and safety reasons and an alternative route will be allowed to ensure people can still connect further to the network.

- 5.5.11 Essex County Council Highways has to formally comment on the proposals but it is not anticipated that an objection will be raised. In the absence of an objection and taking into account the Urban Design Officer's comments received, no objection is raised to the infrastructure proposed on the grounds of highway safety or access and the proposal follows the parameters agreed as part of the outline planning permission including the vehicular access points to the site from the A414/Spital Road. Provision would be made for a bus route through the site. This and any off-site highway works required as part of the development of the Western Parcel have been secured through the existing Section 106 Agreement for the site.

5.6 Flood Risk and Drainage

- 5.6.1 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.
- 5.6.2 The application is supported by a Flood Risk Assessment ref. 181870-05B and a Drainage Strategy Technical Note dated October 2019 ref. 181870-03B.
- 5.6.3 Condition 60 of the outline planning permission requires hydraulic flood modelling with applications seeking approval of reserved matters. Condition 61 of the same permission requires that no development commences until details of who responsible for management and maintenance of watercourses is approved. Condition 62 of the same permission requires that an up-to-date Flood Risk Assessment is submitted with applications seeking approval of reserved matters. The current application is accompanied by the information required by these conditions.
- 5.6.4 The site has outline planning permission for development and is allocated in the LDP for development, so the development is deemed to have passed the Sequential and Exceptions Tests.
- 5.6.5 As part of the Flood Risk Assessment (FRA) submitted, it is stated that the site is in Flood Zone 1 but fluvial flood zones 2 and 3 associated with the Woodham Mortimer Brook about the south east corner of the site and, in the 1 in 100 annual probability event, the north-western part of the site is at high risk of fluvial flooding. Some areas of the site adjacent to the Lime Brook South Arm are classified as high risk of flooding but are not representative of actual conditions at the site. However, the applicant states that these flood risks can be mitigated satisfactorily with the provision of two flood mitigation swales without increasing flood risk off-site – the proposed cut off ditch would be 0.75m deep, with a 0.5m wide base and 1:2 side slopes. The two culverts of the watercourse have been designed with sufficient capacity.
- 5.6.6 As part of the FRA it is recommended that all Finished Floor Levels (FFL) are set 150mm above adjacent ground level. In areas adjacent to fluvial flood risk, FFL should be a minimum 300mm above 1 in 100 year plus 35% climate change flood level. In areas adjacent surface water flood risk FFL should be set 300mm above

adjacent ground levels. There is a low risk of flooding from groundwater, artificial, sewer and very low risk of tidal flooding.

- 5.6.7 The flood risk assessment aims to establish that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.6.8 Condition 63 of the outline planning permission requires that, with the first application for approval of reserved matters, a detailed surface water drainage scheme for the entire site based on SuDS principles and an assessment of the hydrological and hydro geological context of the development is provided. Condition 64 of the outline planning permission requires that any application for approval of reserved matters includes details of foul water drainage for that phase. The current application provides drainage details for the whole of the Western Parcel.
- 5.6.9 Discharge will be restricted to greenfield runoff rates into the existing watercourses with surface water attenuation provided up to the 1 in 100 year climate change event through the use of swales, attenuation basins and ponds in public places as part of the greenways which will be provided prior to the construction of buildings and roads to ensure surface water runoff does not increase temporarily during construction.
- 5.6.10 It is the intention that the piped elements of the proposals up to the outfall into the proposed conveyance swales will be adopted by Independent Water Networks Limited (IWNL), under a S104 agreement and that the SuDS components and connecting pipework employed throughout the drainage strategy will be maintained by a management company.
- 5.6.11 Foul drainage will be conveyed through the Eastern Parcel to an adoptable foul pumping station where flows will be pumped to the existing Anglian Water foul sewer in Fambridge Road. The system has been designed to accommodate flows from the whole of the Western Parcel.
- 5.6.12 Anglian Water Services, Essex County Council SuDS Team and the Environment Agency have raised no objections to the proposal and have not recommended that any conditions are attached if planning permission were to be granted.
- 5.6.13 Based on the specialist advice received, it is concluded that the development would not cause adverse issues with respect to flooding and drainage. The comments from Mundon Parish Council (see below) are noted but, in the absence of any objection from the external statutory consultees referred to above and taking into account the applicant's responses to the concerns raised, a refusal of planning permission on the basis of drainage/flood risk could not be sustained.
- 5.6.13.1 Mundon Parish Council objects due to concerns over the flood risk assessment as follows:
- it would appear that the FRA has attended to Condition 60 of the Outline Planning Conditions in regard to on-site property flooding (Para. 3.20), but as a consequence has failed to satisfy National Planning Policy Framework requirements (and Maldon District Council LDP Policy D5) in not increasing flood risk elsewhere (and where possible reduce flood risk overall), as a variety of the proposals will now increase the potential of flooding

downstream during high/extended rain-fall events. There is no specific mention in the FRA of the series of large reservoirs starting just 300m to the North West, and as Para. 3.34, 3.35 and 3.36 completely ignores this reality, it can only be assumed these have not been taken into account (Para. 4.2).

Applicant's response to the above: As identified in the Flood Risk Assessment, flood risk from the reservoirs to the north west of the Site was assessed under paragraph's 3.34, 3.35 and 3.36. A review of the Environment Agency Flood Risk from Reservoirs Map shows that the Site is not at risk of flooding from reservoirs. It should also be noted that the likelihood of reservoir flooding is much lower than other forms of flooding. Current reservoir regulation, which were enhanced by the Flood and Water Management Act 2010, aims to make sure that all reservoirs are properly maintained and monitored in order to detect and repair any problem. In England and Wales, the Environment Agency has a regulatory role for reservoir safety, under the Reservoirs Act 1975. It ensures that reservoirs are regularly inspected and essential safety works are carried out. The Environment Agency has the power to prosecute reservoir owners for failure to carry out essential safety works, and where emergency works are required, it has the power to carry out these works itself. Therefore, the conclusion that the risk of flooding from reservoir's is assessed as 'low' is correct.

- However, regardless of whether bank breaching of those reservoirs has been taken into consideration within calculations, the proposed diversion ditch on the Northern and Western sides of the development has been classified as a swale (Para. 4.3), yet the ditch fall and open ends suggest they are more of a flowing ditch designed to divert fluvial and pluvial flood water (Para. 3.17, 4.3 and 4.8) directly and un-attenuated into the existing watercourses, one of which is already classified as High Risk (Para 3.18, 3.30 and 4.2). This means that all current natural overland spill areas (Fig. 3.2) that automatically give an attenuation effect are entirely lost (Fig. 4.2) and surges are re-directed un-attenuated to the downstream systems. This makes Para. 4.11 entirely incorrect.

Applicant's response to the above: As identified in the pre-development hydraulic model approved by the Environment Agency on the 31 July 2018, Ref: AE/2018/122874/03-L01, the flow depths across the Site are shallow. The proposed two flood mitigation swales curtailing the northern and western boundary in order to intercept these shallow overland flows and divert them back into the Lime Brook and Lime Brook South Arm provide sufficient attenuation to insure no increase in flood risk on or off Site. The vast majority of the out of bank flows are intercepted by the proposed western swale and end up in the Lime Brook South Arm as it currently does. Residual out of bank flows are intercepted by the northern swale, however there is a slight reduction in peak flows into the Lime Brook as a result of the throttling effect of the proposed 450mm diameter culvert crossing for access. The post development hydraulic modelling identified that there was no increase in flood risk on or off Site. Therefore, as correctly stated in paragraph 4.11, the proposed mitigation addresses both fluvial and pluvial flooding on site without increasing flooding off site. Refer to Ardent "Hydraulic Modelling Report" dated October 2019 submitted with this planning application.

- Allied to the total discharge rates from all proposed on-site swales (Appendix B), considerably increased surges will be sent down the existing ditch/brook system.

Applicant's response to the above: *In line with Condition 63 of the Outline Planning Approval, the surface water drainage strategy has been designed to ensure that "Limiting the surface water run-off from the impermeable areas of the site generated by the 1 in 100 year (+30% climate change) critical storm event so that it will not exceed 2.31l/s/ha and not increase the risk of flooding off-site. The greenfield runoff rates for the Site were approved as part of the Outline Application and agreed as being 2.31l/s/ha for the 1 in 1 year runoff rate across the site. This approach has been clearly followed as outlined in the Ardent "Drainage Strategy Technical Note" dated October 2019 which was submitted as part of the planning application. Therefore, in line with Condition 63 the on-site drainage strategy will not increase the risk of flooding off-site. This approach reduces surface water runoff during the higher order events.*

- The FRA consistently mentions the Proposed Drainage Strategy 181870-03, yet all that appears publicly available for scrutiny is the single page drawing in Appendix B. The Appendix B page proposes on-site swales that on average only have a working depth of 1m (appendix B), therefore with even a nominal amount of annual silting, they will readily become hugely inefficient and further increase un-attenuated flows if the spill overland, especially as currently there has been no suggestion of who/how a self-funding maintenance regime and riparian obligations (4.19 and 4.28, Table 4-1) will be put in place (as required within Condition 61). Maybe this is why even the FRA states finished floor levels of houses should be up to 300mm above natural ground level (Para. 4.15, 4.16, 5.10 and 5.11).

Applicant's response to the above: *A Drainage Strategy Technical Note was submitted as part of the planning application process, Ref: 181870-03A Limebrook Park West Drainage Strategy Technical Note dated October 2019. It is the intention that the piped elements of the proposals up to the outfall into the proposed conveyance swales will be adopted by Independent Water Networks Limited (IWNL), under a S104 agreement. It is intended that the SuDS components (swales and basins) and connecting pipework employed throughout the drainage strategy will be maintained by a management company. The extents of the adoptable and privately maintained network are shown on drawing no. 181870-003 in Appendix F of the aforementioned document. The management company would also need to take responsibility for managing existing on-site watercourse under riparian ownership responsibilities. The management of the SuDS and watercourse(s) can be combined with the overall requirement to manage the green infrastructure within the site. A maintenance plan is also included in Appendix I of the aforementioned document. These have been informed by the guidance outlined within CIRIA C753 and would be supplemented by manufacturer's specifications. The reason for finished floor levels to be set 300mm above natural ground levels is where there is a residual risk of surface water flooding within certain areas of the Site.*

- The two Limebrook drainage systems join Woodham Mortimer Brook, which then culminates at a tidal sluice 4 km to the East (conveniently missing from Fig 1-2), which can only empty into the River Blackwater through gravity sluice valves at low tide. More importantly, the two sluice chambers also receive all the water from the Mundon and Purleigh Wash drainage systems which are already heavily impacted after high rain fall events, as the set-up gives priority to the Limebrook/Woodham Mortimer discharge. This is not mentioned within the FRA. The FRA awareness of the current vulnerability to fluvial and pluvial flooding of the downstream system is eluded to in Para. 3.4 and 3.13 and graphically shown by the fluvial flood risk map in Fig. 3-1 and 3-3, although both fail to show the consequential impact to the Mundon/Purleigh Wash drainage systems. If high/extended rainfall also coincides with Spring tides, the whole system is put under further pressure, backing-up and flooding huge areas as the sluice valves are tide-locked for extended periods. With the current FRA proposals, it does appear that property on-site may well be protected from flooding, but with the FRA quoting A414 flooding expected at up to 150mm (Para.4.18 and 5.12) and the huge increase in downstream flooding issues, this FRA is not fit for purpose.

Applicant's response to the above: An overall hydraulic model was prepared for the Limebrook Site in 2018. This address fluvial, pluvial and tidal flooding. This model was deemed fit for purpose by the Environment Agency on the 31 July 2018, Ref: AE/2018/122874/03-L01. Therefore, the proposals will not result in an increase in flood risk on or off site. This model has been used to support the FRA for this planning application. In addition, to complying with the outline conditions, the proposals comply with national and local policy in terms of reducing flood risk within the area.

5.7 Nature Conservation

- 5.7.1 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.
- 5.7.2 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.
- 5.7.3 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).
- 5.7.4 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.

- 5.7.5 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.
- 5.7.6 The application is supported by Phase 2 Ecological Surveys and Assessment dated October 2019 which contains the following summary of mitigation measures for significant impacts:

Receptor	Summary Mitigation Measures for Significant Impacts	Residual Impact
Special Area of Conservation (SAC), special Protection Area (SPA), Ramsar Sites, National Nature Reserve (NNR)	Provision of green open space on site	Neutral
Site of Special Scientific Interest (SSSI)	Provision of green open space on site	Neutral
Local Wildlife Site (LWS)	Buffer site adjacent to Maldon Wick LWS. Planting prickly woody species at boundary.	Neutral
National Environment and Rural Communities (NERC) Act Priority Habitats	Management Plan	Minor Positive
Other Habitats	Management Plan	Minor Positive
Badger	Precautionary construction techniques. Speed limits and culverts under major road/ditch crossings. Planting of fruit trees.	Minor positive
Bats	Bat-sensitive lighting strategy. Beneficial planting for bats. Installation of bat boxes and loft voids.	Minor Positive
Birds	Native species landscaping. Provision of nest boxes	Neutral
Reptiles	Translocation. Enhancement of reptile receptor site.	Minor positive
Small and Medium-sized Mammals	Facilitating connectivity between proposed gardens, installation of	Overall Neutral

Receptor	Summary Mitigation Measures for Significant Impacts	Residual Impact
	<p>hedgehog homes, management of grassland and creation of greater biodiversity of grassland/flora.</p> <p>Loss of undisturbed open habitat (brown hare only).</p>	
Water Vole	<p>Monitoring throughout the construction phase. Installation of culverts over brooks.</p> <p>Displacement where necessary.</p> <p>Enhancements of vegetation on site.</p>	Minor positive

5.7.7 The report concludes that, through implementing the above mitigation recommendations, all significant adverse impacts from the proposed development upon specific habitats, designated sites and protected species would be mitigated in line with relevant wildlife legislation and planning policy (Chapter 15 of the NPPF) and Maldon Council's current planning policies related to nature conservation. Reference is also made to an Ecological Conservation Management Plan and Landscape Management and Maintenance Strategy which have been produced to guide the proposed development and to maximise the biodiversity potential of this site.

5.7.8 Natural England has advised that it has no comments to make on the development proposed. The Countryside and Coast Officer has been consulted on the details submitted but no response has been received to date. In the absence of any objection and based on the contents of the Phase 2 Ecological Surveys and Assessment, no objection to the proposal is raised on the grounds of impact on nature conservation.

5.8 Other Matters

5.8.1 Archaeology: the application is supported by a Written Scheme of Investigation for a Programme of Archaeological Evaluation August 2018. Essex County Council Archaeology have raised no objections and have not recommended that any conditions are attached if planning permission were to be granted based on the information submitted. On this basis, no objection to the proposal is raised on the basis of impact on archaeology.

5.8.2 Contaminated Land: the application is supported by a RSK Ground Investigation Report 1920358-R01 (00) dated November 2018. The report concludes that no further assessment or remedial measures are considered necessary and the site is considered suitable for the proposed residential end use. The Environmental Health Officer raises no objections but suggests that a condition is imposed in case unexpected contamination is discovered which is recommended below.

6. ANY RELEVANT SITE HISTORY

6.1 Outline Application Site:

- **13/01169/SCR**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **14/01103/OUT** - 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.
- **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (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.
- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (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.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of 0110/OUT as amended by permissions 16/01454/FUL and 16/01458/FUL (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.
- **17/00396/FUL** - Variation of condition 27 on approved application 14/01103/OUT (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.

- **18/00070/FUL** - Variation of condition 7 on approved application 17/00396/FUL (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.
- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (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.
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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.) – Undetermined to date.
- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL –Deed of Variation completed.

6.2 Eastern Parcel Only:

- **18/00494/FUL** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018.
- **18/00531/RES** - 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. 18/00071/FUL), comprising the construction of 200 residential dwellings (Use Class C3) and associated works – Approved 11.09.2018.
- **18/05066/DET** - Compliance of conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT) Condition 7 - Strategic phasing plan. Approved 08.06.2018.

- **18/05078/DET** - Compliance with conditions notification 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (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.
- **18/05193/DET** - Compliance of conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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.
- **19/00411/RES** - 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. 18/00071/FUL), comprising the construction of 406 residential dwellings (Use Class C3) and associated work – Approved 12.07.2019.
- **19/05007/DET** - Compliance with conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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.
- **19/05020/DET** - Compliance with conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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. Part Approved/Part Refused.

- **19/05122/DET** - Compliance with conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 9 - Capacity improvement works. Condition 14 - detailed specification and design of the junction for the access works. Condition 21 - Public footpath diversion. Undetermined.
- **19/05168/DET** - Compliance with conditions notification 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 24 - Residential Travel Information Pack. Undetermined.

6.3 Western Parcel Only:

- **19/05115/DET** - Compliance with conditions notification 18/00071/FUL (Variation of conditions 5,13,21,25,43,53, 55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 67 - Archaeological assessment. Condition 68 - Implementation of a programme of archaeological work. Approved.
- **19/01097/RES** - Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application

14/01103/OUT (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) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. Undetermined.

- **19/05142/DET** Compliance with conditions notification 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 69 - Ecological Conservation Management Plan (ECMP). Undetermined.
- **19/05158/DET** Compliance with conditions notification of approved application 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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. Undetermined.
- **19/05165/DET-** Compliance with conditions notification 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 17 - A414 bus stop. Condition 45 - Trees & Hedgerows. Condition 47 - Excavation trenches. Condition 61 - Watercourses. Condition 64 - Foul water drainage. Condition 74 - Contaminated land assessment report. Condition 81 - Construction Environmental Management Plan (CEMP). Condition 84 - Superfast broadband. 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	Noted
Woodham Mortimer with Hazeleigh Parish Council	No response	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SuDS Team at Essex County Council	No objection. Informative recommended	Noted – refer to section 5.6 of report - the informatives are recommended below.
Environment Agency	No objection. Informative recommended	Noted – refer to section 5.6 of report -the informative is recommended below
Natural England	No comments to make.	Noted – refer to section 5.7 of report.
County Highways	No response	Refer to section 5.5 of report.
Essex County Council Archaeology	The development area has been archaeologically trial-trenched and the areas requiring further mitigation have been excavated. For this reason no archaeological recommendations are being made with regard to this application.	Noted – refer to paragraph 5.8.1 of report.
Anglian Water Services	Assets Affected: there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative is recommended. Wastewater Treatment: the foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.	Noted –refer to section 5.6 of report - informatives are recommended below

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Used Water Network: based on the Drainage Strategy Technical Note submitted, the proposed foul water drainage is in alignment with the broader foul water drainage strategy agreed for development of this site and is therefore acceptable. The sewerage system at present has available capacity for these flows.</p> <p>Surface Water Disposal: no comments as the proposed method of surface water management does not relate to Anglian Water operated assets.</p>	
Essex and Suffolk Water	No response	
Essex Wildlife Trust	No response	
Essex County Fire and Rescue	Detailed observation on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Advice regarding water supplies and the use of sprinkler systems are provided.	Noted – the advice provided is included in an informative recommended below.
North East Essex Badger Group	No response.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	In response to the Ground Investigation Report, recommends that a condition is imposed in case unexpected contamination is discovered. In response to the Construction Environmental Management Plan,	Noted- the hours of construction and deliveries are proposed as being restricted to 'normal' working hours i.e. 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays. Refer to section 5.4 and paragraph

Name of Internal Consultee	Comment	Officer Response
	recommends that 'normal' working hours are adopted. An informative is also recommended.	5.8.1 of report. The condition and informative are recommended below.
Urban Design	No objections. Concerns regarding the environmental protection of the Limebrook watercourses from pollution/detritus from construction and loss of natural character should be addressed through discharge of conditions, reserved matters applications, further discussion and design work.	Noted – refer to section 5.3 of report.
Tree Consultant	The arboricultural impact assessment submitted details trees to be removed to implement the approved planning consent. However, further details are required relating to tree protection measures such as what work practices will be utilised in the root protection area, how these will be implemented, what type of ground protection will be used in certain locations etc. A method statement in accordance with BS5837:2012 is required. An arboricultural supervision schedule will be required and it will be useful to have an outline scope of when these visits will take place, with a more detailed indication of visits once a pre-commencement meeting has taken place.	Noted – refer to section 5.3 of report - further information has since been submitted and further comments from the Tree Consultant are awaited.
Countryside and Coast Manager	No response received.	Nature Conservation is covered in section 5.7 of the report.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Mundon Parish Council objects due to flood risk/drainage concerns	Noted – refer to section 5.6 of report

8. PROPOSED 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) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans and documents:
 - Phase 2 Ecological Surveys and Assessment dated October 2019
 - Flood Risk Assessment ref. 181870-05B
 - Written Scheme of Investigation for a Programme of Archaeological Evaluation August 2018
 - Construction Code of Conduct Method Statement Rev B dated October 2019
 - Arboricultural Impact Assessment rev.4 October 2019
 - RSK Ground Investigation Report 1920358-R01 (00) dated November 2018
 - Drainage Strategy Technical Note dated October 2019 ref. 181870-03B
 - Highways Technical Note ref. 181870-01A dated November 2019
 - Location plan 14862-000A Rev B
 - CN077-WEST-IF-001 Rev K
 - 181870-111 Rev C
 - 181870-112 Rev C
 - 181870-113 Rev C
 - 181870-201 Rev E (for site levels only)
 - 181870-202 Rev E (for site levels only)
 - 181870-203 Rev E (for site levels only)
 - 181870-204 Rev E (for site levels only)
 - 181870-300 Rev B
 - 181870-301 Rev B
 - 181870-302 Rev B
 - 181870-303 Rev B
 - 181870-304 Rev B
 - 181870-305 Rev B
 - 181870-306 Rev B
 - 181870-307 Rev B
 - 181870-308 Rev B

- 181870-309 Rev B
- 181870-310 Rev B
- 181870-311 Rev B
- 14862-SS-01 Rev 00

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

- 3 In the event that contamination that was not previously identified is found at any time when carrying out the approved development it shall be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 74 of planning permission reference 18/00071/FUL, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 74 of planning permission reference 18/00071/FUL, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 77 of planning permission reference 18/00071/FUL.

REASON

To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

INFORMATIVES

1. SuDS Team at Essex County Council has provided the following advice:
 - ECC 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.
 - Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
 - Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
 - 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.
2. Essex County Fire and Rescue Service advise that additional water supplies for fire fighting purposes may be necessary for this development and the developer is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376 576344. It is strongly recommended that the installation of Automatic Water Suppression Systems are included within the development.
3. Anglian Water:

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
 - The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.
 - Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.
 - Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. Environment Agency advise that Environmental Permitting for Flood Risk Activities - Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2016 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8metres (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. The Lime Brook and Lime Brook South Arm, border the site boundary, both of which are designated a 'main river'. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:
- 'Exemption,
 - 'Exclusion',
 - 'Standard Risks Permit'
 - 'Bespoke permit.

New 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. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environment-agency.gov.uk.

5. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.