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

5 August 2020

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE

on **THURSDAY 13 AUGUST 2020** at **1.00 pm**.

Please note that this will be a **remote meeting** – Member to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website <https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=277&Mid=2148>.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

Please note: Electronic copies are available via the Council's website www.maldon.gov.uk.

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AGENDA
DISTRICT PLANNING COMMITTEE
THURSDAY 13 AUGUST 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the District Planning Committee held on 9 July 2020 (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. **19/01208/FUL - Land North of Marsh Road, Burnham-on-Crouch, Essex** (Pages 15 - 72)

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

6. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

7. **Planning Decision - Legal Advice Relating to Land North and West of Knowles Farm, Maldon** (Pages 73 - 86)

To consider the report of the Director of Service Delivery (copy enclosed).

8. **Planning Decision - Legal Advice Relating to Bradwell-on-Sea Ground Investigations** (Pages 87 - 112)

To consider the report of the Director of Service Delivery (copy enclosed).

9. **Resumption of business in open session**

To resume the meeting in open session.

10. **15/015327/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon, Essex** (Pages 113 - 262)

Following consideration of legal advice (at Agenda Item 7) to determine the above application. Please see report of the Director of Service Delivery (copy enclosed).

11. **20/000157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea** (Pages 263 - 316)

Following consideration of legal advice (at Agenda Item 8) to determine the above application. Please see report of the Director of Service Delivery (copy enclosed).

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation.
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 and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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

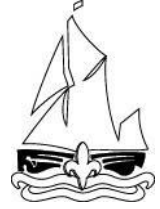
ii) Essex County Council

- 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
9 JULY 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, 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, K W Jarvis, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1059. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of all Members present was taken at this point.

1060. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick and J V Keyes.

1061. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 3 June 2020 be approved and confirmed.

1062. DISCLOSURE OF INTEREST

The following disclosures of interest were made:

In relation to Agenda Item 5 – 15/01327/OUT Lane North and West of Knowles Farm, Wycke Hill, Maldon:

- Councillor C Mayes declared a non-pecuniary interest as she knew the owner of Knowles Farm.

- Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on matters relating to this application.

In relation to Agenda Item 6 – 20/00157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea:

- Councillor Mayes declared a non-pecuniary interest as she was a member of the Bradwell Working Group.
- Councillor Mrs Channer declared a non-pecuniary interest as she was an Essex County Councillor and the County Council were involved in the Joint Member Bradwell Board (JMBB) with Maldon and although she did not sit on this board there was joint working which related to Bradwell.
- Councillor B E Harker declared an interest as Chairman of the Bradwell B Working Group and a member of the JMBB. He advised that he would leave the meeting at the end of Agenda Item 5.
- Councillor A S Fluker declared a non-pecuniary interest as a member of the both JMBB and Bradwell B Working Group.
- Councillor N J Skeens declared a non-pecuniary interest as he was a member of the Bradwell B Working Group.
- Councillor M G Bassenger declared a non-pecuniary interest as he was a member of the Bradwell B Working Group.
- Councillor K M H Lagan declared a non-pecuniary interest as he had held conversations with local groups who objected to the proposed work.
- Councillor Mrs M E Thompson declared a non-pecuniary interest as a member of the both JMBB and Bradwell B Working Group, advising that it was not directly related to this application.
- Councillor Miss S White declared a non-pecuniary interest as a member of both the JMBB and Bradwell B Working Group.
- Councillor M W Helm declared a non-pecuniary interest as a member of the Bradwell B Working Group.
- Councillor R G Boyce declared that although he agreed with nuclear power in principle and for reasons that were not planning reasons he had concerns regarding this application and would therefore be abstaining from voting, for his personal vote.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council. He advised that he was the Deputy Cabinet Member for Economic Development which included planning and a member of the JMBB.

1063. 15/01327/OUT - LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX

Application Number	15/01327/OUT
Location	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Nathaniel Lichfield and Partners
Target Decision Date	31.08.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Local Development Plan (LDP) site allocation Site S2(b)

It was noted from the Members' Update that there a proposed amendment to conditions 4 and 42 and informative 6.

Following her presentation of the application and in response to a question regarding delivery of the relief road mentioned within the application, the Officer advised that proposed the Section 106 agreement (S106) would require a financial contribution towards the construction of the relief road and these together with contributions already secured would be used by Essex County Council (ECC) to build the relief road. There were no timescales detailed within the S106 but ECC were working with the Council to deliver the relief road in accordance with the infrastructure delivery plan.

The Chairman advised Members that under the Council's public participation scheme one submission had been received from Nicolas Mann, the Applicant. In line with the public participation scheme he had reviewed the submission and the Lead Specialist Development Manager proceeded to read out the submission received. The Chairman then moved the Officers' recommendation of approval subject to the conditions detailed within the report. This was not supported.

Councillor N G F Shaughnessy declared a non-pecuniary interest in this item of business as she knew one of the objectors.

A lengthy debate ensued, a number of Members commented on the application raising concerns about a variety of issues. In response to these concerns and questions raised Officers provided further detailed information which included:

- the percentage of affordable housing provided by the scheme;
- how the proposed relief road would be delivered, that the sum anticipated to be required for construction of the relief road was identified at the time the Council's Local Plan was developed and that this funding had been secured through Section 106 Agreement. The Officer also provided Members with

information regarding why the construction of the proposed relief road would be carried out by Essex County Council Highways rather than the developer as had originally been proposed.

- the requirement for a Strategic Phasing plan was covered in proposed condition 8.
- non-compliance with conditions relating to landscaping etc. would be an enforcement matter.
- the proposed bridleway location was identified, and Members were advised that its location remained unchanged from what was proposed in 2017.
- a horse crossing was not part of the proposal and had not been requested by Essex County Council highways to be included in the S106.
- the location of the proposed vehicular access to the site and Members were advised that if the relief road did not come forward in time, potential alternative means of access would be reviewed.
- proposed condition 33 included green infrastructure management and surface water requirements.

The Officer explained that details of the phasing, buffers, building heights etc. were not part of this application but would come forward with the reserved matters application, when submitted would need to accord with the Parameter Plans which form part of the outline application. Assessment of any reserved matters application would include the impact the proposed development had on local residents.

Councillor Miss S White raised some concerns and then proposed that the application be deferred for reason of there being insufficient information and until some of the questions had been answered. This proposal was duly seconded. In response the Lead Specialist Place sought confirmation what information Members' would be seeking if the deferment was agreed and advised that further information relating to the relief road was outside the applicant's control. The Chairman then advised Councillor Miss White that he would not be allowing her proposal.

In response to a question regarding including further information in the legal agreement, the Lead Specialist Place provided further detail regarding the relief road, highlighting how the Council would be working with Essex County Council to deliver the relief road.

The Chairman put the proposal for approval of the application, as set out in the Officers report, but upon a vote being taken this was declared lost. The Chairman then sought from Members sustainable reasons for refusal.

In response to some suggested reasons given by Members, the Lead Specialist Place provided clarification in respect of financial contributions as set out in the Council's policies, the detail available as part of the outline application and further points of clarification in respect of the relief road. The Officer reminded Members that this was an allocated site within the Local Development Plan.

Following further lengthy debate, Councillor S P Nunn proposed that the application be refused, contrary to Officers' recommendation, for reasons relating to the lack of

certainty in respect of access and infrastructure causing potential concerns regarding traffic movement including emergency services. This proposal was duly seconded.

In response to a question regarding the height and location of buildings, the Lead Specialist Place advised that this detail was not set out in the outline application. Councillor N G F Shaughnessy requested that it be noted that residents of her Ward had raised concern regarding three storey buildings being close to existing properties and the change to the location of the existing bridleway. The Lead Specialist Place advised that Highways had not raised any objection in relation to the bridleway.

In response to the proposal, the Lead Specialist Place sought clarification on this and reminded Members of the need to ensure it was as robust as possible.

Further debate ensued and there was some discussion around deferring the application although this was not agreed.

The Chairman then put the proposal in the name of Councillor Nunn and upon a vote being taken was agreed.

RESOLVED that this application be **REFUSED** for the reason that there is a lack of certainty with respect to access and infrastructure causing potential concerns regarding traffic movement including emergency services, contrary to Policies S3, S4, T2 and I1 of the approved Maldon District Local Development Plan.

Councillor M F L Durham left the meeting at this point and did not return.

1064. 20/00157/FUL - LAND EAST OF BRADWELL POWER STATION, DOWNHALL BEACH, BRADWELL-ON-SEA

Councillors Mrs P A Channer and B E Harker left the meeting at this point and did not return.

Application Number	20/00157/FUL
Location	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
Proposal	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
Applicant	Bradwell Power Generation Company Limited
Agent	N/A
Target Decision Date	EOT: 17/07/2020
Case Officer	Devan Hearnah
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Not Delegated to Officers Major Application

The Members' Update circulated prior to the meeting detailed an amendment to paragraph 5.3.4 of the report and advised that a consultation response and seven

additional letters of objection had been received. An amendment to condition 5 was also detailed.

Following the Officers' presentation, the Chairman advised Members that under the Council's public participation scheme three submissions had been received from:

- an objector, Ms Gemmill;
- Ms Allen on behalf of Bradwell-on-Sea Parish Council;
- the Applicant, Mr Murdoch (Project Development Director).

In line with the scheme Chairman had reviewed the submissions and the Lead Specialist Development Manager proceeded to read out the submissions received. The Chairman then moved the Officers' recommendation of approval subject to the conditions detailed within the report and Members' Update. This was duly seconded.

A lengthy debate ensued and a number of Members raised detailed concerns regarding the proposal. The Lead Specialist Place reminded the Committee that the application was for temporary, not permanent works with any harm being removed in five years and did not facilitate or grant anything in relation to a power station at Bradwell.

The Specialist: Development Management advised that the site would be restored to its current condition once works had taken place. During the further discussions that ensued and in response to a number of concerns raised, the Officer provided the Committee with detailed information regarding the proposed works, which included:

- impact on the character and appearance of the area, including noise;
- heritage and impact on the World War 2 buildings, with particular concern being raised in relation to the Watch Tower and hangers.
- there being no requirement for net biodiversity gain due to temporary nature of the works;
- Impact on noise and light of adjacent residential properties;
- The close proximity of ecological receptors, the Officer clarified the nearest was 950m away.
- Hours of work and how those proposed were outside of the Council's policy;
- Environmental impact, it was noted that the Royal Society for the Protection of Birds had raised concerns;
- Flood risk.

Members were advised by Officers that a number of the concerns raised would be addressed and monitored through the proposed conditions.

The Chairman then moved the proposal to approve the application in accordance to the conditions as set out in the report. Upon a vote being taken this was declared lost.

During the vote, Councillor A S Fluker clarified that in accordance with paragraph 4.9 of the remote meetings protocol he would not be voting on this item of business. He left the meeting at this point and did not return.

The Chairman then sought reasons for refusal from Members.

Councillor E L Bamford proposed that the application be refused, contrary to Officers' recommendations, for reasons that there was no evidence that the massive scale of the proposals had been agreed by the Government, making it necessary to undertake extensive groundwork investigations and insufficient information and the effects on the wildlife and heritage sites. This proposal was duly seconded.

In response to the proposal, the Lead Specialist Place advised Members against a reason relating to the nuclear power station as this application was not for that and such matters were for consideration as part of the Development Consent Order process. He explained that Officers did not consider the application had an impact on ecology having taken into consideration the consultation response from Natural England. The Officer clarified that Members needed to consider the harm from the application in relation of the character and appearance of the area.

Councillor C P Morley left the meeting at this point and did not return.

Following further discussion and assistance from the Lead Specialist Place it was agreed that the reasons for refusal should relate to:

- Noise and disturbance on ecology matters;
- The historic environment referring to archaeology and the heritage assets.

In response to a question the Committee were advised that to include a reason that stated lack of information it was necessary to clearly identify what information was lacking.

The Chairman then put the proposed refusal for the two reasons as discussed, advising that the wording of the refusal would be delegated to Officers in consultation with the Chairman of the Committee. Upon a vote being taken this was duly agreed.

RESOLVED that this application be **REFUSED** for reasons relating to noise and disturbance on ecology matters and the impact on the historic environment referring to archaeology and the heritage assets. The exact wording of the refusal is delegated to Officers in consultation with the Chairman.

The meeting closed at 4.22 pm.

R G BOYCE MBE
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
13 AUGUST 2020**

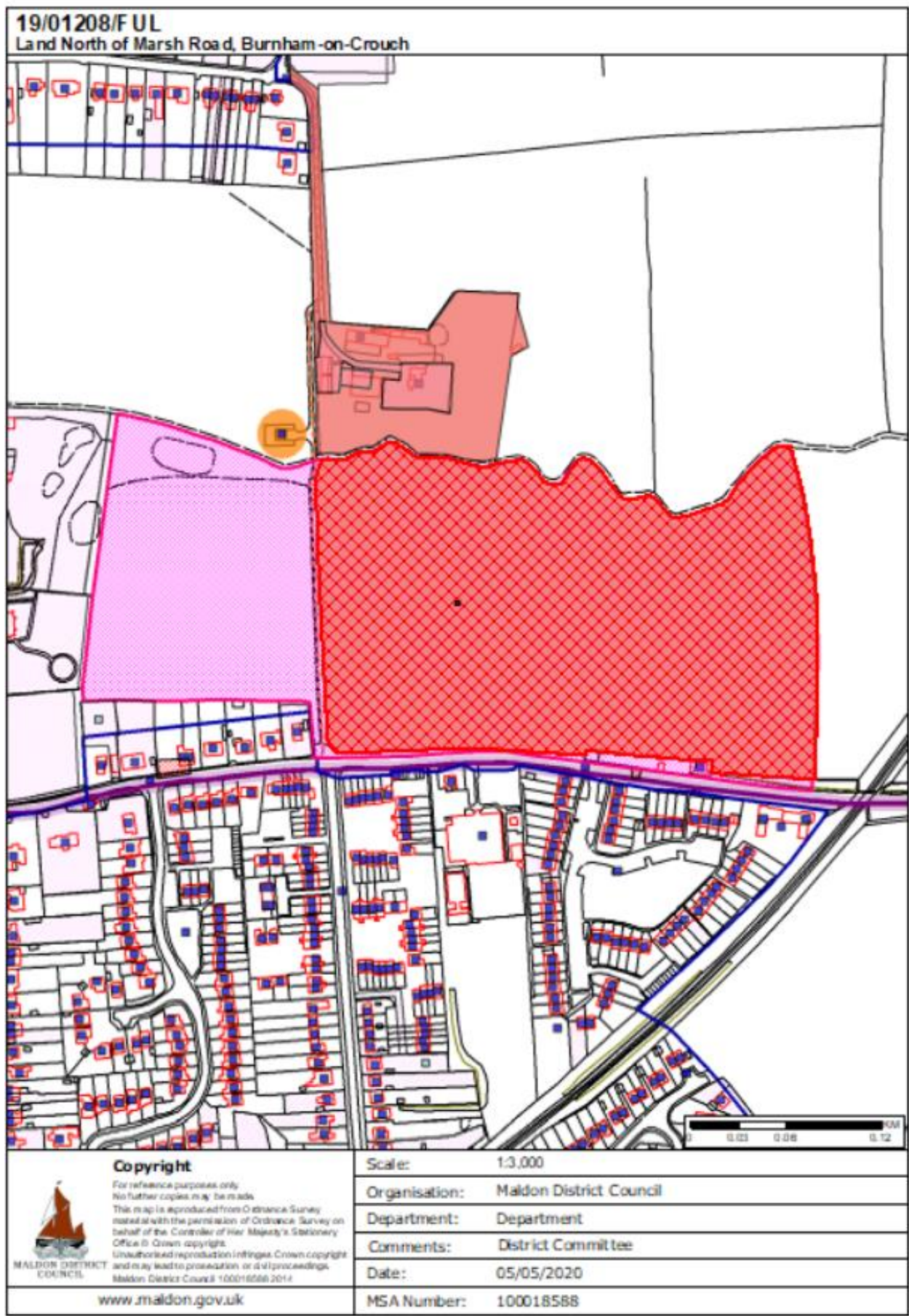
Application Number	19/01208/FUL
Location	Land North Of Marsh Road, Burnham-On-Crouch, Essex
Proposal	Residential development comprising the construction of 90 residential dwellings (Use Class C3), public open space, landscaping and associated infrastructure.
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams - Savills
Target Decision Date	17.07.2020
Case Officer	Devan Hearnah
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

1. RECOMMENDATION

APPROVE subject to S106 agreement and the conditions in section 8.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is one of the allocated sites in Burnham-on-Crouch, known as S2(k), which is located to the north of Marsh Road, east of St Mary's Church and west of the railway lines linking Southminster with Burnham-on-Crouch. The site is allocated for a minimum of 90 dwellings within the Local Development Plan.
- 3.1.2 The site is arable land bounded by hedgerows along most of the boundaries, which are denser along the northern boundary along Pannel's Brook. A public footpath runs along the western boundary of the site. The northern part of the application site, along Pannel's Brook, is located within Flood Zones 2 and 3. Topographically the area is relatively flat with a slight fall from the southwestern corner to the north eastern corner.
- 3.1.3 The area is mainly residential to southwest, whilst to the north and east the site neighbours the open countryside. To the west, further along from the site there are a number of residential properties fronting Marsh Road. To the immediate west of the site is St Mary's Church, a Grade II* listed building. St Mary's Primary School is located to the south of the site, within residential properties. To the north of the site, there appears to be a farm, including a number of agricultural structures and an associated residential unit. A dwelling, known as The Vines, is located along the southern boundary of the site in an unusually long and narrow parcel of land along Marsh Road.
- 3.1.4 In terms of accessibility, the site is located around 0.5 miles from the railway station. The nearest bus stops are 0.2 miles away from the site along Southminster Road, connecting the Town with Maldon, Chelmsford and the Dengie. Near the train station there is a secondary small local centre, while the main town centre is located approximately 0.9 miles away from the site. Ormiston Rivers Academy is located 0.3 miles away from the site. Burnham and St Mary's Primary Schools are directly to the south of the site.

Description of proposal

- 3.1.5 Planning permission is sought for the erection of 90 dwellings, with associated public open space, landscaping and related infrastructure at the allocated site, known as S2(k).
- 3.1.6 The development would be constructed solely on the western parcel of the strategically allocated site, to the east of the public footpath (PROW 242_14). The development would be accessed from Marsh Road. A main spine road would lead from Marsh Road towards the east of the site, forming a straight road traversing the site parallel with the highway.
- 3.1.7 The development would be split into seven parcels of land. Three of them would be located to the north of the main spine road, three to the south and one larger parcel to the east of the site at the end of the spine road, creating a bookend to the development.

Secondary roads towards the north south, perpendicular to the spine road would be formed providing access to the dwellings. The area will be largely landscaped around the built parcels of land, predominantly along the northern boundary and the southeaster boundary. A Local Equipped Area of Play (LEAP) is proposed to the west of the entrance to the site. Two Sustainable Drainage System (SuDS) basins would be formed to the north and a small orchard has been designated to the southeast. A sub-station will be erected to the west of the main entrance of the site and a foul water pumping station to northwest.

3.1.8 The proposed development would provide the following dwelling mix:

- Market housing:
 - 32 no. two-bedroom dwellings
 - 13 no. three-bedroom dwellings
 - 9 no. four-bedroom dwellings
- Affordable units:
 - 11 no. one-bedroom units
 - 18 no two-bedroom units
 - 7 no. three-bedroom units

3.1.9 The proposed development would include 18 house types (12 market housing dwelling types and 6 affordable housing dwelling types) which are summarised as follows:

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Plots
Beauford	Two	4.7m	8.4m	5.1m	7.8m	12, 14, 20, 27, 33, 68, 77, 86, 89 (handed: 13, 15, 19, 26, 51, 67)
Beauford V1	Two	4.7m	8.4m	5.2m	7.9m	16, 52 (handed: 11, 32, 76, 85, 88)
Byford SP	Two	5.6m	9.4m	5.2m	8.3m	(handed: 24, 35)
Byford SP V1	Two	5.6m	9.4m	5.2m	8.3m	25, 36, 38, 50, 55 (handed 37, 49, 54)
Ardale	Three	8.6m	5.4m	5.2m	7.8m	18 (handed 6, 7, 22)
Kingdale	Three	8.7m	5.4m	5.1m	7.7m	31
Woodman	Three	9.7m (maximum)	8.5m (maximum)	5.3m	8.5m	53, 65 (handed: 78)
Woodman V1	Three	9.7m (maximum)	8.5m (maximum)	5.3m	8.5m	(handed: 28, 56, 69)
NA32	Three	5.1m	8.8m	5.1m	8m	8
NA32 V1	Three	5.1m	8.8m	5.1m	8m	9
Lanford	Four	9m	7.5m	5.1m	8.3m	17, 66 (handed: 23, 90)
Waysdale	Four	10.1m (maximum)	12.2m (maximum)	5.1m	7.8m	21 (handed: 10, 39, 87)
Waysdale V1	Four	10.1m (maximum)	12.2m (maximum)	5.1m	7.8m	34

Reference	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Plots
1B Apt Aff	One	16.2m (maximum)	17.6 (maximum)	5.5m	7.9m	40 to 45
2B House Aff	Two	5.2m	8.5m	5.1m	7.6m	30, 58, 71, 73, 80, 82 (handed: 63, 72, 74, 79, 81, 83)
2B House Aff V1	Two	5.2m	8.5m	5.1m	7.6m	64, 75, 84 (handed: 29, 57, 70)
3B House Aff	Three	5.2m	9.5m	5.2m	7.9m	47, 60, 62 (handed: 46, 59, 61)
3B House Aff V1	Three	5.2m	9.5m	5.2m	7.9m	48
1B Bungalows Aff	One	8.7m (maximum)	9.2m (maximum)	2.5m	4.2m	1, 3 (handed 2, 4, 5)

3.1.10 Garages are proposed to be installed in some of the properties (plot no's 17, 21, 34, 66, 90, 10, 23, 39, 87), which will have a gabled roof and would measure 7.3m deep, 3.3m wide, 2.6m high to the eaves, with a maximum height of 3.7m. Double carports are proposed to be erected between plots 71-72 and 73-74 measuring 6.4m wide, 5m deep, 2.6m high to the eaves, with a maximum height of 3.9m.

3.1.11 The application is supported by a Garden Area Plan (8.1318.205 Rev H) which shows that all one and two-bedroom properties would be served by more than 50sqm and all other properties of three-bedrooms and more would be served by a minimum of 100sqm of garden space, with the exception of the property on plot 28, which will be served by a garden measuring 97.7sqm. A communal garden area of 191.1sqm would be secured for the proposed 6 one-bedroom flats which would exceed the minimum 25sq per flat requirements.

3.1.12 In terms of heights the proposed development, would feature one and two-storey houses. A two-storey block of flats is proposed to the southeast and five bungalows to the northwest.

3.1.13 In terms of external finishing materials, the submitted plans show the use of a mixture of red, multi, buff and brown bricks, sail boarding, black boarding and cream render. The rooves would be finished in brown, red and grey tiles and pantiles. All windows would be white UPVC and doors will be finished dark grey, white, pale and dark red. Porches, facias, soffits will be white UPVC and rainwater goods would be black UPVC.

3.1.14 Boundary treatments around the proposed dwellings will consist of 1.8m high brick walls or living green screens, where the boundary would be adjacent to a highway and 1.8m high close-boarded fencing to separate residential gardens or in areas where there is landscaping between the fence and highway.

3.1.15 A total number of 170 allocated parking spaces are proposed to be provided and 23 visitor parking spaces. All one, two and three-bedroom dwellings will be served by two off-street parking spaces, whilst the four-bedroom dwellings will be served by

three parking spaces, one within a garage. Seven and one visitor parking spaces will be provided for the block of one-bedroom flats on the southeast corner of the site.

- 3.1.16 Cycle parking would be provided either within the proposed garages or within the rear gardens of the dwellings. Separate cycle and bin storage will be provided for the block of one-bedroom flats.

3.2 Conclusion

- 3.2.1 The proposed development is located within one of the strategically allocated sites in Burnham-on-Crouch. The site has been designated for a minimum of 90 dwellings. Furthermore, it is considered that sufficient provision for infrastructure, services and facilities will be provided as part of the development through conditions and a Section 106 (S106) agreement to meet the requirements of these policies.
- 3.2.2 The development is also considered to provide suitable provision of affordable housing and would also meet the identified need of the District for smaller residential accommodation. The development would not be harmful to the character and appearance of the area or site and nor would it be harmful to the amenities of the neighbouring occupiers, it would make adequate provision for off street parking and would not adversely impact upon habitats and protected species.
- 3.2.3 Therefore, subject to suggested conditions, the provision of an appropriate affordable housing contribution, the provision of public open space and play area, contributions towards education, health care provision, highways improvements and to address the impact of the development on the Essex Coast, the development would be acceptable and in accordance with the aims of the development plan for the area.

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
- 59-66 Delivering a sufficient supply of homes
- 91 – 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 112 – 116 Supporting high quality communications
- 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

- 170-183 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- I1 Infrastructure and Services

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7th September 2017):

- Policy S1 – Strategic Housing Growth
- Policy CS.2 – Community Facilities
- Policy EN.3 – Enhancement of the Natural Environment
- Policy EN.7 - Waste Bins Storage
- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.4 – Affordable Market Housing
- Policy HO.7 – Land at Burnham North (East)
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)
- A Green Infrastructure Strategy for Maldon District (October 2018)

- Infrastructure Delivery Plan Update (May 2014)

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).
- 5.1.2 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).
- 5.1.3 The site is allocated as a Strategic Site in the Council's Approved Maldon District Local Development Plan and has therefore has had a sustainability appraisal carried out on it. On this basis the site is considered to be sustainably located.
- 5.1.4 The Approved Maldon LDP Policy S2 plans for a minimum of 4,650 dwellings within the District between 2014 and 2029 and as stated within Policy S1 of the Burnham-on-Crouch NDP, a minimum of 450 in Burnham-on-Crouch. 90 of these dwellings are allocated at the north east of Burnham-on-Crouch (S2(k)). Accordingly, the principle of residential development in land is acceptable and paragraph 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.
- 5.1.5 Policy S3 sets out the key development principles new development in the Garden Suburbs and strategic allocations should follow. It states that '*a masterplan for each of the Garden Suburbs at Maldon and Heybridge will be prepared and developed in partnership between the Council, relevant stakeholders, infrastructure providers and developers/landowners for illustrative purposes and as a guide for developers*'.
- 5.1.6 Policy S6 for the allocated sites in Burnham-on-Crouch stated that permission will be given for development provided that:
1. *Development can be accommodated within the capacity of the Burnham-on-Crouch road network following appropriate mitigation measures and junction improvements;*
 2. *Safe pedestrian cycling and bridleway links are provided from the development to the town centre and, where applicable, to other public services, facilities and the existing urban area;*
 3. *Provision is made for increased and enhanced green infrastructure including provision for youth and children's facilities;*
 4. *Development will protect and enhance the landscape and the character of the historic environment;*

5. *Community facilities of appropriate form and scale are integrated into the design and layout of development proposals;*
6. *Pupil demand from the development can be accommodated within existing and new primary, secondary and early years and childcare facilities, as well as adult community learning;*
7. *Contribution is made for enhanced medical provision in cooperation with the relevant health bodies;*
8. *Appropriate surface water management mitigation measures are incorporated into the development;*
9. *Adequate provision is made for enhanced and comprehensive sewerage infrastructure;*
10. *Adequate provision is made for affordable housing provision;*
11. *A significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and lifetime homes etc.;*
12. *Provision for B use employment land in the form of an extension to the Burnham Business Park (relevant only to site S2(i));*
13. *The development will preserve and enhance the quality of the historic character including the built environment, archaeology and the historic skyline within the context of its riverside, estuarine and rural location;*
14. *Development proposals must be accompanied by a comprehensive and detailed ecological survey;*
15. *Prior to any development a comprehensive and detailed archaeological assessment is undertaken; and*
16. *Identified infrastructure will be delivered in line with the requirements set out in Policy I1 and having regard to the most recent evidence provided in the Infrastructure Delivery Plan.*

5.1.7 Furthermore Policy HO.7 of the Burnham-on-Crouch Neighbourhood Development Plan states that “Development proposals should bring forward high quality designs that take account of the following factors:

- *The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel’s Brook to the north;*
- *The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower;*
- *The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards that frontage;*
- *The delivery of a layout that reduces in both scale and density from south to north;*
- *The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and*

- *The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding.*

5.1.8 The proposal is for the erection of 90 units (dwellings and flats) at the allocated site to the north east of Burnham-on-Crouch. The proposed development would provide an amount of residential development that accords with the minimum delivery requirements of Policy S2 of the LDP and Policy S1 of the Burnham-on-Crouch NDP. On that basis, it is considered that the provision of residential development, which is of an amount that meets the minimum delivery requirements of the development plan, is acceptable in principle. Nevertheless, the acceptability of the development is subject to other policy criteria, as stated above and material planning considerations, which are further assessed below in each relevant section of the report.

5.1.9 Whilst the objection comments received from the Town Council and the public have been noted, given that the development site is an allocated site within the LDP and that Policy S2 sets out a minimum target of homes to be allocated within Burnham-on-Crouch rather than a maximum, it would not be reasonable to object to the principle of development on these grounds. Furthermore, whilst the matters in relation to Policies S6 of the LDP and HO.7 of the Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP) will be discussed in the relevant sections of this report, it is considered that sufficient provision for infrastructure, services and facilities will be provided as part of the development through conditions and a S106 agreement to meet the requirements of these policies.

5.2 Housing Need and Supply

5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for'*. Paragraph 61 continues stating that *"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"*.

5.2.2 Following the publication of the February 2020 Government results of the Housing Delivery Test (HDT) the Council is able to maintain the 5% buffer to identify and update its Five-Year Housing Land Supply (5YHLS) statement. The latest statement published by the Council in November 2019, using the 5% buffer, shows that the Local Planning Authority can demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' (5.27) worth of housing against the Council's identified housing requirements.

5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

5.2.4 Policy H2 of the Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner occupied properties having three or more bedrooms, identifying a need for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.

5.2.5 The proposed development would provide the following mix:

- Market housing:
 - 32 no. two-bedroom dwellings
 - 13 no. three-bedroom dwellings
 - 9 no. four-bedroom dwellings
- Affordable units:
 - 11 no. one-bedroom units
 - 18 no two-bedroom units
 - 7 no. three-bedroom units

5.2.6 On the basis of the above, the proposed development would provide 59.3% smaller open market units and 40.7% of larger open market units. The percentage of the smaller affordable units would be 80.6%. Overall, when the development is taken as a whole, the percentage of smaller (one and two-bedroom units) units would be 67.8%. On that basis, it is considered that the development would provide sufficient number of smaller units in accordance with the policy H2 and the information contained within the SHMA. Although the percentage of smaller open market units is slightly less than 60%, this is only marginal and equates to 0.63 of a dwelling. Therefore, it would have been unreasonable for an objection to be raised in that respect. Besides, the overall number of smaller units would be in excess of the requirements, as identified in the SHMA and this is welcomed.

5.3 Affordable Housing

5.3.1 The application site forms part of the strategic allocations in Burnham-on-Crouch and therefore, in accordance with policy H1 the affordable housing requirement is 40%. For the current development this equates to 36 units.

5.3.2 The proposed development would provide a total of 36 affordable units, including one-bedroom bungalows and flats and two three-bedroom dwellings. In terms of the tenure and size of the on-site units, the Council's Housing department has been consulted and originally advised that a tenure mix of 80% Social / Affordable rented and 20% Intermediate (Shared Ownership) would be required and a housing mix of 80% smaller units and 20% of larger (three or more) units. Provision of homes for older people is also supported. However, following further discussions the Council's Housing Department has advised that a tenure mix of 70% Social / Affordable rented and 30% Intermediate (Shared Ownership) would be acceptable.

5.3.3 The development proposes the following mix:

Dwelling Size	Affordable Housing Units	% of Affordable Housing
1 Bed Flat	6	17%
1 Bed Bungalow	5	14%
2 Bed House	18	50%
3 Bed House	7	19%
Total	36	100%

5.3.4 On the basis of the abovementioned mix the development would provide 81% of Affordable Housing as smaller units and 19% as larger units. In terms of the tenure mix, the submitted planning statement suggests that 70% of the affordable housing will fall within affordable rent and 30% shared ownership. Therefore, no objection is raised with regard to the proposed tenure or housing mix.

5.3.5 Policy H1 states that *“Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council’s policies having regard to the SHMA, the Council’s adopted Affordable Housing Guide, and the Council’s Housing Strategy. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District’s need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site.”*

5.3.6 The proposed affordable housing will be provided in full on-site, therefore, complying with Policy H1 of the LDP. The required on-site affordable units would be secured through a Section 106 (S106) agreement.

5.4 Design and Impact on the Character of the Area

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

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

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

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

- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*
 - d) *Layout, orientation, and density;*
 - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
 - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value*
- 5.4.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties.”*
- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.6 The development proposes the erection of 90 residential dwellings on allocated site S2(k). The development would be contained within the eastern parcel of the allocated site. The development would be surrounded by large amounts of soft landscaping to all boundaries, with the widest being located along the north boundary along Pannel’s Brook, where the attenuation basins are proposed to be located. An orchard would be created to the southeast of the site and a Local Equipped Area of Play (LEAP) by the entrance of the site to the west. Further landscaping and trees would be planted within the main built up area of the site. Policy S6 requires development at the Strategic Allocations to make provision for increased and enhanced green infrastructure.
- 5.4.7 Having assessed the level of open space that has been provided, it is considered that adequate open green space has been incorporated to the development and the proposal has been designed taking into consideration the existing landscape features of the site, as required by section C02 of the MDDG. Furthermore, a LEAP is proposed to be formed along the public footpath adjacent to the entrance of the application site. It is considered positive that the LEAP has been located near the access of the site and adjacent to the public footpath, as this position would invite users from both inside and outside the site, creating an inclusive development. Therefore, it is considered

that the level of greenery and open space provided softens the urbanising impacts of the development. However, the finer landscaping details will be addressed in the relevant section below.

- 5.4.8 The site lies within a Coastal Farmland Landscape which is recognised as being substantially flat and artificially drained to create agricultural land; however, it is located immediately adjacent to one of the main towns of the District, where the predominant character is urban, defined by a series of streets, squares and courts. The proposed development would largely continue the build pattern of the town where the built-up areas fronting the streets follow an orthogonal grid rather than one made up of suburban cul-de-sacs. The proposed layout would reflect that of the main town of Burnham-on-Crouch rather than might normally be found on modern urban extensions. This is considered positive, as it is representative of the existing urban grain.
- 5.4.9 In terms of the orientation and positioning of dwellings, the development would have all properties facing towards the internal roads, private driveways or Marsh Road. It is therefore considered that the proposal would maintain an active frontage along the highway and the public open space. This is considered to result in a consistent approach in terms of the urban grain where properties front public areas.
- 5.4.10 In terms of the interrelationship of the units it is considered that a fairly strong building line has been followed by the units facing the main road, creating a distinct street edge and a sense of place. Furthermore, the buildings are located so that no awkward juxtapositions from forward projecting masses are created. Overall it is considered that the orientation of the residential units achieves an acceptable layout throughout the site.
- 5.4.11 The dwellings are also located within reasonably sized plots, with visual and spatial gaps between buildings, together with suitable back to back distances in each development block, which is discussed further below in relation to residential amenity.
- 5.4.12 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights the housing design principles. In particular, principle NHD.9 states that *“The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the local vernacular are encouraged and the town centre conservation area provides many high quality examples of local forms”*
- 5.4.13 The proposed development would provide a mixture of single and two-storey, detached and semi-detached dwellings, as well as a two-storey block of flats. In terms of their roof design, the properties would be a mixture of hipped (bungalows and flats) and gabled roofs which reflects the character of the wider area.
- 5.4.14 In terms of the design of the individual dwellings, it is noted that different styles and patterns of houses and materials have been incorporated into the development which offers a degree of visual interest. Furthermore, although the dwellings are of varying heights the submitted streetscene elevations demonstrate that the height differences are marginal and organic at roof level, whilst enabling eaves heights to maintain a street level relationship. This human scale to the development mitigates against -

dwelling types appearing contrived whilst fostering variation and architectural interest within the scheme.

- 5.4.15 There would be dwellings that would be located on corner plots and thus consideration should be had to provision of active frontages on both elevations visible from the streetscene. The submitted plans, in conjunction with the dwelling elevations and the streetscene elevations submitted, show that the properties located on corner plots would incorporate positive fenestration on both elevations. This would avoid large expanses of blank unattractive walls whilst enabling dual directional integration of corner buildings into the wider street scape of these sometimes difficult to articulate junctions.
- 5.4.16 The proposed bungalows have been grouped together within their own north facing frontage to the northwest corner of the site, thereby creating a distinct characteristic within the site. Therefore, while they are of a lower height than the two storey properties to their east, they would not be read as part of the same street view, particularly given the street separation. For that reason, their relationship with the two-storey properties would not be visually discordant.
- 5.4.17 It is noted that some dwelling styles such as NA21 and NA32SP (Beauford) have been designed to reflect semi-detached dwellings. In this respect, the mirror image design provides a balanced fenestration which denotes a traditional appearance to the development. This is a welcome approach which further picks up design cues from the locality.
- 5.4.18 In terms of materials, the planning statement states that the materials have been influenced from the Listed Building's within the vicinity of the site and that the use of brick, timber cladding and pitched roofs reflects the historic aesthetic of the neighbouring buildings. This view is not disputed, and it is considered that the proposed use of traditional materials is characteristic and sympathetic of the surrounding area.
- 5.4.19 Policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. In that respect it is noted that affordable housing would not be all grouped in one area but would be located to the northwest and within the southern and eastern parts of the site. In terms of design and appearance, the affordable units would be of a relatively similar design and external finishing materials to the open market units. Therefore, the development would comply with the requirements of policy H2.
- 5.4.20 A block of flats of a two-storey height would be located at the southeast corner of the application site. This part of the site sits topographically lower than the western part and is also largely hidden behind vegetation and is not readily visible from the highway, which is raised over the railway lines. For that reason, it is considered that the position of the largest building, in terms of mass and scale, albeit not height, has been well considered in its urban design context and no objection is raised to its position at this part of the application site.
- 5.4.21 For most of the properties off-street parking is proposed to be provided on plot, to the side of each dwelling. There is small number of properties which are also provided by on plot garages or carports. There is only a limited number of units where

communal parking or parking in front of the dwellings is proposed. Communal parking is proposed for the block of flats to the southeast of the site and parking at the front of the dwellings would be provided for properties 46-48 and 79-82. It is noted these parking areas would include no more than eight parking spaces and therefore, it is considered that the amount of hardstanding would be limited to the extent that the development would not result in large car dominated frontages or unacceptable rear car parking courts. Furthermore, regular intervals of landscaping and trees have been included to minimise the negative impacts on the streetscene.

- 5.4.22 Plans CSA/3734/134 H and CSA/3734/135 H (Hard Landscaping Proposals) show that the internal estate roads will largely consist of tarmac and the driveways will be blocked paved. Whilst it would be preferable if the estate roads were block paved, it is understood that the road needs to be built to adoptable standards, and the fact that the driveways are blocked paved is a welcome addition to the site. The proposed use of Hoggin for the secondary pathways is considered to soften the impacts of the development.
- 5.4.23 In terms of boundary treatments, it is considered a positive approach to have brick walls and living green screens where residential boundaries abut the highway. It is noted in some instances, such as plots 1, 10, 34, 40-45 and 84 that 1.8m high close-boarded fencing is proposed adjacent to the public realm. However, it is noted in this instance that there are landscape buffers between the fence and the highway, or the dwellings abut green space opposed to the highway and so would have a lesser impact and would be read in relation to their context and siting. For these reasons it is considered that the proposed boundary treatments are acceptable.
- 5.4.24 In light of the above, it is considered that the development would be in keeping with the build pattern and overall character of the surrounding area and it would result in a largely landscaped led development, protecting the visual amenity of the area.

5.5 Impact of the Development on Heritage Assets

- 5.5.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.5.2 There are two designated heritage assets to the west of the application site, the settings of which would be affected by the proposed development. The parish church of St Mary is a Grade II* listed building and Burnham Hall is a Grade II listed building.
- 5.5.3 The application is supported by a Heritage Statement, which concludes that the development would result in negligible harm to the setting of the church by way of the alteration to its setting as it is located c.200m west of the site. In terms of Burnham Hall that is located immediately to the west of the site, it was concluded that

during a winter site visit only limited, partially glimpsed views to the Hall from the field to the west of the site were identified. Therefore, it is suggested that the views are likely to be completely screened in the summer. Furthermore, the statement says that whilst the site has a historic relationship with Burnham Hall as associated agricultural land, the relationship has been severed. For this reason it was concluded that the development of the site would not result in harm to the Hall through the alteration of its setting.

- 5.5.4 The Council's Conservation Officer has been consulted as part of the proposed development and following assessment of the proposal and on the basis of the submitted Built Heritage Statement concludes that the proposed development will have a limited impact on the setting of the nearest buildings because of the intervening distance and vegetation. Furthermore, the preservation of the field immediately to the east of the church as undeveloped land would preserve a valuable part of the historic buildings setting. Therefore, the important views of the church from the public footpath would be preserved. It should also be noted that Historic England's consultation response accords with the comments made by the Conservation Officer.
- 5.5.5 In relation to Burnham Hall, the Conservation Officer considered that no harm would be caused to its setting and any harm to the setting of the parish church through interruption of some long views from Marsh Road and the application site would be minor.
- 5.5.6 The Conservation Officer's findings accord with those stated within the Heritage Statement. As a result, no objection is raised in terms of the impact of the development on existing heritage assets.

5.6 Green Infrastructure and Landscaping

- 5.6.1 Policy D2 of the LDP requires green infrastructure to be incorporated into developments as a way of adapting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised.
- 5.6.2 Policy N1 of the LDP encourages the enhancement of the green infrastructure network, identifying that *"The requirement for new green infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development"*.
- 5.6.3 The greenspace standards for Maldon District are identified in the Green Infrastructure Strategy for Maldon District (2018). This states that 2.28ha per 1,000 people should be provided to meet the total parks and amenity space standards. Based on the SHMA, average household size by 2021 was calculated at 2.31. The development would result in a population of 207.9 (90 dwellings x 2.31 persons per household). As a result, the requirement for Public Open Space (POS) would be 0.47ha. The proposed LEAP will measure 466m² in area and the public Orchard

within the southeast of the site would measure approximately 1620m² in area. There is also an area of public open space within the north of the site which measures well in excess of the surplus 2,614m² of the required open space. Therefore, there is no objection in this regard.

- 5.6.4 With regard to the proposed LEAP (Local Equipped Area for Play), the requirements are for the LEAP to be located within walking distance (five minutes) from all homes, that five play types are provided within a minimum zone activity of 400sqm, including fencing with pedestrian gates, seating and litter bins. The application is supported by a detailed LEAP proposal, which shows that five different play equipment types would be provided, that the area would be fenced and bound by hedging with two pedestrian accesses, and two benches and two litter bins would be provided within the play area, which will measure around 400sqm and it would be provided within less than five minutes walking distance from proposed development. As a result, the development would provide quality play area for future occupiers that meets requirements as set out in the Green Infrastructure Strategy.
- 5.6.5 In terms of the overall landscaping strategy it is considered that there is suitable soft landscaping proposed throughout the site. The majority of the soft landscaping is located to the north of the site, which is considered a positive element of the scheme, as it provides a transition between the built development within the site and the countryside to the north. Furthermore, the soft landscaping to the south of the site proposed a buffer between the development and Marsh Road. It is also considered, that there is sufficient tree, shrub and hedgerow planting provided throughout the estate roads, which will provide an attractive streetscene.
- 5.6.6 The Council's Tree and Ecological Consultant also consider that appropriate recommendations for planting have been proposed and the Tree Consultant suggests that the proposed shrub and tree mixes and their siting are largely acceptable, to provide amenity, biodiversity and ecological benefits. However, some amendments to tree species such as the Cherries proposed in front of Plots 9 and 90 and Sorbus trees adjacent to parking areas or paths, such as plot 70, were recommended to prevent the need for trees to be removed in the future as a result of surface displacement of slip hazards from dropped fruit. Following these comments, the proposed Cherry trees have been retained but with a root deflector specified for these in the planting specification and the Sorbus trees have been replaced with alternative species. Following further consultation with the Tree Consultant, the proposed changes are considered acceptable.

5.7 Impact on Residential Amenity

- 5.7.1 The basis of Policy D1 of the 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 MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.7.2 The proposed development would increase the levels of activity at the site, by reason of the erection of a residential development to what currently comprises arable land. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the existing

neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area. This is supported by the submitted noise assessment.

- 5.7.3 The nearest properties to the application site are The Vines to the south of the application site and no. 14 Marsh Road to the west. The nearest proposed dwelling to The Vines is located around 30m away from the neighbouring dwelling itself. This separation distance is considered sufficient to mitigate against any unacceptable overlooking, overshadowing or dominance. A minimum of 47m distance would be maintained between plot 87 and no. 14 Marsh Road, which is a significant distance of separation to prevent the neighbours' amenity.
- 5.7.4 It is noted that a LEAP is proposed on the southwest part of the application site. The LEAP would be located 10m away from the western boundary of the site and would be physically separated by dense hedgerow. Whilst it is expected that the LEAP would generate noise, it is noted that a reasonable distance would be maintained between the play area and the neighbouring residential property and the physical barrier would help reduce the transferrable noise and disturbance. It is also noted that an established public footpath runs along the western boundary of the site, which provides access between Stoneyhills and Marsh Road, in close to no. 14 Marsh Road. It is therefore anticipated that the existing use of public footpath is greater, due to the proximity of the footpath to this neighbouring property, than that expected to be experienced by the proposed LEAP. As such, no objection is raised in terms of the potential impact of the development on the nearby residential properties.
- 5.7.5 All other residential dwellings would be located a further distance away from the application site and thus, no greater impact is expected to be caused by the proposed development.
- 5.7.6 In terms of the interrelationship of the proposed dwellings, it is considered that sufficient back to back distances would be maintained. The required 25m back to back distances are not provided in relation to Plots 1 & 10, 70 & 69, 64 & 53 and 56 & 57. However, the affected plots are 'L-shaped' dwellings and so although the minimum back to back distance is less than 25m, the bulk of the dwellings are set 25m or more from one and other. Furthermore, the elevation in closest proximity of the neighbouring dwelling in terms of the 'L-shaped' properties do not have windows in the rear elevation at first floor. Therefore, it is considered that sufficient back to back distances would be maintained to prevent undue loss of light or privacy and the dwellings would be positioned in such a way, they would not result in overshadowing or have an overbearing impact. Furthermore, it is noted that windows in side elevations of any dwelling styles which may result in overlooking have been omitted from the affected plots. Any other affected windows, for example the window serving the first-floor landing at Plot 33, do not serve habitable rooms and therefore, can be glazed in obscure glass. This will be secured via a condition.
- 5.7.7 It is noted that the southernmost plots located in closest proximity to Marsh Road may be subject to noise impacts resulting from traffic using that road. However, it is considered that subject to an appropriate condition requiring a schedule of glazing and ventilation for bedrooms and living rooms, designed to meet the noise criteria detailed in paragraph 4.17 of the Cass Allen Noise Assessment RP01-19251, it is considered

that the adverse impacts on health and quality of life from noise can be mitigated. This approach is in accordance with the comments made by Environmental Health.

- 5.7.8 In light of the above, it is considered that the development would be acceptable in terms of its impact on residential amenity.

5.8 Access, Parking and Highway Safety

- 5.8.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

- 5.8.2 Access to the site would be gained off of Marsh Road and a primary internal road would run within the site from west to east. There are also several secondary internal roads proposed within the site which lead to shared surfaces and private drives.
- 5.8.3 The Highway Authority has been consulted and raised no objection to the proposed access. Therefore, no objection is raised in terms of the acceptability and safety of the access and highway network of the application site.
- 5.8.4 It is noted that originally there were eight drop off bays proposed within the site to accommodate school drop offs. However, following discussions between the developer and the Local Highway Authority, this was considered to be of little benefit and has now been omitted from the scheme. Nevertheless, a crossing to provide safe access to the primary school on the southern side of Marsh Road is still proposed and could be secured via a condition as the crossing is located within the red line boundary of the application site

Trip Generation

- 5.8.5 The proposed development is supported by a Transport Statement (ST2847/TA-1908 Rev 1 August 2019), where the impact of the development on the local highway network are assessed.
- 5.8.6 The TRICS assessment has been interrogated to establish the number of vehicular trips anticipated to be generated by the proposed site with trips obtained for residential development. The assessment has been based on 110 dwellings, rather than the 90 proposed, to provide a robust assessment.
- 5.8.7 On that basis, the total amount of trips that are expected to be generated at peak hours (am and pm) have been calculated at 65 two-way vehicle movements during the AM peak hour and 62 two-way vehicle movements during the PM peak hours compared to flows observed in 2019.

- 5.8.8 In terms of the impacts on nearby junctions the Transport Assessment highlights that there may be capacity issues at J5 (Maldon Road / Church Road) as the results show the minor arm of the junction to operate over the theoretical capacity in the 'with' development peak. Therefore, the report suggests that a contribution should be sought to mitigate against these impacts.
- 5.8.9 The Local Highway Authority also raised these concerns in their consultation response and noted that the development would likely lead to a queue of six vehicles forming on the link between the northern and western intersections of the junction, which is only of a sufficient length to accommodate three vehicles. Therefore, any vehicles waiting to turn right onto Church Road will cause an obstruction to southbound traffic. Consequently, a contribution of £11,600 is sought for improvements to this junction which will be included with the S106 agreement.
- 5.8.10 It is also noted that the Local Highway Authority has recommended a condition requiring that the existing bus stops either side of the B1021 Church Road (between the junctions with Marsh Road and the B1010 Maldon Road) to be improved through the provision of new poles, flags and timetable information display. The developer has agreed they are willing to provide these upgrades which can be secured via a Grampian condition.
- 5.8.11 Whilst it is noted that a number of objections have been received in relation to highway safety, given the comments received by the Local Highway Authority, contributions to junction improvements that will be sought through a S106 Agreement, and the recommended conditions it is not considered that the development will result in unacceptable highway safety risks or congestion.

Parking Provision

- 5.8.12 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.8.13 The proposed development would provide a total number of 207 parking spaces, 23 of which will be visitor spaces. Plan 18.1318.203 Rev J shows that 170 of the spaces will be allocated and there will be 9 garages.

- 5.8.14 Having assessed the proposed parking plan it is considered that each dwelling will be provided with a sufficient number of vehicle parking spaces and the parking bays will measure to the requirements of the Vehicle Parking Standards.
- 5.8.15 In terms of cycle parking, the block of flats to the east of the site includes a secure cycle store to accommodate eight bicycles. It is also stated that cycle storage will be provided within the remainder of the site within gardens or garages. Given that the majority of the gardens are in excess of the required amenity space provision it is considered reasonable that cycle storage could be provided in this way. A condition can also be imposed ensuring that this cycle parking provision is secure, convenient and covered as required by the adopted Vehicle Parking Standards.
- 5.8.16 The submitted transport statement also states that an external fast charging point will be provided adjacent to at least one parking space for each new dwelling, with an electricity supply to meet future demands if required. This is in accordance with the required standards and can be agreed via a condition.
- 5.8.17 The majority of the off-street parking spaces would be provided on plot. However, some of the properties (plot No's 46-48 and the 1 bed flats on plots 40-45) on the southeast parcel of the site would be provided in a linear parking court. Although the occupiers of these properties would have to walk a distance to reach their vehicles, this stance would be limited, and it would not make the parking spaces unusable.
- 5.8.18 The proposed development would provide sufficient visitor parking spaces. A minimum of one visitor space per four dwellings is required; therefore, a minimum of 23 spaces, which the proposal would provide.
- 5.8.19 Having regard to the above, it is considered that the development would provide sufficient vehicle parking in accordance with Policies T1 and T2 of the LDP and the Maldon District Vehicle Parking Standards.

Public Right of Way

- 5.8.20 It is noted that there is a public footpath that runs along the western boundary of the site. The Public Rights of Way Team at Essex County Council was consulted and expressed concern that the development will increase the usage of the public footpath. Therefore, a condition has been recommended requiring the footpath to be hard surface from Marsh Road to the bridge across Pannel's Brook. This could be secured through the imposition of a Grampian condition which requires works on land not controlled by the Applicant.

5.9 Flood Risk and Water Drainage

Flood Risk

- 5.9.1 The northern part of the application site is located within flood zones 2 and 3. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. A similar approach is taken by Policy D5 of the LDP which states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood

Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. However, paragraph 162 of the NPPF stated that “Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the planmaking stage, or if more recent information about existing or potential flood risk should be taken into account.”

5.9.1.1 The application has been supported by a Flood Risk Assessment (FRA) that highlights that all of the proposed housing development will be located within Flood Zone 1. As proposals classified as ‘water compatible’ such as amenity open space, nature conservation and biodiversity developments are considered appropriate for Flood Zone 3b, it is proposed to place the SuDS features, allotments, pumping station and other areas of open space within the northern part of the site.

5.9.1.2 As the application site is an allocated site within the LDP it is considered that the sequential test has already been carried out in accordance with paragraph 162 of the NPPF. In terms of the exception test, paragraph 160 of the NPPF highlights that it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) 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.

5.9.1.3 Very limited information has been provided with the application in relation to the exception test. However, it should be noted that the Environment Agency (EA) have been consulted on the application and are satisfied that all proposed development has been sequentially sited outside of the flood extent for a 1% (1 in 100) annual probability event, including a 65% allowance for climate change. Furthermore, they have also advised that using the indicative site level of 8.69m AOD as a worst-case scenario that finished floor levels will likely to be dry of flooding by 0.59m depth in this event. Likewise, finished first floor levels are likely to offer refuge above the 0.1% (1 in 1000) annual probability flood level of 8.2m AOD. Consequently, the flood hazard is considered very low and the proposal provides a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including a 65% allowance for climate change. The EA also consider that when considering the findings of the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals, it is indicated that there will be no danger to people.

5.9.1.4 Further to the above, it is noted that the exception test is only required in relation to developments classed as highly vulnerable within Flood Zone 2, for development relating to essential infrastructure in flood zones 3a and 3b and those which are more vulnerable in flood zone 3a. Given that water compatible uses are proposed within the areas of the site which are at higher risk of flooding, it is considered that the development will be safe for its lifetime and includes suitable drainage measures (discussed below) to ensure that flood risk will not be increased elsewhere.

Furthermore, given that the site is a strategic allocation and is essential to delivering a sufficient supply of housing within the District, along with the fact all housing will be located within Flood Zone 1, it is considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

- 5.9.1.5 Whilst a Flood Evacuation Plan has not been proposed, given the findings above, and the location of the built form within flood zone 1, it is not considered that it would be reasonable to refuse the application on these grounds. However, a condition should be imposed requiring a flood action plan, which requires the applicant/occupier to have a flood action plan in place to respond to any warnings issued by the EA. The details of which shall have been submitted to and improved in writing by the LPA prior to the first occupation of the development.

Surface Water Drainage

- 5.9.1.6 The application includes a surface water drainage strategy which is detailed within the Flood Risk Assessment. The strategy includes the use of two attenuation ponds located within the northern parcel of the site. Discharged surface water runoff from the site will be via an outfall to Pannel's Brook on the northern boundary of the site. Furthermore, Sustainable Drainage System (SuDS) techniques such as the use of porous paving and the attenuation ponds have been incorporated in order to comply with Policies D5 of the LDP and EN.2 of the BOCNP.
- 5.9.1.7 The Lead Local Flood Authority (LLFA) have reviewed the surface water drainage strategy and have advised that they have no objection subject to relevant conditions requiring a detailed surface water drainage scheme and management risk of off-site flooding, along with maintenance details of the SuDS features and pollution control. Having regard to the comments made it is considered that subject to the recommended conditions, the surface water drainage proposals are acceptable and will suitably deal with surface water at the site without increasing risk elsewhere in accordance with Policy D2 of the LDP and Policy EN.2 of the BOCNP.

5.9.2 Foul Drainage

- 5.9.2.1 The submitted Flood Risk Assessment (FRA) includes the proposed foul water at Appendix G, which shows that it is intended to connect the site to the mains sewer. The existing foul water sewers passing through the site are to be diverted around the southern and western boundaries of the site, as shown in Appendix D of the FRA.
- 5.9.2.2 Anglian Water have been consulted on the application and have advised that although there is insufficient capacity to accept wastewater flows from the development they are obligated to accept the foul flows from the development and to take the necessary steps required to ensure there is sufficient treatment capacity should permission be granted. The sewage systems does however have capacity to accept flows into the sewage system. Therefore, there is no objection in regard to foul water.

5.10 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.10.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of

dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 5.10.2 The application is supported by a Garden Area Plan (18.1318.205 Rev H), which shows that the one and two-bedroom properties would be served by more than 50sqm and all other properties of three or more bedrooms would be served by more than 100sqm of amenity space with the exception of Plot 28 which will be served by 97.7m². Furthermore, the flats within the eastern part of the site would have a shared amenity space of 191.1 sqm, which equates to 38sqm per flat and each flat would be served by a balcony measuring 2.3 sqm in area.
- 5.10.3 On the basis of the above, although Plot 28 is under provided for in terms of amenity space provision by 2.3m², given the limited shortfall in provision and the fact that the dwelling is located opposite the public open space within the north of the site, it is not considered that it would be reasonable to raise an objection on these grounds. Therefore, it is considered that the development would provide adequate outdoor amenity space that is capable of meeting the outdoor amenity space requirements of the future occupiers and it would comply with the minimum standards, as set out in the adopted MDDG.
- 5.10.4 All properties would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided for the future occupiers of all proposed residential properties and on that basis, it is considered that the development would provide a good level of living environment to the future occupiers.

5.11 Impact on the Ecology, Trees and Biodiversity

- 5.11.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.11.2 On the basis of the abovementioned policy requirement, an Ecology Impact Assessment (EIA) (September 2019 CSA/3734/02) has been submitted in support of the application. The EIA aims to:
- establish baseline ecological conditions at the Site.
 - determine the importance of ecological features which could be affected by the proposed scheme.
 - identify any likely significant impacts or effects of the proposed development on Important Ecological Features, in the absence of mitigation, including cumulative impacts.
 - set out any measures necessary to effectively avoid or mitigate likely significant effects, and identify residual impacts.
 - identify any compensation measures required to offset residual impacts.

- set out potential ecological enhancement measures that could be delivered by the proposed scheme.
- confirm how proposed mitigation, compensation and enhancement measures could be secured.
- provide sufficient information to determine whether the project accords with relevant nature conservation policies and legislation, and where appropriate, to allow conditions or obligations to be proposed by the relevant authority.

5.11.3 The report advises that through the implementation of some mitigation and precautionary measures, no significant adverse effects are predicted. Furthermore, the scheme has the potential to deliver net gains for biodiversity through new habitat creation.

5.11.4 Following consultation with the Council's Ecological Consultant it is considered that subject to the measures identified in the Ecological Impact Assessment being secured and implemented through a condition then the development would be acceptable in ecological terms. However, to ensure that any potential impacts to Protected and Priority Species during the construction phase are mitigated a Construction Environmental Management Plan should be secured via a condition. This should include mitigation measures for Badgers, foraging and commuting bats, reptiles, amphibians, nesting birds and Hedgehogs. A wildlife friendly lighting scheme should also be secured, as recommended within the report.

5.11.5 As the site is currently of low biodiversity value, it is considered that the development will be sufficient to deliver measurable net gains for biodiversity and the ecological enhancement measures contained within the Ecological Impact Assessment are considered to provide reasonable ecological enhancement within the site.

5.11.6 Having regard to the above, it is considered that the details included in the Ecology Impact Assessment are sufficient to secure that the development would not adversely impact on the existing ecological assets and habitats and subject to the implementation of the abovementioned enhancement measures, it would provide sufficient ecological enhancement as required by policy N2 of the approved LDP. The impact of the development on the European Designated Sites is further assessed in section below.

5.11.7 The development is also supported by a Tree Survey, Arboricultural Impact Assessment including an Tree Protection Plan. The submitted Arboricultural report advises that the development would result in the need for five small trees to be removed in order for the access and footpath to be constructed. Given that these trees are of low quality and their loss will be mitigated by additional planting within the site, no objection is raised in relation to their removal. Furthermore, subject to the tree protection measures being carried out in accordance with the detail provided it is considered that the remaining trees will be suitably protected throughout the development.

5.12 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

5.12.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are

compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.

- 5.12.2 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.12.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.12.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.12.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.12.6 To accord with Natural England's requirements, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

Test 2 – the integrity test

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

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

5.12.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.12.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore constitutes an emerging document for the Council. Given the stage of preparation of the emerging strategy, it is considered that material weight should be given to the document and its requirement to mitigate the impact of the development on the European designated sites. A flat rate tariff of £122.30 per new dwelling is identified within the submitted Coastal Recreational Avoidance and Mitigation Strategy as the contribution to mitigate the impact of a new residential property. Therefore, as the proposal is for thirty-six dwellings, the fee is calculated at £11,007. This contribution would have to be secured through a S106 agreement. Subject to a signed legal agreement, the development would comply with Policies S1, and I1 of the MDLDP and the NPPF.

5.13 Other Material Considerations

Contamination

5.13.1 Policy D2 of the LDP states that ‘*where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source.*’

5.13.2 Likewise paragraph 178 of the NPPF requires decisions to ensure that ‘*a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.*’

5.13.3 The application has been supported by a Geoenvironmental Site Investigation report (1920132-R01 (01) September 2019) which does not highlight any significant risk of contamination. Therefore, in accordance with the comments made by Environmental Health, it is considered that the site is suitable for the intended use with no need for further investigation or remediation.

Archaeology

- 5.13.4 The application is supported by an Archaeological and Geo-Archaeological Evaluation dated December 2019. The report presents the methodology and results of an archaeological and geo-archaeological evaluation at the site. The Historic Environment Officer was consulted and has advised that recent fieldwork in Burnham-on-Crouch, including to the south of Marsh Road has produced evidence for extensive occupation for the later prehistoric and Roman periods. The geophysical survey submitted as part of the application has identified an undated ditch and the line of a spring shown on the 1st edn. OS map. However, the technique used was not one that would have identified the smaller or more ephemeral features identified on the neighbouring excavations. Furthermore, the gravels on the site comprise the Asheldham Gravels, which the Managing the Essex Pleistocene Project has identified as having a high potential for the Palaeolithic and Pleistocene periods.
- 5.13.5 Given the above and that Archaeological features and deposits are both fragile and irreplaceable, the Historic Environment Officer recommended that any development on site should be preceded by a programme of archaeological investigation which should be secured via appropriate conditions. In line with this advice, if the application is to be approved then full archaeological conditions should be imposed.

Waste management

- 5.13.6 Section C09 of the MDDG stipulates that the provision of waste management facilities within developments is fundamental to provide and maintain an attractive and healthy environment. To do so, sufficient space should be provided for storage of bins at a convenient pace and access of collection vehicles has been considered.
- 5.13.7 The submitted refuse collection plan shows that all properties would be provided with on plot storage facilities and the refuse carry distance to the collection point would be limited. Furthermore, all collection points would be easily accessible from the refuse collection vehicles. As a result, it is considered that adequate refuse provision has made for the future occupiers at locations that are convenient for both the occupiers and the collection vehicles, in accordance with the requirements of MDDG.

Air pollution

- 5.13.8 The application has not been supported by an Air Quality Statement. However, MDC in partnership with Essex County Council has drafted an Air Quality Action Plan 2020 – 2025 for the area of Market Hill, which was identified as exceeding the pollution levels. At present, no other management areas have been identified. Therefore, no evidence of pollution in vicinity of the site has been identified and it is considered unlikely that the resultant levels of air pollution originating from the site would not be considered harmful.
- 5.13.9 Notwithstanding the above, in accordance with the abovementioned information, the area has not been identified exceeding pollution levels, given that promotion of healthy communities and sustainable transport is a clear objective of the NPPF and the LDP, it is considered reasonable to impose a condition requiring details of mitigation measures against air pollution.

Broadband

5.13.10 Policy S1 of the LDP states that decisions will support the expansion of high speed broadband. Likewise, Policy S3 states that the Strategic Allocations must provide the requirements of site service and communication infrastructure, in particular high speed broadband, with minimal disruption and need for reconstruction and allow for future growth in service infrastructure. Therefore, to ensure that this Policy criteria is met and to ensure that the proposed development is sustainable the provision of superfast broadband should be secured via a condition.

External lighting

5.13.11 Whilst the application has not been supported by details relating to external lighting it is considered that this could be addressed by way of a suitably worded condition to eliminate any adverse impact on existing wildlife, given that the site is neighboured with the countryside to the north and to protect the nearby neighbours' amenities.

Permitted development rights

5.13.12 It is considered that any alterations / extensions to the roofs of the proposed dwellinghouses may result in an unacceptable design (such as in case of installation of large sized dormers) or impact on the residential amenity of the neighbouring occupiers (for instance via the installation of dormer windows facing neighbour properties). Furthermore, for plots where the garden space is not in excess of the required standards, residential extensions may result in an unacceptable provision of private amenity space to the detriment of the living conditions of the occupiers. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for class A,B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other developer contributions

5.13.13 Along with other key principles, policy S1(11) requires decision makers to *“Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources”*.

5.13.14 The applicant has submitted a Draft Heads of Terms accompanying the application, which include the suggested developer obligations.

Affordable housing

5.13.15 Amongst others the proposed development would be required to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objective on affordable housing. The necessary affordable housing contribution in this area is 40%, which equates to 36 affordable dwellings. The applicant proposes the provision of 36 on site affordable units. The details of the tenure and size of affordable units is further assessed in the relevant section of the report above.

Education

5.13.16 The proposed development would result in an increase in the amount of family housing on the allocated site and this would unavoidably generate a need for education facilities. This impact would have to be mitigated.

5.13.17 The Essex County Council Education Department was consulted as part of the current application and they advise that the development is expected to generate the need for up to 7.1 early years and childcare places, 23.7 primary school places and 15.8 secondary school places.

5.13.18 According to the Essex County Council's childcare sufficiency data, there is a need for additional places for early years and childcare within the ward. It is advised that a financial contribution should be made towards creating these additional places within the Burnham-on-Crouch Ward or within a 3 mile radius. The estimate contribution for the total cost for the 3.2 places is £123,870 index linked to April 2019.

5.13.19 It has been identified that both Primary Schools in Burnham-on-Crouch are currently full in most years groups and both were full in reception. It has been therefore advised that an additional 23.7 primary places would be required to be provided at an estimated total cost of £362,160 indexed linked to April 2019.

5.13.20 Although the advice received by the Education Department is that the secondary school, which is the Ormiston Rivers Academy, currently has a surplus accommodation for around 60 pupils each year, forecast for the area now suggest that this will be insufficient to meet demand with a further 36 spaces required by the end of the Ten-Year Plan period. For that reason, an additional 15.8 spaces would be required to be provided at an estimate cost of £366,781 index linked to April 2019.

5.13.21 All the above-mentioned contributions would be sought to mitigate the impact of the development on local primary school provision.

Essex Coast RAMS contribution

5.13.22 The mitigation of the impact of the development on the Essex Coast is assessed above in the relevant section of the report. A flat rate tariff of £122.30 per dwelling would be required and it will be sought through a S106 agreement.

Health Impact Assessment - Healthcare contribution

5.13.23 The NPPF supports that planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. A Health Impact Assessment (HIA) is a useful tool to use where there are expected to be significant impacts.

5.13.24 According to Health Impact Assessment of Government Policy (2010) the HIA is to produce a set of evidence-based practical recommendations that will inform decision-makers on how best they can promote and protect the health and wellbeing of local communities they serve. The HIA should maximise the positive impacts and minimise the negative impacts of the policy and address health inequalities.

Recommendations for action and monitoring should be included within the document submitted.

- 5.13.25 The application is supported by a Health Impact Assessment which assessed the development against the Healthy Urban Development Unit (HUDU) criteria, which within others include the access to quality housing, the access to healthcare services and open space, the noise and air quality, the access to healthy foot and active travel. The assessment concludes that the development would have mostly beneficial impacts on the health of the Districts residents in most cases and instances where there are neutral impacts. However, the HIA states that no elements of the proposal are expected to have negative impacts on the health of the residents of the District.
- 5.13.26 The development would provide 2.1 hectares of green infrastructure which includes the provision of play space for children and young people. Furthermore, the HIA states that impacts relating to noise, dust, odours and vibration resulting from the construction works can be managed via a Construction Management Plan and air pollution will be reduced through the provision of more sustainable modes of transport. Furthermore, noise caused by traffic and commercial uses will be achieved through appropriate glazing which is addressed within the relevant section of this report.
- 5.13.27 Crime reduction is proposed to be achieved through natural surveillance. It is noted that the development would provide jobs during the construction phase and additional household expenditure during the operational phase. The proposed development will adopt sustainable construction measures to minimise waste and promote recycling during construction, while electric charging points for cars will be provided. The provision of energy efficient sustainable design measures and provision of drainage solutions are proposed to meet the climate change criterion. All the above are considered to overall positively influence the health and well-being of the future occupiers of the proposed residential development.
- 5.13.28 It should be also highlighted that one of the requirements for healthy communities is the access to healthcare services and other social infrastructure. Within the submitted HIA it is stated that the proposed development does not provide social infrastructure, health facilities or community services as part of the site. The applicant recognises that a capital contribution may be required to mitigate the primary healthcare impacts arising from the proposed development.
- 5.13.29 The NHS has been consulted and have advised that the development could generate approximately 216 residents and increase demand upon existing constrained services. The healthcare services within a 2km catchment or closest to the proposed development consist of the Burnham Surgery which is already exceeding its capacity. Therefore, it has been calculated that a contribution of £34,065 is required in order to provide the 14,811m² of floor space required for the predicted population growth of 216 people / patients.
- 5.13.30 The EIA notes that a contribution is likely to be required and this has been included in the Draft Heads of Terms. Therefore, given that this provision can be secured through a S106 agreement there is no objection in relation to the impacts on healthcare provision or the impacts of the development in relation to the health of the future occupiers.

LEAP contribution

5.13.31 The provision of a LEAP area and the communal orchard is discussed above in the relevant section. The provision of future management and maintenance of the community open space and landscaping, and the creation of a Management Company with responsibility for maintaining these areas including also the play area, footways, related lighting, street furniture, signage and all landscaping would be sought and secured through a S106 agreement.

5.13.32 The abovementioned developer contributions and obligations shall be secured through a S106 agreement which shall first be discussed and finalised with the Council.

5.14 Contribution to the Achievement of Sustainable Development

5.14.1 As addressed in section 5.1 the site is considered to be sustainably located due to it being an allocated site within the LDP. Furthermore, the development would provide economic benefits during the construction stage and future residents would also be likely to make use of the existing services and businesses in the area, which will potentially increase local jobs and also contribute to the labour supply. Therefore, the development would create jobs, bring consumer expenditure, local force and Council tax revenue.

5.14.2 With regard to the social role, it is acknowledged that the development would contribute towards the supply of homes in the District by bringing forward a Strategic Site which has already been allocated to assist the District in housing growth. In addition to this, the development would provide the required amount of affordable housing in accordance with Policy H1 and will provide an appropriate amount of smaller units. Furthermore, the development will also contribute to required infrastructure improvements and additional services and facilities such as school places and healthcare facilities through the provision of S106 monies.

5.14.3 In relation to the environmental objective, extensive assessment of the impact of the development on the character of the area and heritage assets is assessed above in the relevant sections of the report in great detail. It is also noted that the development will incorporate suitable drainage proposals and would also provide sufficient public open space and green infrastructure. Furthermore, the development provides appropriate mitigation against the impact on nearby European Designated sites and will provide upgrades to sustainable modes of transport. The development will also provide net biodiversity gains in accordance with paragraphs 170 and 175 of the NPPF.

5.14.4 Having regard to the above, although the development will result in the loss of some landscape, given that the site is designated for housing and the proposal would achieve a suitable balance in regard to the three main objectives of sustainable development, the development on balance is considered sustainable.

5.15 Pre-Commencement Conditions

5.15.1 Conditions 9, 10, 11, 12 and 27 proposed in section 8 below require details to be submitted prior to the commencement of development. This is because the conditions

relate to matters such as Archaeology, construction and environmental management and surface water drainage which will need to be dealt with prior to the commencement of the works to prevent any irreversible harm on ecology or archaeology and to ensure that the works are managed effectively during the construction phase.

5.15.2 The Applicant is providing their agreement to the inclusion of these pre-commencement conditions in a letter dated 26 June 2020.

5.16 Does the development constitute Environmental Impact Assessment (EIA) development?

5.16.1 It is noted that the proposed development does not constitute (Environmental Impact Assessment) EIA development under any of the Schedules of the EIA Regulations 2017 and therefore, no screening is required to be carried out.

5.16.2 The impacts of the current proposal, including the impacts on ecology, cultural heritage, as well as the cumulative impacts of the development when taken in conjunction with the existing development at the allocation site, have been assessed and found to be acceptable.

6. ANY RELEVANT SITE HISTORY

6.1 There is no relevant planning history for this site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Object to the application for the following reasons: Although the site is an allocated site, additional unallocated sites have come forward taking up infrastructure capacity.	The development proposes the minimum number of dwellings allocated under the LDP. Whilst it is accepted that there are capacity issues within the District it is necessary to work with appropriate third parties, e.g. Essex County Council, to ensure that capacity is available or issues can be mitigated through planning obligations. The necessary infrastructure requirements can be secured via the S016 agreement. Therefore, it is not considered that the development would impact

Name of Parish / Town Council	Comment	Officer Response
		on the Towns Infrastructure above and beyond what has already been factored into the LDP.
	- Breach of Policy S2 and S6 due to lack of school places. - MDC have a 5YHLS without this site.	School place provision can be secured via a S.106 agreement. ECC has raised no objection to the proposal on school capacity matters. This is an allocated site and the housing delivery figure is a minimum not a maximum. Furthermore, the 5YHLS is a rolling figure that needs to be maintained throughout the plan period. Therefore, should planning permission be granted the site will contribute to the five year housing land supply in the coming years, when other developments which are currently contributing are built out and therefore, no longer can be factored into the 5YHLS figure. It is important to note that the allocated sites are to deliver the housing need for the entirety of the LDP.
	Detrimental impacts in the countryside the Church and Manor House contrary to Policies D1 and D2	Addressed at sections 5.3 and 5.4

Name of Parish / Town Council	Comment	Officer Response
	- Highway safety risks due to proximity to the school. An application was dismissed at appeal in Norfolk for this reason. - Design and bulk results in a contrived and dominant development. - Overdevelopment of the site - Air quality report is required	Addressed at section 5.8. The Local Highway Authority have not raised concern in relation to highway safety. Each application should be determined on its own merits and it is not considered that an appeal in Norfolk would form the basis for a reason for refusal. Addressed at section 5.4 The site has been allocated for a minimum of 90 dwellings. Therefore, the density has not been exceeded. Please refer to section 5.4 Addressed at section 5.13

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Sustainable Drainage Systems	No objection subject to conditions requiring a detailed surface water drainage scheme and risk of off-site flooding.	Addressed at section 5.9
NHS Property Services	The proposed development is likely to have an impact on 1 surgery operating within a 2km radius of the application site, which does not have capacity for additional growth. The development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area. Therefore the impacts need to	Addressed at section 5.13

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	be fully assessed and mitigated. A contribution calculation has been provided. The development could generate approximately 216 residents and increase demand upon existing constrained services. If unmitigated the implications of the development would be unsustainable. The development would give rise to the need for improvements to capacity, by way of improvement, reconfiguration or relocation of existing healthcare facilities for the benefit of the patients of the Burnham surgery. Therefore, a contribution of £34,065 is required to create additional floor space This should be secured through a S106 and should be paid prior to the commencement of the development.	
Archaeology	No objection subject to conditions.	Addressed at section 5.13
Education	No objection subject to the relevant contributions to be secured through a S106 Agreement.	Addressed at section 5.13
Essex Bat Group	No response received to date	Noted
Natural England	A Habitats Regulation Assessment should be carried out as the site falls within the Zone of Influence for European Designated Sites, to secure any necessary mitigation.	Addressed at section 5.12
Environment Agency	No objection The site lies within the flood extent for a 1% (1 in 100) annual probability event, including a 65% allowance for climate	Flood risk is addressed at section 5.9

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	change. All development has been sequentially location outside of the flood extent for a 1% (1 in 100) annual probability event including a 65% allowance for climate change. • The proposed finished ground levels are above the 1% (1 in 100) annual probability flood level including a 65% allowance for climate change of 8.1m AOD and therefore likely to be dry of flooding by 0.59m depth in this event. • Flood resilience/resistance measures are not proposed. • Although finished floor levels are unknown, there is likely to be refuge above the 0.1% (1 in 1000) annual probability flood level of 8.2m AOD. • Flood hazard is very low in the 1% (1 in 100) annual probability flood event including a 65% allowance for climate change. • Proposal has safe means of access in the event of flooding from all new buildings to an area wholly outside the	• These could be agreed via a condition but given that the built form is located in Flood Zone 1, such a condition is not considered necessary.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	floodplain up to a 1% (1 in 100) annual probability including a 65% allowance for climate change flood event. A Flood Evacuation Plan has not yet been proposed. • Flood proofing measures are recommended • Supporting information and calculations should be submitted to provide certainty that the buildings will be constructed to withstand water pressures. • In relation to likely durations, depths, velocities and flood hazard rating against the design flood event for the development proposal, it is indicated that there will be no danger to people.	• These could be incorporated at the building regulations stage. • This would be required at the building regulations stage. • Addressed at section 5.9
Public Rights of Way	Footpath improvements are required to footpath No. 14. This can be secured via a condition	Addressed at section 5.8

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	No objection – there is insufficient capacity to accept wastewater flows from the development but Anglian Water are obligated to accept the foul flows from the development and to take the necessary steps required to ensure there is sufficient treatment capacity should permission be granted. The sewage systems does however have capacity to accept flows into the sewage system	Addressed at section 5.9
Local Highway Authority	No objection subject to conditions and contributions.	Addressed at section 5.8
Essex Wildlife Trust	The Ecological Enhancement and Management Plan should be secured via a condition to ensure the delivery of biodiversity net gain for this project	Addressed at section 5.11
Historic England	No objection - Historic England are satisfied that the proposals as formally submitted; comprising 90 dwellings located solely in the eastern field beyond the historic field boundary and in accordance with the allocation in the Local Plan, would ensure sufficient open space would remain between the church yard and the western boundary of the site. Whilst some harm would be caused to the setting of the designated heritage assets by the proposals for 90 dwellings, the level of that harm could be justified when set against the site's Local Plan allocation.	Addressed at section 5.5

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue	The access meets the requirements in ADB B5 Additional water supplies for fire fighting may be necessary Sprinkler systems are recommended	Noted and informatives can be included
Cadent Gas	No objection in principle	Noted
Essex Police – Designing out Crime	Further detail would be required in relation to lighting, boundary treatments and physical security measures	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Waste Management	Following revisions which consists of moving the bin store adjacent to plots 46 and 49 and adding a collection point to the front of plots 60 and 59 there is no objection	Addressed at section 5.13
Urban Design	No objection to the detailed design, including layout, appearance, scale, landscape and access or in terms of Strategic Policy	Noted
Ecology	The measures identified in the Ecological Impact Assessment should be secured and implemented. A Construction Environmental Plan should be implemented for the application, to ensure measures are outlined and implemented to avoid any potential impacts to Protected and Priority Species during the construction phase. This should include mitigation measures for Badgers, foraging and commuting bats, reptiles, amphibians, nesting birds and hedgehogs. The LPA is advised to secure a	Addressed at section 5.11

Name of Internal Consultee	Comment	Officer Response
	financial contribution for delivery of visitor management measures in line with the per dwelling tariff of the Essex Coast RAMS to avoid adverse effects on the integrity of the European Designated Sites. Protected species – a wildlife friendly lighting scheme will need to be provided through a condition as recommended within the submitted Ecological Impact Assessment. Suggested measures have been provided to avoid impacts on bats in relation to lighting. Landscaping and Biodiversity – appropriate recommendations for planting have been proposed throughout the scheme. Suitable management and aftercare measures will also be delivered. The landscape proposals will be sufficient to deliver measurable net gains for biodiversity as the application site is situated on agricultural land with low biodiversity value. The outlined reasonable ecological enhancement measures proposed within the Ecological Impact Assessment is approved of. The ecological enhancements and management of this feature should be outline within a Biodiversity Enhancement Strategy which could be secured via a condition. This must include further details of the management and aftercare of the proposed orchard area and this is not addressed within the Landscape Management	

Name of Internal Consultee	Comment	Officer Response
	Plan. The use of the Defra Biodiversity Metric is not required prior to determination, but could be secured retrospectively within the proposed Biodiversity Enhancement Strategy if considered appropriate.	
Housing	Strategic Housing Services fully supports this Application that is providing a range and size of affordable housing for both general needs and older persons and therefore assists in meeting the Affordable housing needs identified for this District. 36 units (40%) should be provided. The Applicant proposes the following units of affordable accommodation: 6 x 1 bed 2 person flats 5 x 1 bed 2 person bungalows 18 x 2 bed 4 person houses 7 x 3 bed 5 person houses The recommendation on tenure mix is 70% Social/Affordable Rented and 30% Intermediate (Shared Ownership). Strategic Housing Services are in agreement that the Applicant provides an Affordable Housing Strategy detailing size of units, tenure, and location as part of the Section 106 Agreement to the satisfaction/agreement of the Council.	Addressed at section 5.3

Name of Internal Consultee	Comment	Officer Response
Tree Consultant	The amended soft landscape plan has swapped some trees with a non-fruiting Prunus species, which is acceptable. It is advised that when planting, consideration is given to putting root deflectors in some locations close to kerb lines and hard surfaces to prevent future displacements.	Addressed at section 5.6
Conservation Officer	The proposed development would result in minor harm to the setting of Burnham parish church. The degree of harm would fall well below the high threshold of “substantial harm”. In accordance with paragraph 134 of the NPPF, this harm must be weighed against any public benefits anticipated to arise from the proposal, having first been given special regard following the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. I suggest that the minor harm caused would be outweighed by the benefits of the scheme.	Addressed at section 5.5
Environmental Health	No objection in principle – Enhanced glazing may be required to certain facades of the southernmost plots to protect against road traffic noise from Marsh Road. This can be secured via a condition. The combined phase I and phase II initial risk assessment and site investigation reports do not highlight any significant risk of contamination and therefore, the site is considered suitable for its intended use with no need for further investigation or remediation.	Addressed at section 5.7 Addressed at section 5.13

7.4 Representations received from Interested Parties

7.4.1 26 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below.

Objection Comment	Officer Response
Layout and impact on the Church is contrary to BOCNP Policies.	Addressed at section 5.4
Insufficient infrastructure as a result of other permissions and developments.	Addressed at section 5.1
Highway congestion and safety issues.	Addressed at section 5.8
There are Fox, Rabbit and Badger sets in the application site	Addressed at section 5.11
There has to be a legal limit on how many houses are allowed to be built	There is not a limit on housing delivery. Addressed at section 5.2
Lack of Doctor, Dentist and school places	The site is an allocated site and the relevant contributions can be provided thought a S106 agreement.
More residents and less Police causes crime issues.	Police resourcing is not a material planning consideration
There is only one road in and out of Burnham	Access is addressed at section 5.8
Light pollution impacts	Addressed at section 5.13
MDC can demonstrate a FYHLS	Addressed at sections 5.1 and 5.2. This is an allocated site and the housing delivery figure is a minimum not a maximum. Furthermore, the 5YHLS is a rolling figure that needs to be maintained.
Policy S2 states that a minimum of 450 dwellings will be provided in Burnham over 15 years. The level of growth needs to be limited due to infrastructure constraints	Policy S2 states a minimum not a maximum. The required infrastructure contributions can be met through a S106 agreement.
The employment allocations are not being delivered which will mean people have to travel further causing traffic congestion	Access is addressed at section 5.8.
Highway safety issues in relation to the nearby school.	Access is addressed at section 5.8
Lack of sewer capacity	Addressed at section 5.9
The road layout suggests the field to the west is still intended to be built on	The application must be assessed on what is being proposed now and not speculative future plans.
Flood risk concerns in relation to surface water	Addressed at section 5.9

Objection Comment	Officer Response
Development doesn't accord to the rural and coastal design principles set within the LDP and BOCNP. Nor is the development in keeping with the local heritage contrary to Policy HC.2 of the BOCNP.	Addressed at section 5.4
Layout is contrary to Policy HO.7 of the BOCNP which envisaged north-south street layouts with multiple accesses onto Marsh Road. The density does not reduce from south to north and nor is it in keeping with the design on the Marsh Road frontage.	Policy HO.7 of the BOCNP requires density to reduce from south to north, which given the siting of the public open space to the rear of the site, the proposal is considered to achieve this. It does not appear to require multiple accesses. Please refer to section 5.4 in relation to design and layout.
Infants won't be able to cross the road safely from the proposed drop off points	The drop off point is no longer proposed but a new crossing from the development to the school is proposed.
The LEAP is too small	Addressed at section 5.6
Insufficient pavement widths	2m wide pavements are provided, which accords with Essex Standards.
Lack of employment opportunities.	Burnham-on-Crouch is considered a main town with suitable employment opportunities.
New developments are not selling	This is not a material planning consideration
The Dengie needs to stay rural	This is an allocated site for development. The allocation and delivery of this site helps protect the wider countryside from inappropriate development as it aids the Council in ensuring it delivers a five-year housing land supply on suitable sites.
Dwelling design is out of keeping with the plan for sympathetic styles of houses.	Addressed at section 5.4
New services and facilities should be opened before the development can go ahead.	There are no services and facilities proposed as part of this development, so it is not possible to control when they come forward. However, the developer will provide necessary contributions which will have to be used to bring new services and facilities forward. Without the granting of planning permission these funds could not be obtained to deliver the required infrastructure.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- To provide on-site affordable housing contribution of 40% (36 on site affordable units) in accordance with policy h1.
- To pay the education contribution of £123,870 index linked to April 2019 for early years and childcare places, £362,160 indexed linked to April 2019 for primary school places and £366,781 index linked to April 2019 for secondary school places to the county council on or before the occupation date.
- To pay a contribution of £122.30 per dwelling towards rams (Essex Coastal Recreational Avoidance and Mitigation Strategy). Therefore, as the proposal is for thirty six dwellings, the fee is calculated at £11,007.
- Provide an on site leap, open space, footways, related lighting, street furniture, signage and all landscaping.
- To provide a healthcare contribution to be agreed in consultation with the NHS.
- To provide highway contribution of £11,600 for improvements to the Maldon Road / Church Road junction.

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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings:

• 18.1318.103 Rev Q	• 18.1318.P1.441 Rev A
• 18.1318.102 Rev B	• 18.1318.P1.442
• 18.1318.200 Rev K	• 18.1318.450
• CSA/3734/138 Rev H	• 18.1318.451
• 18.1318.100 Rev T	• 18.1318.470 Rev B
• 18.1318.201 Rev J	• 18.1318.471 Rev B
• 18.1318.202 Rev J	• 18.1318.490 Rev A
• 18.1318.203 Rev J	• 18.1318.491
• 18.1318.206 Rev J	• 18.1318.492 Rev A
• 18.1318.300 Rev D	• 18.1318.495
• 18.1318.410	• 18.1318.496
• 18.1318.411	• 18.1318.510
• 18.1318.420 Rev A	• 18.1318.511
• 18.1318.P1.430	• 18.1318.P1.520
• 18.1318.P1.440	• 18.1318.P1.521

- 18.1318.530 Rev A
- 18.1318.540
- 18.1318.800 Rev A
- 18.1318.801
- CSA/3734/136 Rev H
- CSA/3734/132
- CSA/3734/134 Rev H
- CSA/3734/135 Rev H
- CSA/3734/137 Rev H
- 18.1318.802
- 18.1318.205 Rev J

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

- 3 The development hereby permitted shall be undertaken using only the materials set out within plan 18.1318.200 Rev K hereby approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 3 The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

Open market houses:

- 32 no. two-bedroom dwellings
- 13 no. three-bedroom dwellings
- 9 no. four-bedroom dwellings

Affordable units:

- 11 no. one-bedroom units
- 18 no two-bedroom units
- 7 no. three-bedroom units

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H1 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

- 4 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on plans no's 3734_136 H, 3734_137 H and 3734_138 H and specifications attached to and forming part of this permission shall be fully implemented.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 5 The development shall be implemented in accordance with the hard landscaping works as shown on plans no. 3734_134 H, 3734_135 H and 3734_138 H and specifications attached to and forming part of this permission. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved and be retained and maintained as such in perpetuity.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 6 Prior to the occupation of the development hereby approved, the boundary treatments shall be implemented in accordance with the details shown on plans nos. 3734_134 H and 3734_135 H and specifications attached to and forming part of this permission. The boundary treatment shall be retained and maintained as such in perpetuity.
REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the approved Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 7 The development shall be implemented in accordance with Tree Survey, Arboricultural Survey, Impact Assessment and Tree Protection Plan C.2789, prior to the first occupation of the development hereby approved. No other trees shall be removed or fell unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the visual amenity of the site in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 8 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development

- Wheel washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the Maldon District Local Development Plan, and policies D1 and T2 of the submitted Local Development Plan.

10 No development shall take place, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The CEMP is not required to include initial badger sett enabling works which will be controlled by Natural England through the relevant licensing process. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and protect priority species in accordance with policy N2 of the Maldon District Local Development Plan.

11 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 6.6l/s within catchment A and 5.8l/s within catchment B for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Demonstrate that all storage features have incorporated a 10% urban creep allowance.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 12 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 13 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

- 15 No development works above ground level shall occur until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 16 Prior to the occupation of the development the vehicle parking shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and details hereby approved. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking area and associated

turning area shall be retained in this form in perpetuity. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

- 17 Cycle parking shall be provided prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

- 18 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. The packs are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework.

- 19 The development shall be implemented in accordance with the ecological mitigation measures and ecological enhancements as set out in the submitted Ecology Impact Assessment (CSA/3734/02), dated September 2019. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

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

- 20 "A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

- 21 The first floor windows on the side elevations of the dwellings adjacent to other dwellings and not the highway shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON: To protect the privacy and environment of people in neighbouring residential properties in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.
- 22 Notwithstanding the provisions of Class A, B, C, D and E of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 23 No development works above ground level shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.
- 24 A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
REASON: To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the Maldon District Local Development Plan.
- 25 Prior to the first occupation of the dwellings hereby approved, the development shall be implemented in accordance with the waste management

details included in the refuse collection plan no 18.1318.202 Rev J and be retained as such in perpetuity.

REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

- 26 Prior to any works above ground level a scheme of mitigation against air pollution shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented prior to the first occupation of the development.

REASON: To minimise air pollution upon nearby property including residential properties, the adjoining rural countryside in accordance with policies D1 and D2 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework.

- 27 No development including any site clearance or groundworks of any kind shall take place within the specific area of the site shown on the RPS drawing entitled 'Burnham on Crouch - Planning Ref: FUL/MAL/19/01208 – Current archaeological sign off plan' (Drawing Ref: 25729 06.12.19) until the applicant or their agents; the owner of the site or successors in title has secured the implementation of the programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The staged archaeological work shall begin with the additional archaeological trial-trenching as shown on RPS Drawing Ref: 25729 06.12.19. This phase of evaluation will enable the full extent of archaeological interest to be identified for subsequent full archaeological excavation. The identified archaeological excavation area/s will be completed, in accordance with an excavation methodology as set out in the written scheme of investigation, ahead of development groundworks within the specified areas. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON:

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

- 28 Prior to first occupation of the development, the developer shall implement the access arrangements for the proposed development, as shown in principle on Drawing no ST-2847-07 in Appendix F of the Transport Assessment. This should include but not be limited to:

- Providing pedestrian dropped kerbs and tactile paving immediately to the west of the proposed vehicle access and to the front of St Mary's School, with the precise location to be agreed with the Local Planning Authority; and
- Providing a minimum 2 metre width pedestrian footway across the site frontage and into the development.
- Any Traffic Regulation Orders required in the provision of the site access.

- REASON: In the interests of highway safety, efficiency and accessibility, and to ensure suitable pedestrian access is provided in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 29 The pedestrian crossing to be provided on Marsh Road, as shown on plan 18.1318.203 Rev J (Parking Layout) and detail subject of condition 28 shall be provided prior to the first occupation of the development.
- REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 30 Prior to first occupation of the development, public footpath no 14 shall be improved to include hard surfacing from Marsh Road to the bridge across Pannel's Brook with full details to be agreed with the Highway Authority. There shall also be no additional planting within 2 metres of the footpath.
- REASON: In the interests of pedestrian accessibility and amenity, and to protect the integrity of the existing public right of way in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 31 Prior to first occupation of the development, the existing bus stops on either side of the B1021 Church Road (between the junctions with Marsh Road and the B1010 Maldon Road) shall be improved to Essex County Council specifications. Both northbound and southbound stops shall be provided with new poles, flags and timetable information display.
- REASON: To promote public transport and accessibility in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 32 A schedule of glazing and ventilation for bedrooms and living rooms shall be designed to meet the noise criteria detailed in paragraph 4.17 of the Cass Allen Noise Assessment RP01-19251 submitted as part of the application. The glazing scheme shall be implemented prior to occupation.
- REASON: To avoid, mitigate and minimise adverse impacts on health and quality of life from noise in accordance with Policies D1 and H4 of the Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.
33. The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.
- REASON: To ensure that the development is safe in terms of flood risk, in accordance with Policy D5 of the LDP
34. The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood plan shall previously have been submitted to and agreed in writing by the local planning authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.
- REASON: To ensure that the development is safe for its occupants in terms of flood risk, in accordance with Policy D5 of the LDP.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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 a 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.

- 2 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The Public Right of Way (PROW) network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 4 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Parking arrangements have not been considered as Maldon District Council are the parking authority and retain their own standards.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

- 3 Searches have identified that there is an apparatus in the vicinity of the site which may be affected by the proposed development. For that reason, the Plan Protection should be notified as soon as possible of the decision of the Council.

It is noted that not all access points of the development meet the requirements of ADB: B5. However, it is noted that it is the responsibility of anyone carrying out building works to comply with the relevant Building Regulations. The application should be also reminded that additional water supplies for fire fighting may be necessary for this development. The building owners and developers are also urged to consider the installation of Automatic Water Suppression Systems.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**
to
DISTRICT PLANNING COMMITTEE
13 AUGUST 2020

Application Number	15/01327/OUT
Location	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Nathaniel Lichfield and Partners
Target Decision Date	31.08.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Local Development Plan (LDP) site allocation Site S2(b)

1. **UPDATE**

- 1.1 Members' attention is drawn to the legal advice provided at Agenda Item 7 on this agenda.
- 1.2 The report and Members' Update considered by the District Planning Committee on 9 July 2020 can be found at **APPENDICES A** and **B** respectively.

2. **RECOMMENDATION**

APPROVE subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) and conditions as detailed below:

HEADS OF TERMS FOR SECTION 106 AGREEMENT:

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with an Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.

- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
 - A414 Oak Corner Junction.
 - B1018 Heybridge Approach / A414 roundabout.
 - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb.
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of 5 years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
 - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children's Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.
- Mitigation in the form of a financial contribution of £122,31 per dwelling towards RAMS.

AND subject to the following conditions:

CONDITIONS:

Time Limits:

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning

Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

In accordance with the plans:

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:

- PS07015-016-Rev A 'Red Line Boundary Plan'
- Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39mLCD Roundabout'
- Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
- Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
- Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'

REASON: To ensure that the development is carried out in accordance with the details as approved and policies S3, S4, D1, T1, T2 and I1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

- 6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:

- PS07015-016-Rev A 'Red Line Boundary Plan'

- PS07015-014.1-Rev I 'Parameter Plan 1 - Extent of Development and Land Use'
- PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'
- PS07015-014.3-Rev I 'Parameter Plan 3 - Landscape'
- PS07015-014.4-Rev I 'Parameter Plan 4 - Building Storey Heights'
- PS07015-014.5 Rev I 'Parameter Plan 5 - Residential Density'

REASON: To ensure that the reserved matters accord with these approved plans and policies S3, S4, D1, D2, D5, N1, N3, T1, T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Strategic Design Codes:

- 7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.
- REASON: To ensure high quality design and coordinated development in accordance with policies I1, S2, S3, S4, D1, D5, N1, N3, T1, T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Strategic Phasing Plan:

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
- a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement' to include trigger points in the development and phasing of delivery;
 - b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement';
 - c) All residential development;
 - d) Employment land, where applicable for the relevant phase;
 - e) Community Use Land, where applicable for the relevant phase;
 - f) The green infrastructure, landscaping, informal open space and open space areas;
 - g) Structural landscaping/planting provisions;
 - h) Strategic foul and surface water features, including SuDS; and

i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

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

Highway conditions:

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.

REASON: To ensure access is achieved in accordance with the access arrangements stated in the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and in accordance with policies I1, S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

REASON: To ensure provision of pedestrian and cycle routes and to promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.
REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Housing:

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.
REASON: To ensure that the scheme provides an appropriate balance and mix of housing units across the site in accordance policies S3, D1, H1 and H2 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Employment Land:

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.
REASON: To ensure that the Employment Land provides an appropriate range of facilities and services required by the development in accordance with policies I1, S3, S4, D1, D2, E1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.
- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall take place between:
Monday to Friday.....07:00 to 19:00 hours
Saturday08:00 to 13:00 hours

Sundays and Bank HolidaysNone

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

REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:

Monday to Saturday 07:30 to 19:00 hours

Sundays and Bank HolidaysNone

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

REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.

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

- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.

REASON: To protect the amenity of nearby properties and amenity of the surrounding area in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.

REASON: To protect the amenity of nearby properties and amenity of the surrounding area in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Community Use Land:

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure that development accords with the terms of the application and to protect the amenity of nearby properties in accordance with policies D1, D2 and I2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Green Infrastructure Management and Maintenance:

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:

- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.
- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play;

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the

Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

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

Landscaping and Trees:

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

Hard Landscaping

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

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of future residents and users of the South Maldon Garden Suburb and to ensure the Garden Suburb principles are carried out and in the interests of protecting the neighbouring open countryside in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

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

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval.

The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and

ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

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

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

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

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

REASON: In the interests of visual amenity and safeguarding trees that are worthy of retention in accordance with policies S3, D1, N1 and N2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

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

Youth and Children's Play Facilities:

28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:

- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
- b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP). Local Area of Play (LAP) and any other area of play.
- c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

REASON: To ensure that appropriate youth facilities and children's play provision are provided in relation to the development of the site in accordance with policies I1, S3, S4, D1, N1, N3 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Materials:

29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies S3 and D1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Boundary Treatment:

30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all

boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties in accordance with policies S3 and D1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.

Levels:

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

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

Residential Amenity and Private Amenity Space:

- 32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Maldon District Design Guide SPD for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

REASON: In the interests of the residential amenities of future occupiers of the dwellings on site and in the interests of ensuring the Garden Suburb principles as stated in the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD are achieved in accordance with policies S3 and D1 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Surface Water Management:

- 33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.

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

- 34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.
- 35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.
- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Foul Drainage:

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.
REASON: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Parking Requirements

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle

parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure that all types of vehicle parking is provided in accordance with policy T2 of the Maldon District Approved Local Development Plan, the adopted Maldon District Vehicle Parking Standards, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.

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

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

Archaeology:

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.

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

- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning

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

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

Ecology:

42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:

- a) Contractor responsibilities, procedures and requirements;
- b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
- c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;
- d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
- e) Details who will be responsible for the management and maintenance of the area;
- f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
- g) A programme for Monitoring to be carried out four times annually during the construction phase;
- h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role;
- i) A programme for long-term maintenance, management and monitoring responsibilities; and
- j) Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW), dedicated 'dogs-off-lead' areas, signage/information leaflets to householders to promote these areas for recreation, and dog waste bins.

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

REASON: To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

Construction Environmental Management Plan:

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Agreed strategic phasing set out in Condition 8.
 - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
 - c) Construction hours and delivery times for construction purposes.
 - d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.

- e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing 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.

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

Air Quality:

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Noise:

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:

- 60dBLAeq16hours Daytime
- 55dBLAeq8hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel Lichfield & Partners Supplementary Environmental Statement, November 2016 ref 07015/05/SB/RM.

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

REASON: In the interests of amenity and minimising the impact of noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 47 Noise levels in amenity spaces shall not exceed 55dBLAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.
- REASON: In the interests of amenity and minimising the impact of noise upon the residents of the development in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Contamination:

- 48 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,

- Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 49 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 50 The approved remediation scheme 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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 51 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.
- REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Lighting:

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.
- REASON: To safeguard the neighbouring rural countryside, ecological sites, highway safety and amenity in accordance in accordance with policies D1, D2, N2, T2 and I1 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Renewable energy:

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.
REASON: In the interests of reducing carbon dioxide emissions in accordance with policy D2 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Refuse and Recycling:

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.
REASON: To ensure that future residents have adequate means by which to recycle in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.
- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.
REASON: To ensure that future residents have adequate means by which to recycle in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Broadband:

- 57 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved

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

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

INFORMATIVES

- 1 Please note that an application to discharge effluent must be made to Anglian Water.
- 2 Please contact the Environment Agency regarding any Land Drainage and Sea Defence Byelaw consent.
- 3 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no.56 Maldon shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 4 Any signal equipment, structures, trees and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a minimum period of 15 years following construction.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- 6 In respect of Planning Conditions 5 & 9, the Roundabout shown on 'Drawing No CIV-13756-SA-95-0036' and the Infrastructure Provision Drawing No. CIV-13756-SA-95-0061' have been constructed by others, subsequent to Maldon Council's resolution to approve this application on 23 March 2017 and prior to issuing this Outline Planning Permission (except for the extent of the length of the Site Access road to the north-west of the roundabout shown on the Drawing No CIV-13756-SA-95-0036).

**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
9 JULY 2020**

Application Number	15/01327/OUT
Location	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Nathaniel Lichfield and Partners
Target Decision Date	31.08.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Local Development Plan (LDP) site allocation Site S2(b)

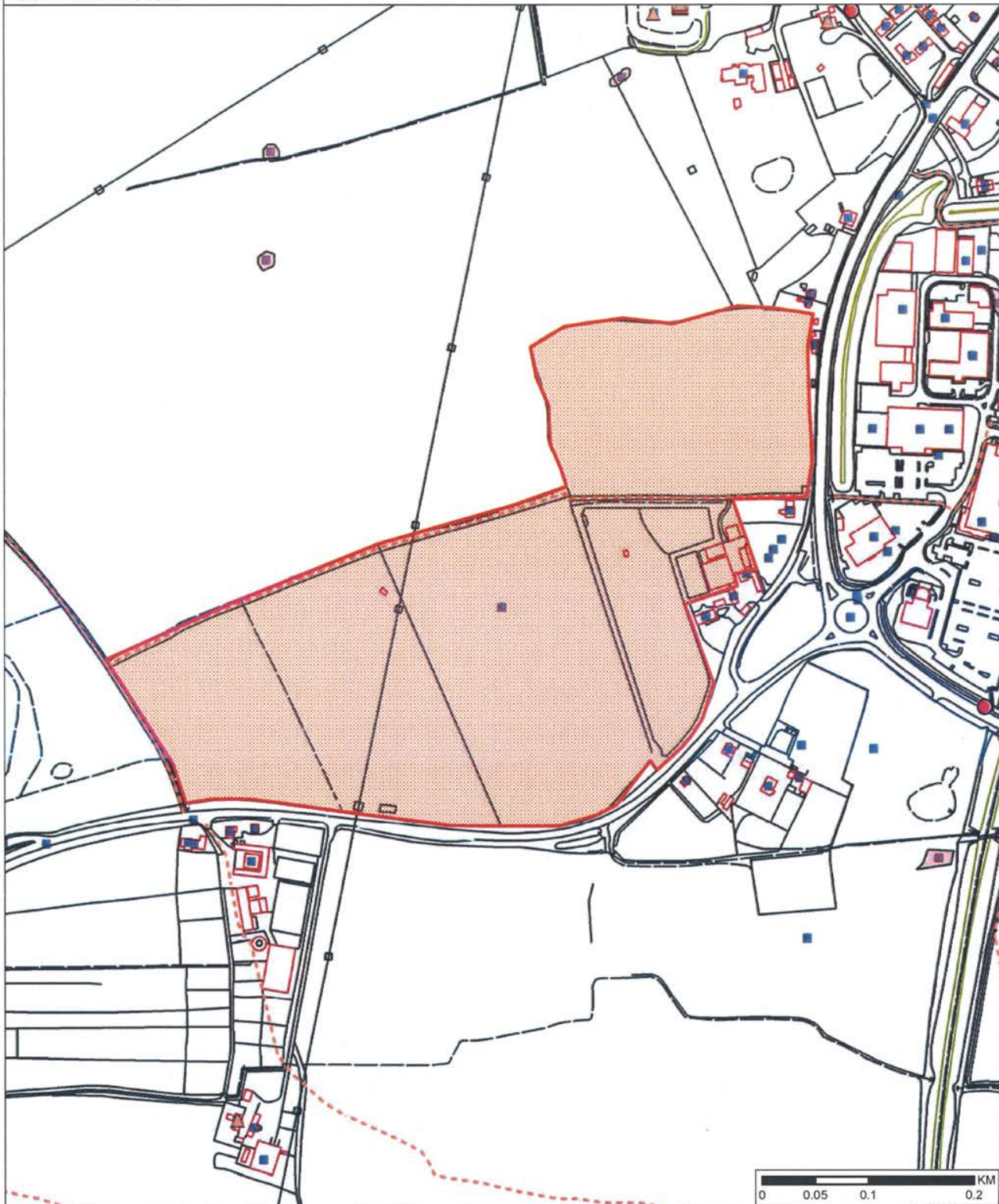
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 7.

2. SITE MAP

Please see overleaf.

Land North And West Of Knowles Farm, Wycke Hill, Maldon
 OUT/MAL/15/01327



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Extraordinary Committee
	Date:	06/03/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. **SUMMARY**

3.1 **Proposal / brief overview, including any relevant background information**

3.1.1 Maldon District Council resolved to granted outline planning permission for the following in March 2017:

- residential development (up to 320 new homes) of mixed form, size and tenure;
- small scale B1 employment development (up to 2,000sqm);
- C2 / D1 community uses;
- a new relief road to the north of A414;
- strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including Sustainable Urban Drainage Systems (SUDS)) and other associated development.

3.1.2 The outline application seeks planning permission for the principle of the development and access with all other matters (appearance, scale, layout and landscaping) reserved for future determination.

3.1.3 A copy of the Officer report and Members' Update considered by the Council at its extraordinary meeting on 23 March 2017 is attached at **APPENDIX 1** for information. This report provides an update to Members since that resolution and recommends a revised resolution being made in light of current policy and guidance, where applicable.

3.2 **Conclusion**

3.2.1 Members are asked to note the up-dates since March 2017 set out below. It is also recommended that the local planning authority confirms its previous resolution to grant planning permission for the development proposed but in accord with the revised Heads of Terms of the Section 106 and conditions as set out below.

4. **MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 91- 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land

- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D4 - Renewable and Low Carbon Energy Generation
- Policy D5 - Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide (MDDG) (December 2017)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016) – Built Edge Codes BE01, BE04, BE05, BE09 and Green Space Codes GS02 and GS05 are relevant to the application site
- Essex Design Guide (where it cross references the MDDG and the garden suburb principles set out in the adopted Masterplan SPD and endorsed Strategic Design Codes)

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 On 23 March 2017 it was resolved that the application be approved subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with an Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with a proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road (SMRR). In agreement with the Highways Authority, procure the design, tender and construction of the SMRR leading to adoption as public highway.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
 - A414 Oak Corner Junction.
 - B1018 Heybridge Approach / A414 roundabout.
 - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb).
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Coordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of ten years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
 - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children's Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company.

- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.
- 4.4.2 These obligations remain unchanged except for that relating to the South Maldon Relief Road and the applicant has agreed to include the following additional obligation:
- Mitigation in the form of a financial contribution of £122,31 per dwelling towards Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

5. MAIN CONSIDERATIONS

5.1 In terms of updates since March 2017, Members are asked to note the following.

5.2 National Policy Planning Framework

5.2.1 The NPPF at the time of the previous resolution was an older version (2012) and has since been revised, the most recent version being dated February 2019. The NPPF has been revised but the revisions since 2012 have not had a material impact on the conclusions reached in 2017 in relation to the development proposed – the relevant sections of the NPPF are listed above. Although much of the content has been re-ordered and re-phrased it is considered that, as far as is relevant to this proposal, the content of most of the revised NPPF does not have any major implications with respect to the proposed development. For example, previously cited paragraph 53 and section 7 (Requiring good design) has largely been replaced by section 12 (Achieving well designed places), without any substantial change in direction of relevance to the conclusions of the assessment of this proposal.

5.3 Maldon District Approved Local Development Plan

5.3.1 The Maldon District Approved Local Development Plan (LDP) has now been adopted – the relevant Policies are listed above – the site is now formally an allocated site in the approved LDP and not outside the defined settlement boundary for Maldon. This change has required the recommended conditions to be updated to refer to the adopted LDP and to omit reference to the Local Plan it replaced (the Maldon District Replacement Local Plan which was the statutory ‘development plan’ at the time of the previous resolution).

5.4 Maldon District Design Guide

5.4.1 The Maldon District Design Guide (MDDG) has now been adopted as supplementary planning guidance which replaces the Essex Design Guide 1997 version which is referred to in the previous Officer report – the relevant conditions have been updated to refer to the Maldon District Design Guide SPD rather than the Essex Design Guide (EDG). The requirements in the MDDG in relation to the provision of private amenity space and minimum building to building distances would remain unchanged but, unlike the EDG, the MDDG recommends that habitable room windows should normally be at least 12 metres away from the flank wall of the neighbouring property as buildings close to the boundary of neighbouring properties can increase overshadowing or loss of daylight to neighbouring properties. Compliance with these

requirements would be an issue to be considered as part of the assessment of the future applications seeking approval of reserved matters.

5.5 Vehicle Parking Standards

- 5.5.1 The Council adopted revised Vehicle Parking Standards in November 2018 but this does not require the conditions to be updated as they just refer to the adopted Vehicle Parking Standards.

5.6 Five Year Housing Land Supply (5YHLS)

- 5.6.1 The most recent monitoring report (November 2019) calculated that the Council's 5YHLS was 5.27 years against its identified housing targets which included the construction of 60 dwellings within the application site for the 2023 / 24 period. The applicant currently anticipates that residential development within the application site would start to be delivered within the current 5YHLS.

5.7 Relevant Planning History

- 5.7.1 Parts of the strategic allocations in the LDP on the opposite side of the A414 to the south of the site have progressed:
- Site S2(a) now benefits from approval of reserved matters (references 19/01097/RES, 19/00411/RES and 18/00531/RES) some of which (the Eastern Parcel) is under construction by Taylor Wimpey and part is occupied.
 - Site S2(c), also opposite the site, has since gained reserved matters approval for 108 units on appeal on 6 February 2017 (RES/MAL/15/01055) – this development has now been carried-out by Linden Homes and is occupied.
- 5.7.2 The development the subject to the planning permission referred to in paragraph 3.3.5.1 of the previous report relating to land east of Knowles Farm has since been completed.
- 5.7.3 The application to modify the Section 106 Agreement associated with the Linden Homes site (reference 16/00253/MLA) was allowed on appeal on 31 October 2016.

5.8 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

- 5.8.1 In 2018, Natural England advised that mitigation in the form a financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) would be required for all new residential development. The current contribution is expected to be £122.31 per dwelling. The recreational pressure the development would cause was assessed at the time the Council resolved to grant planning permission in March 2017 for the development proposed (paragraph 5.28.5 of the officer report). However, to accord with the more recent advice from Natural England, the development's impacts on the European designated sites to comply with the Habitats Regulations would need to be assessed through a Habitat Regulations Assessment by the local planning authority and that mitigation, including a financial contribution, would be required. The applicant has agreed to the inclusion of an additional obligation to make the requisite financial contribution. An updated consultation response has been received from Natural England which advises that the local planning authority would need to complete a Habitat Regulations Assessment

for the development before planning permission is granted. Officers are in the process of carrying-out the Assessment. Subject to the satisfactory completion of the Assessment, no objections are raised to the proposal based on its impact on nature conservation.

5.9 Ecology

- 5.9.1 The Ecological Assessment reports submitted with the application were dated, most recently, in 2015 which would now be out-of-date, but it is considered that conditions previously recommended (conditions 42 and 43) would ensure that any ecological interest of the site is adequately addressed.

5.10 South Maldon Relief Road

- 5.10.1 The South Maldon Relief Road (SMRR) forms part of the development proposed. At the time of the resolution to grant planning permission for the development in March 2017, it was proposed that the road would be constructed by the developer, but it was subsequently agreed that ECC Highways would construct the SMRR. Members are asked to note this change and that the following words are now omitted from the fourth Head of Terms: *'In agreement with the Highways Authority, procure the design, tender and construction of the SMRR leading to adoption as public highway'*.
- 5.10.2 Financial contributions towards the construction of the SMRR have been secured as part of the Section 106 Agreement associated with other parts of the South Maldon Garden Suburb, specifically planning permission reference 18/00071/FUL which relates to allocation S2(a) in the Local Development Plan. This contribution (£4,434,700 in total) is to be paid in instalments, as follows:
- £100,000 on first occupation of the first residential unit;
 - A further 30% on or before occupation of the 235th residential unit;
 - A further 30% on or before occupation of the 405th residential unit; and
 - The final balance on or before occupation of the 575th residential unit.
- 5.10.3 A further financial contribution (£1,331,127) towards the construction of the SMRR would be secured as part of the Section 106 Agreement associated with this current application, which would be Index linked.
- 5.10.4 The contributions would be pooled by ECC and used to construct the SMRR.
- 5.10.5 In terms of delivery of the SMRR, at the time of the previous resolution in March 2017, it was envisaged that the SMRR would be delivered by the developer in phases. The 'Indicative Phasing Plan' submitted with the application identified that the development could be built out in four phases as follows:
- Phase 1 – up to 149 dwellings accessed from roundabout from the existing A414 in the centre of the site;
 - Phase 2 – up to 91 dwellings on the west and centre north together with the first part of the relief road and new western roundabout junction;
 - Phase 3 – the remaining 80 dwellings, small scale employment alongside the completion of the relief road and its Wycke Hill junction;
 - Phase 4 – non-residential uses (community uses) north of the relief road.

- 5.10.6 However, it was also noted that a phasing condition would be imposed on any approval requiring the actual phasing details to be provided prior to the submission of the first of the reserved matters application.
- 5.10.7 In September 2019, a Highways Technical Note (HTN) was prepared on behalf of the applicant which concluded that all of the residential development proposed (320 dwellings) could be completed without the need for any part of the SMRR to be provided as a means of access, and that there was sufficient capacity associated with the existing 'Linden Homes' roundabout for the traffic which would be generated by this element of the proposal. They have also referred to the recent increased capacity of the nearby 'Morrisons' roundabout and that on Spital Road through the addition of dedicated left-hand turn lanes. ECC Highways has indicated that they would accept access for all of the 320 dwellings proposed being taken from the 'Linden Homes' roundabout. They have advised that, whilst they *'do not agree with the specifics within the HTN in terms of when the traffic counts were undertaken, and the lack of Local Plan growth etc., which would put the roundabout well over capacity without the implementation of the SMRR. But never-the-less it is likely that the actual impact would be low in the interim period before the rest of the allocated sites are built out and the SMRR is constructed'*.
- 5.10.8 ECC Highways has advised that the SMRR was originally envisaged as being required about 8 - 9 years after the Local Plan sites began building-out but development in the North Heybridge Garden Suburb has been delayed and this means that the actual requirement for the SMRR has been put back realistically by at least four years (2028). They have advised that it would be ECCs intention to deliver the SMRR before this date, but this might be influenced by how quickly North Heybridge Garden Suburb is built-out. Of relevance to this is the fact that outline planning permission for development on Land at Broad Street Green Road, Maypole Road, and Langford Road, Heybridge (reference 15/00419/OUT), which included up to 1,138 dwellings, was not granted to Countryside Properties until October 2019 and no applications seeking approval of any matters reserved as part of that application have been received to date. It is understood that ECC has commissioned a report to establish the exact costs of constructing the SMRR.
- 5.10.9 Whilst details of the actual phasing of the development would be approved in accordance with condition 8 recommended below, Members are asked to note the current position of ECC Highways (as it is anticipated that the phasing details submitted would not link the construction of the residential element of the proposal with the provision of any part of the SMRR as had been envisaged at the time of the previous resolution to grant planning permission) and that condition 8 has been amended below to exclude reference to the 'Indicative Phasing Plan'.
- 5.10.10 Vehicular access to serve the land identified for community uses as part of the application would be from the northern part of the SMRR. Members are asked to note that, if vehicular access to the land proposed for community uses is required before the relevant section of the SMRR is completed, other options to provide vehicular access to the community use land may need to be considered, including the provision of a temporary access junction onto Wycke Hill.

5.10.11 However, the SMRR would not provide the vehicular access to the other element of the proposal (the employment land) which would be accessed via the existing vehicular access to Knowles Farm from Wycke Hill/Spital Road.

5.10.12 To facilitate the timely delivery of the SMRR, the following actions are proposed:

- ECC has suggested that the Section 106 Agreement could include a requirement, if necessary, that ECC ‘work in partnership with Maldon District Council to deliver the SMRR in accordance with the Infrastructure Delivery Plan, and housing trajectory, contained within Maldon District Council’s (MDCs) Adopted Local Development Plan’.
- Regular meetings are to be arranged with Officers from both Maldon District Council and ECC Highways to facilitate the delivery of the necessary infrastructure set out in the LDP to support strategic allocations in Maldon, Heybridge and Burnham on Crouch, which would include the SMRR.

5.11 Air Quality

5.11.1 There is reference in the previous officer report to the air quality risks associated with the development, after construction, which would derive from increased traffic movements from the development and most notably from the SMRR. Changes to the traffic flows envisaged at the time the previous resolution was made also, potentially, has implications for the impact of noise from traffic. However, the detailed assessment of the details of the development in terms of air quality and noise would be completed as part of the assessment of the future applications in accordance with conditions 45 and condition 46 recommended below. The Environmental Health Specialist has advised that the conditions recommended would adequately control any concerns about noise and air quality for the proposed development. Furthermore, based on the advice of ECC Highways, the delay in the construction of the SMRR should not have a material adverse impact with respect to air quality and noise if there is greater capacity within the existing road network than had been anticipated at that time due to the delay in the other developments within the Maldon area, particularly a significant part of the North Heybridge Garden Suburb.

5.12 Summary

5.12.1 The development proposes key housing within the District as identified in the strategic allocations in the Local Development Plan and is an important contributor to the Council delivering its five year supply of housing land. The report sets out the changes to the material considerations relevant to the proposal since the Council’s resolution to grant planning permission for the development since 2017 (which includes delays in relation to the delivery of other local strategic sites) but the proposal is still considered to be acceptable (subject to the completion of a HRA as well as a Section 106 Agreement as proposed and conditions) and is recommended for approval on this basis below.

6. CONSULTATIONS AND REPRESENTATIONS RECEIVED

6.1 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	It has been identified that this development site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). It is anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects. If it is considered that this proposal falls within the scope of the Essex Coast RAMS, the local planning authority must undertake a Habitats Regulations Assessment (HRA) to secure any necessary recreational disturbance mitigation and record this decision within your planning documentation.	Noted – refer to paragraph 5.8 of report

6.2 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	The conditions recommended would adequately control any concerns about noise and air quality for the proposed development	Noted – refer to paragraph 5.11 of report

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

HEADS OF TERMS FOR SECTION 106 AGREEMENT:

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with a Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
 - A414 Oak Corner Junction.
 - B1018 Heybridge Approach / A414 roundabout.
 - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb.
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of 5 years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
 - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)

- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children’s Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.
- Mitigation in the form of a financial contribution of £122,31 per dwelling towards RAMS.

AND subject to following conditions:

CONDITIONS:

Time Limits:

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

In accordance with the plans:

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
 - PS07015-016-Rev A 'Red Line Boundary Plan'

- Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39mCD Roundabout'
 - Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
 - Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
 - Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'
- REASON: To ensure that the development is carried out in accordance with the details as approved and policies S3, S4, D1, T1, T2 and I1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:

- PS07015-016-Rev A 'Red Line Boundary Plan'
 - PS07015-014.1-Rev I 'Parameter Plan 1 - Extent of Development and Land Use'
 - PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'
 - PS07015-014.3-Rev I 'Parameter Plan 3 - Landscape'
 - PS07015-014.4-Rev I 'Parameter Plan 4 - Building Storey Heights'
 - PS07015-014.5 Rev I 'Parameter Plan 5 - Residential Density'
- REASON: To ensure that the reserved matters accord with these approved plans and policies S3, S4, D1, D2, D5, N1, N3, T1, T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Strategic Design Codes:

7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.

REASON: To ensure high quality design and coordinated development in accordance with policies I1, S2, S3, S4, D1, D5, N1, N3, T1, T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Strategic Phasing Plan:

8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing

Plan shall include the proposed sequence of provision of the following elements:

The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement' to include trigger points in the development and phasing of delivery;

- a) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement';
- b) All residential development;
- c) Employment land, where applicable for the relevant phase;
- d) Community Use Land, where applicable for the relevant phase;
- e) The green infrastructure, landscaping, informal open space and open space areas;
- f) Structural landscaping/planting provisions;
- g) Strategic foul and surface water features, including SuDS; and
- h) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

REASON: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that major infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development. In accordance with policies I1, S2, S3, S4, D1, D2, D5, E1, E2, E3, E6, H1, H2, N1, N3, T1, T2 and I1of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Highway conditions:

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.

REASON: To ensure access is achieved in accordance with the access arrangements stated in the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and in accordance with policies I1, S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.
REASON: To ensure provision of pedestrian and cycle routes and to promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.
- 11 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.
REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.
- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.
REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Housing:

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.
REASON: To ensure that the scheme provides an appropriate balance and mix of housing units across the site in accordance policies S3, D1, H1 and H2 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Employment Land:

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I

'Parameter Plan 1 - Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.

REASON: To ensure that the Employment Land provides an appropriate range of facilities and services required by the development in accordance with policies I1, S3, S4, D1, D2, E1 and T2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall take place between:

Monday to Friday..... 07:00 to 19:00 hours

Saturday 08:00 to 13:00 hours

Sundays and Bank HolidaysNone

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

REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:

Monday to Saturday 07:30 to 19:00 hours

Sundays and Bank HolidaysNone

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

REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.
REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.
- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.
REASON: To protect the amenity of nearby properties and amenity of the surrounding area in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.
- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.
REASON: To protect the amenity of nearby properties and amenity of the surrounding area in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Community Use Land:

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: To ensure that development accords with the terms of the application and to protect the amenity of nearby properties in accordance with policies D1, D2 and I2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Green Infrastructure Management and Maintenance:

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire

Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:

- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.
- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play;

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

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

Landscaping and Trees:

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.

- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

Hard Landscaping

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

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of future residents and users of the South Maldon Garden Suburb and to ensure the Garden Suburb principles are carried out and in the interests of protecting the neighbouring open countryside in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

- 24 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in

accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval.

The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

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

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.
REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.
- 26 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within,

adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and safeguarding trees that are worthy of retention in accordance with policies S3, D1, N1 and N2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

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

Youth and Children's Play Facilities:

- 28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:

- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
- b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP). Local Area of Play (LAP) and any other area of play.
- c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

REASON: To ensure that appropriate youth facilities and children's play provision are provided in relation to the development of the site in accordance with policies I1, S3, S4, D1, N1, N3 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Materials:

- 29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policies S3 and D1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

Boundary Treatment:

- 30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties in accordance with policies S3 and D1 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.

Levels:

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

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

Residential Amenity and Private Amenity Space:

- 32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Maldon District Design Guide SPD for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

REASON: In the interests of the residential amenities of future occupiers of the dwellings on site and in the interests of ensuring the Garden Suburb principles as stated in the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD are achieved in accordance with policies S3 and

D1 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Surface Water Management:

- 33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.
- 34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.
- 35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.
- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Foul Drainage:

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.
REASON: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Parking Requirements

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure that all types of vehicle parking is provided in accordance with policy T2 of the Maldon District Approved Local Development Plan, the adopted Maldon District Vehicle Parking Standards, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.
- 39 Any reserved matters application(s) shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the Council's adopted vehicle parking standards for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. Prior to the occupation of any dwelling / building within that phase of development the facilities shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.
REASON: To ensure appropriate provision for the secure storage of bicycles in accordance with policy T2 of the Maldon District Approved Local Development Plan, the adopted Maldon District Vehicle Parking Standards, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD and the NPPF and PPG.

Archaeology:

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological

assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.

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

- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.
- REASON: To safeguard any archaeological remains found present on the site in accordance with policy D3 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Ecology:

- 42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:
- a) Contractor responsibilities, procedures and requirements;
 - b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
 - c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;
 - d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
 - e) Details who will be responsible for the management and maintenance of the area;

- f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
- g) A programme for Monitoring to be carried out four times annually during the construction phase;
- h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role; and
- i) A programme for long-term maintenance, management and monitoring responsibilities.

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

REASON: To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Maldon District Approved Local Development Plan, the adopted South Maldon Garden Suburb Strategic Masterplan Framework SPD, and the NPPF and PPG.

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

Construction Environmental Management Plan:

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Agreed strategic phasing set out in Condition 8.
 - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.

- c) Construction hours and delivery times for construction purposes.
- d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
- e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing 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.

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

Air Quality:

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this

development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Noise:

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:
- 60dBLAeq16hours Daytime
 - 55dBLAeq8hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel Lichfield & Partners Supplementary Environmental Statement, November 2016 ref 07015/05/SB/RM.

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

REASON: In the interests of amenity and minimising the impact of noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 47 Noise levels in amenity spaces shall not exceed 55dBLAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.

REASON: In the interests of amenity and minimising the impact of noise upon the residents of the development in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Contamination:

- 48 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 49 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this

development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 50 The approved remediation scheme 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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 51 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Lighting:

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be

implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.
 REASON: To safeguard the neighbouring rural countryside, ecological sites, highway safety and amenity in accordance in accordance with policies D1, D2, N2, T2 and I1 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.

Renewable energy:

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.
 REASON: In the interests of reducing carbon dioxide emissions in accordance with policy D2 of the Maldon District Approved Local Development Plan and the NPPF and PPG.

Refuse and Recycling:

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.
 REASON: To ensure that future residents have adequate means by which to recycle in accordance with policies D1 and D2 of the Maldon District Approved Local Development Plan, and the NPPF and PPG.
- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.

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

Broadband:

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

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

INFORMATIVES

- 1 Please note that an application to discharge effluent must be made to Anglian Water.
- 2 Please contact the Environment Agency regarding any Land Drainage and Sea Defence Byelaw consent.
- 3 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no.56 Maldon shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 4 Any signal equipment, structures, trees and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution

(commuted sum) to cover the cost of future maintenance for a minimum period of 15 years following construction.

- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- 6 In respect of Planning Conditions 5 & 9, the Roundabout shown on 'Drawing No CIV-13756-SA-95-0036' and the Infrastructure Provision Drawing No. CIV-13756-SA-95-0061' have been constructed by others, subsequent to Maldon Council's resolution to approve this application on 23 March 2017 and prior to issuing this Outline Planning Permission.

**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
COUNCIL (EXTRAORDINARY)
23 MARCH 2017**

Application Number	OUT/MAL/15/01327
Location	Land North And West Of Knowles Farm Wycke Hill Maldon Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Mr Oliver Yeats & Steven Butterworth of Litchfields
Target Decision Date	5 May 2016 but time extended until 31 March 2017
Case Officer	Debi Sherman, TEL: 01621 875862
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Departure from the Local Plan Environmental Impact Assessment Major Application Parish Trigger Local Development Plan (LDP) site allocation site S2(b) in the South Maldon Garden Suburb

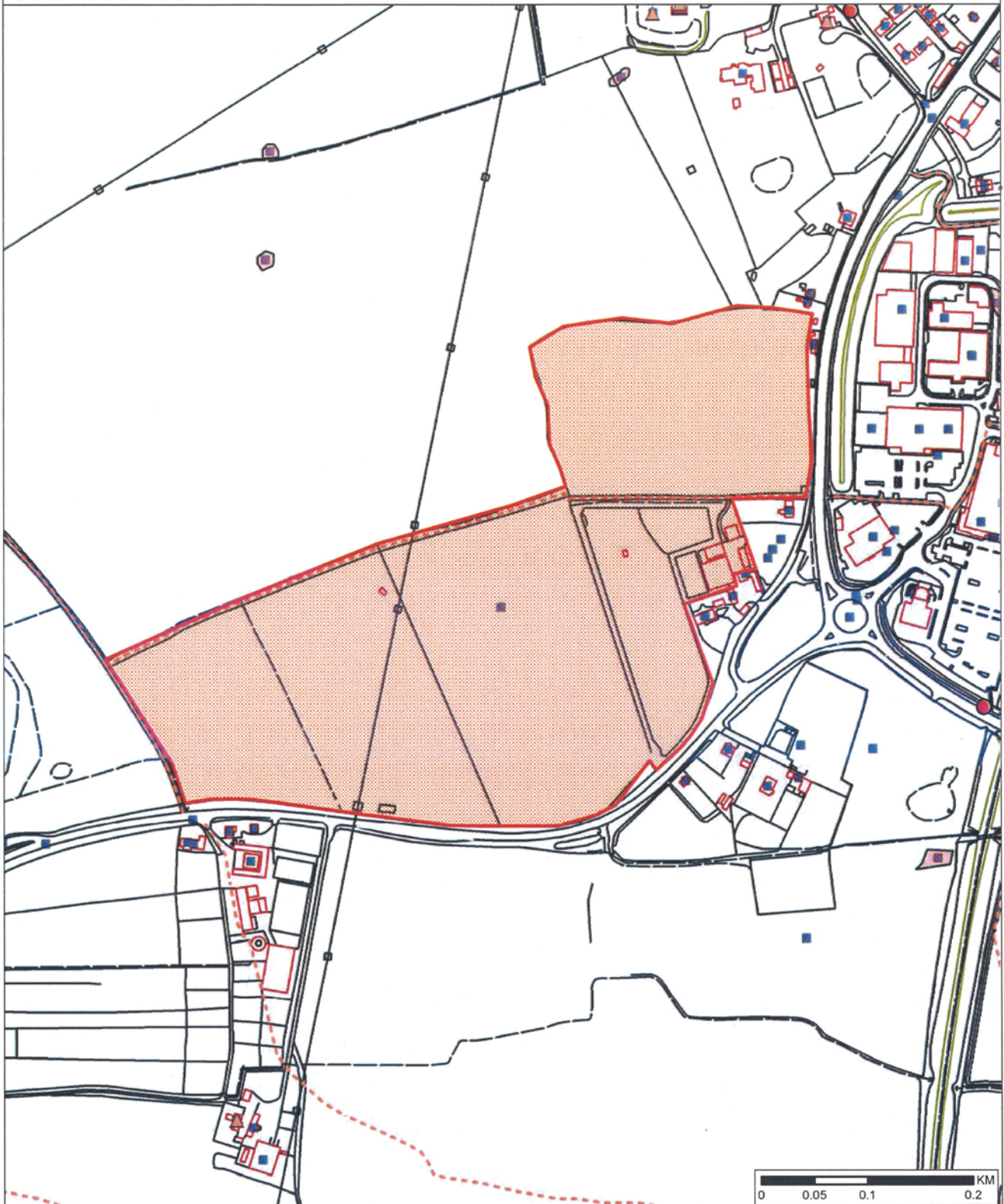
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land North And West Of Knowles Farm, Wycke Hill, Maldon
OUT/MAL/15/01327



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Maldon District Council 100018588 2014



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Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: Extraordinary Committee

Date: 06/03/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Outline planning permission is sought for the following:

- residential development (up to 320 new homes) of mixed form, size and tenure,
- small scale B1 employment development (up to 2,000sqm),
- C2 / D1 community uses,
- a new relief road to the north of A414,
- strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including Sustainable Urban Drainage Systems (SUDS)) and other associated development.

3.1.2 The site is site S2(b) from LDP policy S2 and is therefore a strategic site.

3.1.3 This outline application is to determine the principle of the development and access with all other matters reserved including appearance, scale, layout and landscaping.

3.1.4 The plans for determination include five parameter plans detailing the following:

1. Extent of Development and Land use.
2. Access and Movement.
3. Landscape.
4. Building Storey Heights.
5. Residential Density.

3.1.5 The 'access' plans detail the following:

1. An access road from the fourth arm of the roundabout junction which was approved through the planning permission for site S2(c).
2. The proposed western roundabout junction in the south western corner of the site that will link the relief road with the existing modified A414.
3. The proposed relief road with the roundabout junction along the relief road and the triangle traffic light junction onto Wycke Hill at the eastern site boundary.

3.1.6 An illustrative layout plan and phasing plan have also being included with the application.

3.2 Conclusion

3.2.1 The application site is allocated as site S2(b) in the submitted LDP for the development of a minimum of 300 dwellings. The site is one of three strategic allocations that make up the South Maldon Garden Suburb. The principle of development is established in the submitted LDP and in the South Maldon Strategic Masterplan Framework which was endorsed by the Council as a material consideration in the determination of planning applications in September 2014 and the

site has been acknowledged by the Council as being a sustainable location for development. The site forms a key part of the Council's strategy to accommodate growth requirements in the District and to achieve a five year housing land supply.

- 3.2.2 Planning permission has been granted for the two other sites that make up the South Maldon Garden Suburb. Site S2 (a) was granted outline consent for 1000 dwellings, employment uses, a local centre, primary school, sports facilities and open space on 1 December 2016 (OUT/MAL/14/01103) and site S2(c) was granted outline consent (on appeal) for upto 120 dwellings on 17 December 2014 (OUT/MAL/13/00763). A Reserved Matters application in respect of site S2(c) for 108 units was approved on appeal on 6 February 2017 (RES/MAL/15/01055).
- 3.2.3 The scale of development exceeds the minimum level of residential development proposed for site S2(b) in the submitted LDP. However, the proposed development responds appropriately to the townscape, character, and historic environment within the surrounding area, and the overall design of the proposed development responds positively to the National Planning Policy Framework (NPPF) paragraphs 60 and 61, creating good design which integrates and connects the development to the natural, built, and historic environment.
- 3.2.4 The proposed scheme creates significant benefits for the wider community by bringing forward the new Relief Road to accommodate planned growth to meet the needs of Maldon District. The development also includes an area for future community use (Class C2/D1) and contributions towards new educational facilities and the provision of open space, allotments and youth, play and health facilities in south Maldon. The level of affordable housing provided in context of the wider infrastructure package has been subject to viability testing and is policy compliant at 30% overall across the site.

3.3 Application for determination

- 3.3.1 The application originally proposed 370 dwellings. Following consultation, amendments were made to the submitted proposals and the number of units was reduced to 320 dwellings. This represents an increase of 6.5% over the LDP allocation. However, the level of residential development in the LDP represents a minimum figure.
- 3.3.2 The proposals include an area of small scale B1 employment land of up to 2,000m², land for community uses falling within Use Classes C2 and D1 (which the documents accompanying the application indicate could include a community hospital), and a new relief road to the north of the existing A414 which is required as a piece of strategic infrastructure for the local road network to accommodate strategic development in Maldon and Heybridge. The road is referred to as the South Maldon Relief Road (SMRR). The proposals are in accordance with the principles set out in policies S3 and S4 of the submitted LDP and the South Maldon Garden Suburb Strategic Masterplan Framework and are summarised in the following table.

Use	Hectares (ha) – original – 370 units	Hectares (ha) – revised – 320 units
Site Area	17.83	17.83
Residential	8.67	7.98

Use	Hectares (ha) – original – 370 units	Hectares (ha) – revised – 320 units
Community Uses (including possible site for community hospital)	2.97	2.97
Employment	0.2	0.2
South Maldon Relief Road	1.14	1.37
Public Open Space	2.49	2.54
Structural Landscape Areas	2.36	2.75

3.3.3 Housing

3.3.3.1 The proposal is for up to 320 dwelling units. The indicative mix shows 74% houses and 26% flats with 51% of the units having 2 bedrooms or less.

3.3.3.2 The stated density of 36.2 dwellings per ha has been calculated on the basis of the residential area and a portion of the public open space (excluding certain structuring elements which will be referenced in Section 5.16 of this report below).

3.3.3.3 The overall height of the residential development is predominantly two storey but some areas are identified for development up to three storeys. In areas identified for upto three storey development, no more than 25% of the residential buildings would be three storeys in height.

3.3.3.4 The level of affordable housing has been agreed at 30% and thus is policy compliant.

3.3.3.5 The applicant has provided an indicative dwelling mix which is set out as follows:

Dwelling	Market	%	Affordable	%	OVERALL	%
1 bed flat	10	4	31	32	41	13
1 bed older person	0	0	19	20	19	6
2 bed flat	15	7	8	8	23	7
2 bed house	49	22	30	31	79	25
3 bed house	78	35	8	8	86	27
4 bed house	72	32	0	0	72	22
TOTAL	224	100	96	100	320	100

3.3.4 Community Use

3.3.4.1 The proposed community use land could encompass a C2 use such as a hospital or residential care home; or a D1 use such as clinic, health centre or day centre. The indicative Masterplan shows a community hospital use on part of the site. The remaining land incorporated in the community use allocation allows for other related C2 / D1 uses are not specified but could be utilised for uses to support / complement health related development such as a care home or extra care development.

3.3.5 Employment Use

3.3.5.1 The proposed employment use is shown as B1 office or light industrial use appropriate in a residential area and is in accordance with the LDP which allocates land in this location for employment development. The site area is identified as being 2000 sq m. The employment uses would form an extension to the employment uses at Knowles Farm. Planning permission was granted on 23 February 2016 FUL/MAL/15/00498 for a development of B1 office and light industrial which is currently under construction.

3.3.6 South Maldon Relief Road (SMRR)

3.3.6.1 The relief road forms part of the development of the South Maldon Garden Suburb and would come forward as part of the development of this site in accordance with the LDP and Strategic Masterplan Framework. There have been extensive discussions regarding the alignment of the relief road and this has been the subject of revisions since the date of first submission of the application in consultation with Essex Highways.

3.3.6.2 Access is a non-reserved matter and detailed plans are provided for the junctions off the existing highway network into the development site off the A414 and Wycke Hill

3.3.7 Green Infrastructure

3.3.7.1 The Design Parameter Plan shows a network of green infrastructure and a range of general amenity areas and formal and informal open space including play areas and general landscaping in accordance with the principles set out in the LDP and Strategic Masterplan Framework. These will be integrated throughout the development and provided key pedestrian and cycle routes through the site and links with other parts of the Gardens Suburb and wider area.

3.3.8 Flooding and Drainage

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

3.3.9 Amended and Additional Information

3.3.9.1 Since the application was originally submitted there has been a need for further information to be provided to address comments raised during the consultation process and to assist consideration of the application. This information was submitted in November 2016 and has been subject to re-consultation.

3.3.10 Phasing

3.3.10.1 An 'Indicative Phasing Plan' identifying that the development could be built out in four phases as follows:

Phase 1 – up to 149 dwellings accessed from roundabout from the existing A414 in the centre of the site

Phase 2 – up to 91 dwellings on the west and centre north together with the first part of the relief road and new western roundabout junction

Phase 3 – the remaining 80 dwellings, small scale employment alongside the completion of the relief road and its Wycke Hill junction

Phase 4 – non-residential uses (community uses) north of the relief road

	Area (ha)	Indicative no. of houses	Indicative no. of flats	Total dwellings
Phase 1	4.9	108	41	149
Phase 2	6.17	76	15	91
Phase 3	3.28	53	27	80
Phase 4	3.48	0	0	0
Total	18.83	237	83	320

3.3.10.2 A phasing condition would be imposed on any approval requiring the actual phasing details to be provided prior to the submission of the first of the reserved matters application.

4. **MAIN RELEVANT POLICIES**

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

4.1 **National Planning Policy Framework (NPPF) 2012 including paragraphs:**

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 – Conserving and Enhancing the Historic Environment
- Decision - Taking
- Annex 1 – Implementation

4.2 Maldon District Replacement Local Plan 2005 (RLP) – Saved Policies:

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CON6 – Contamination
- CC1 – Development Affecting an Internationally Designated Site
- CC2 - Development affecting a nationally designated nature
- CC3 - Development affecting locally designated nature
- CC5 - Protection of wildlife at risk on development sites
- CC6 - Landscape Protection
- CC7 – Special Landscape Areas
- CC10 – Historic Features
- CC11 – The Coastal Zone
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- E2 - Allocation of Proposed Employment Sites
- BE1 – Design of New Development and Landscaping
- BE3 – Public and private amenity spaces
- BE8 - Lighting
- BE17 - Preservation of Sites of Nationally Important Archaeological Remains and their Settings
- BE18 - Control of Development at a Site of Local Archaeological Value
- REC1 - Allocation of land for formal public open space
- REC3 – Children’s Play Space associated with new housing developments and elsewhere in the district
- T1 – Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Developments
- T4 - Cycle Routes
- T6 - Improvement to Pedestrian Facilities
- T7 - Shared car parking in new development
- T8 - Vehicle Parking Standards
- PU2 – Recycling Facilities in New Developments
- PU3 - Protection of health care facilities
- PU4 - New health care facilities

4.3 Maldon District Local Development Plan (LDP) submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

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

- S4 – Maldon and Heybridge Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D3 – Conservation and Heritage Assets
- D4 – Renewable and Low Carbon Energy Generation
- D5 – Flood Risk and Coastal Management
- E1 – Employment
- E3 – Community Services and Facilities
- E5 - Tourism
- E6 – Skills, Training and Education
- H1 – Affordable Housing
- H2 – Housing Mix
- H3 – Accommodation for Specialist Needs
- H4 – Effective Use of Land
- N1 – Green Infrastructure
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services
- I2 - Health and Wellbeing

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Guidance (NPPG)
- South Maldon Garden Suburb – Strategic Masterplan Framework (endorsed by Maldon District Council September 2014).
- The Infrastructure Delivery Plan (IDP) and Infrastructure Phasing Plan (IPP) forms part of the evidence base of the Maldon District Local Development Plan. It sets out the key infrastructure required to support growth and details of phasing, costs and existing and potential funding sources.

5. MAIN CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site measures 17.83 hectares in total and is mainly undeveloped apart from a small area of land towards the eastern boundary which contains only an agricultural barn currently within the Knowles Farm holding. The existing farmhouse and ancillary buildings form part of Knowles Farm are excluded from the development site. The undeveloped fields are used for the keeping of horses and are divided by

either by post and rail fencing and/or established vegetated field boundaries with gates located at the field access points. The topography of the site slopes from the north to the south dropping approximately 10m in level across the site. A 132KV power line crosses the site towards the western boundary. The only vehicular access into the site is via Knowles Farm. There are field drains within the site.

- 5.1.2 In terms of the immediate surroundings, to the north are further fields and the rural countryside with Maldon Hall Farm located on the top of Wycke Hill. There are a small handful of dwellings located along the Wycke Hill Road which runs along the site's eastern boundary. To the eastern side of the road is the Wycke Hill Business Park, retail buildings and a petrol filling station. To the south the site is bordered by the A414 and to the south of this road are existing fields and three derelict dwellings. The land to the south of the A414 is land allocated for development through LDP policies S2, S3 and S4 as part of the wider South Maldon Garden Suburb. Also within the area the South Maldon Garden Suburb is the Wycke Meadow Local Wildlife Site, which is an Essex Wildlife Trust Nature Reserve, and this adjoins the Maldon Wick Nature Reserve comprising of one and a half miles of abandoned railway line which is now a mosaic of grassland scrub of particular value for its butterfly populations. The Maldon Wick Meadow Local Wildlife Site comprises of grassland with a large pond. To the west are further fields, two private fishing lakes and western corridor of the A414.

5.2 Environmental Impact Assessment (EIA)

- 5.2.1 The proposed development falls within 'Schedule 2' of the EIA Regulations as 'EIA development'. A request for a Screening Opinion (reference SCR/MAL/14/01258) was validated by the Council on 23 December 2014. The authority is required to adopt a "Screening Opinion" under Regulation 7 to assess whether the effects of the development would be significant as to warrant the submission of an Environmental Impact Assessment. In this instance it was determined that the impact of the development would warrant the submission of an Environmental Impact Assessment. The 'Screening Opinion' was adopted by the Council on 23 January 2015.
- 5.2.2 The next stage of the EIA process is known as the Scoping Process whereby the content and information contained within the EIA is considered. An application for a scoping opinion request (reference SOR/MAL/15/00472) was made valid on 7 May 2015 and a response to the scoping opinion was issued by the Council on 22 July 2015. An Environmental Assessment has been submitted with the planning application which is in accordance with the scoping opinion.

5.3 Principle of Development

- 5.3.1 This proposal represents the progression of one of the sites allocated in the LDP for housing development and would contribute towards the Council's five year housing land supply and longer term housing requirements over the plan period, as required by paragraph 47 of the NPPF.
- 5.3.2 The proposal has been submitted ahead of the adoption of the LDP which allocates this site and the wider South Maldon Garden Suburb for future development. In July 2014, the Council resolved to invite and proactively encourage planning applications which are in accordance with Policy S2 of the LDP. The Council also resolved to

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

- 5.3.3 In accordance with paragraph 216 of NPPF, which advises that the ‘more advanced the preparation of the Plan the greater the weight that may be given’, it is considered that the LDP policies considered again at the most recent Examination in Public (January 2017) and are at an advanced stage for substantial weight to be given in the decision making process to planning applications. At present, the Post Examination Main Modifications are being prepared for public consultation. It is anticipated that the six week consultation period will commence shortly. In advance of the Secretary of State’s decision (expected May 2017), it is appropriate to have regard to the Planning Policy Advice Note (Version 5) which was produced by the Council in May 2016 to assist the Council in determining planning applications in regard to the LDP policies.. The Policies are consistent with the NPPF and substantial weight may be given to them in the decision making process. The LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation.
- 5.3.4 In the absence of an adopted LDP consideration must be given to the Maldon District Replacement Local Plan (RLP) which remains the statutory ‘development plan’ for this District with its ‘saved’ policies. RLP policy S2 provides the strategic position for the District through defined development boundaries for villages / urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. RLP Policy S1 permits development within the existing defined development boundaries. RLP Policy H1 does not allow new housing outside development boundaries unless it complies with other policies in the Local Plan. This application proposal is contrary to RLP policies S2 and H1 because the site is located within a countryside location outside of nearest defined development boundary of Maldon.
- 5.3.5 Taking all these factors into account and the allocation of the application site as a strategic site in LDP policy S2, it is considered that the principle of development is acceptable. All other material considerations are assessed through this report.

5.4 Location Assessment

- 5.4.1 The site has been identified in the submitted LDP as a strategic allocation to accommodate future growth requirements in the District to meet the NPPF requirements in respect of meeting housing need. It is adjacent to the urban area and accessible to a range of services. It is considered to be a sustainable location in regard to future growth and infrastructure provision.
- 5.4.2 Paragraph 37 of the NPPF states that planning policies (and hence planning decisions) should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. The NPPF also requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This site can achieve the requirements of paragraph 37 of the

NPPF through the ensuring its delivery in accordance with LDP policies and the Strategic Masterplan Framework (SMF). It is therefore considered to meet the criteria set out in the NPPF.

- 5.4.3 The site is located adjacent to the western perimeter of Maldon and would form an extension to the settlement as part of the South Maldon Garden Suburb. The site would be served by new but also existing highway infrastructure with access points onto the A414 and Wycke Hill. The development would be located adjacent to existing employment land uses on the Wycke Hill Business Park along with existing retail uses. Within the South Maldon Garden Suburb and contained within the adjacent S2(a) site allocation south of Limebrook Way a new local centre would be created including retail, community, employment and education uses. The Local Centre can be accessed either by road or by the new pedestrian and cycleways that would be created within the South Maldon Garden Suburb and away from the existing road network.
- 5.4.4 There are numerous transport opportunities to access all parts of the town and the town centre, the leisure / recreation uses to the east of the town and other towns and villages in the District and also outside of the District. The transport modes include pedestrian footpaths, cycleways and bus routes in addition to private vehicle usage of the existing road network, which all link, or are proposed to link to the site. A bus strategy will be developed to include extensions to existing bus routes to serve the South Maldon Garden Suburb. There are currently bus stops within the Wycke Hill Business Park and along Wycke Hill to the east and along A414 to the south. Whilst the existing A414 and Wycke Hill present difficulties for pedestrians and cyclists crossing these roads the new highway infrastructure and downgrading of the existing A414 to the south to an urban road classification will address these existing difficulties. The new infrastructure and new access points and crossing points would allow for better integration with south Maldon.

5.5 Place Shaping and Strategic Growth

- 5.5.1 LDP policy S3 (Place Shaping) states that the Garden Suburbs and Strategic allocations at Maldon, Heybridge and Burnham-on-Crouch will be planned as high quality, vibrant and distinctive neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. Policy S3 provides eleven development principles for development of the Garden Suburbs and Strategic Allocations as follows:
- 1) A comprehensive and well planned approach that provides homes, jobs, and community facilities;
 - 2) Places where people want to live and interact through active citizenship, civic amenity and a vibrant urban life;
 - 3) A strong landscaped character that incorporates well managed open space, tree-lined streets and other landscaping and natural areas for amenity and wildlife habitat and to address the effects of climate change;
 - 4) The historic environment is instrumental in establishing landscape character and providing a sense of place and identity, and this should be recognised through the protection, management and enhancement of heritage assets;
 - 5) There will be a clear and harmonious relationship between town and country;

- 6) High quality and detailed architecture that is characterful, innovative and adaptable;
- 7) The local centres will act as the community focus within the Garden Suburbs, with a mix of businesses and community uses that are well served by public transport and connected to the town centre by safe walking and cycling routes;
- 8) There will be a network of safe and usable paths and streets for pedestrians, cyclists and vehicles. This network should prioritise accessibility to open spaces, education and health facilities;
- 9) Fully integrated with the surrounding communities through shared community uses, and a variety of transport modes including walking, cycling and public transport;
- 10) Provide for the requirements of site service and communication infrastructure, in particular high speed broadband, with minimal disruption and need for reconstruction and allow for future growth in service infrastructure; and
- 11) Provide dwellings which meet the District's housing needs for an older population, as identified and required by the Council.

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

- A new 1.5-form entry primary school;
- Two new 56-place early year and childcare facilities;
- One class base expansion of existing primary school;
- Necessary contributions toward the sufficient expansion of the Plume School;
- Provision for youth and children's facilities;
- A new relief road to the north of A414 at Wycke Hill; and
- Provision for Class B use employment land as identified in Policy E1.

5.5.3 In addition the policy requires:

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

5.6 The South Maldon Garden Suburb Strategic Masterplan Framework (SMF)

5.6.1 Reflecting the desire to create high quality garden suburbs and reflect the emerging requirements set out in policies S3 and S4 of the LDP, the Council has worked with developers, landowners and stakeholders since October 2013 on the preparation of the South Maldon Garden Suburb SMF. The SMF has therefore been developed in

accordance with the spatial vision and policies in the submission LDP and was endorsed by the Council as a material consideration for Development Management purposes in September 2014. The SMF provides an illustrative guide for developers and further guidance on the principles set out in LDP policy S3 (Place Shaping) and policy S4 (Maldon and Heybridge Strategic Growth). Public consultation has formed a key element in this process with a public consultation event held in March 2014 and a formal six week consultation period on the draft SMF including a public consultation event and exhibition from June- August 2014.

- 5.6.2 The South Maldon Garden Suburb is being planned as a high quality, vibrant and distinctive new neighbourhood which is well integrated with surrounding communities in accordance with the principles set out in the submitted LDP and the SMF. The SMF sets out a framework for development of the garden suburb including a series of structuring layers covering access, green infrastructure, uses; the creation of six distinct character areas to aid legibility and delivery of quality neighbourhoods using layout, scale & landscaping; and a list of the infrastructure that is needed to support development in the garden suburb.
- 5.6.3 From the six character areas identified in the SMF this site would fall within the Knowles Farm character area which requires the following:
- A relief road
 - A pocket park at the centre swales running along the existing hedgerows
 - Formal layout for a denser development
 - Character objectives:
 - An attractive norther edge fronting the relief road comprising housing a tree planted verge and landscaping
 - Keynote buildings at key junctions
 - A landscaped frontage to new development
 - Urban form:
 - A medium to higher density reflect the proximity of buildings to existing buildings and facilities in Wycke Hill
 - A hierarchy of primary, secondary and tertiary roads
 - Variety of house types incorporating detached, semi-detached and terraced forms
 - Use
 - Mainly residential but for an area of employment at Knowles Farm
 - Car Parking
 - On plot, rear court and on street arrangements limiting the visual effect of vehicles within the streetscape
 - Open Space
 - Retain existing hedgerows to provide green fingers incorporating swales and off road footpath and cycle links
 - Existing pylon to be located in the landscaped corridor to reduce the visual impact of the pylons

- 5.6.4 The SMF therefore forms an important material consideration in the determination of this application. In creating this character area the reserved matters will need to ensure that the detailed layout, scale, appearance and landscaping accords with the principles set out in the SMF to ensure the vision for the Garden Suburb is delivered.

5.7 Design Codes

- 5.7.1 Update reports to the Planning and Licensing Committee were provided in November 2014 and October 2015 at which time Members endorsed the process for delivering design quality in the Garden Suburbs through the preparation of strategic design codes. Design Codes were seen as an effective tool for delivering that quality through the entire Garden Suburb and to ensure that development proceeds in accordance with the garden suburb principles set out in the SMF.

- 5.7.2 Strategic Design Codes for the South Maldon Garden Suburb covering primary streets, green edges, green spaces and built edges were endorsed by the Council in March 2016. The Design Codes have been prepared in consultation with the applicants.

- 5.7.3 The following Strategic Design Codes affect Site S2(b):

- **Built Edge Codes** – where residential, community or employment uses are adjacent highways or streets and require all new frontage development to be orientated to face the street for animated frontages to ensure appropriate integration of new development with existing built and natural features:
 - BE01 community and residential land uses adjacent Wycke Hill
 - BE04 residential and employment land uses adjacent A414
 - BE05 residential land use adjacent A414
 - BE09 Relief Road at residential edge

The two Built Edge Codes BE04 and BE05 apply to the Green Corridor with minimum widths of greenspace of 13m between the A414 and residential land parcels.

- **Green Space Codes** – to provide a network of safe and attractive pedestrian and cycle routes, play space, allotments and SuDs features for recreation and increased biodiversity plus attractive interface between the residential land parcels and green space:
 - GS02 Greenways
 - GS05 Green Fingers (x2)

Strategic Design Code GS02 Greenway requires a minimum 25m width to achieve its core function and performance specification. Strategic Design Code GS05 Greenfinger requires a minimum 13-16m (13m only if SuDs not incorporated) to achieve its core function and performance specification.

5.8 Parameter Plans and Compliance with SMF and the Design Codes

- 5.8.1 This outline application is to consider the principle of the development and to determine the parameter plans submitted with the application which will approve:

1. Extent of Development and Land use
 2. Access and Movement
 3. Landscape
 4. Building Storey Heights
 5. Residential Density
- 5.8.2 All of these parameter plans need to be assessed alongside LDP policies S3, S4 and the SMF along with general design and layout policies through LDP policy D1, RLP policy BE1 and Section 7 of the NPPF. The parameter plans submitted with the planning application in December 2015 were subject to consultation and have been amended by the applicants. Revised parameter plans were submitted in November 2016 and have been subject to re-consultation.
- 5.8.3 Taking each one in turn, the Land Use Plan shows the main area would be residential in development with open space corridors crossing the site through the residential areas. An area is highlighted for the SUDS provision at the lowest part of the site adjacent the southern boundary. The South Maldon Relief Road (SMRR) would act as a barrier to contain the residential development and separate the existing countryside to the north and west from the garden suburb. Within the SMRR would be two roundabout junctions and traffic light junction. The northern part of the site would be used for community uses. An area of employment land following within Use Class B1 (office, light industry and research and development) would be located in the south east corner of the site adjacent to the existing farm buildings within Knowles Farm and adjacent a site which has planning permission for employment uses (FUL/MAL/15/00498). An area of open space is located to the west of the SMRR.
- 5.8.4 The Access and Movement Plan shows the SMRR road layout as stated above but also pedestrian and cycle links. The existing Public Rights of Way (PROW) are PROW reference 253_56 runs through the site along and east/west direction. Another PROW reference 253_5 runs along the western site boundary. The access points into the site are also shown.
- 5.8.5 The Landscape Plan shows the green infrastructure showing the areas of green space, the green corridors and SUDS area. In addition existing and retention of hedgerows are shown along with the Locally Equipped Area of Play (LEAP).
- 5.8.6 The Building Storey Heights Plan demonstrates a range of building heights between 2 storey (up to 9m high from ground level to ridge), 2.5 storey (up to 11.5m from ground level to ridge) 3 storey high (up to 13m from ground level to ridge). The 2 storey buildings would be located on the high land areas to the north of the site with the 3 storey buildings concentrated towards the south eastern areas of the site adjacent to existing development. The layout of building heights would be compatible with the landscape with the higher building heights focused towards existing development areas.
- 5.8.7 The Residential Density Plan identifies two areas of residential density with these being 30-35 dwellings per hectare (dph) for the medium density areas adjacent to the relief road and 35-40 (dph) for high density areas.

- 5.8.8 The second plan is the 'Illustrative Layout' Plan showing how the site could be developed indicating the arrangement of buildings, roads, open space, landscaping and SUDS.

5.9 Access Points, the Relief Road, Highway Safety and Infrastructure

- 5.9.1 The LDP policies relevant to this section are LDP policies S3, S4, I1, T1 and T2, the IDP along with the SMF. RLP policies T1, T2, T4, T6 and sections 4 and 7 of the NPPF.
- 5.9.2 The Environmental Statement (ES) includes a chapter on 'Transport and Travel Planning' and a Transport Assessment (TA) which is appended to the ES. The Design and Access Statement (DAS) includes details of an 'Access and Movement Strategy'.
- 5.9.3 As 'Access' is submitted for determination there are three access plans submitted which show:
1. An access road from the fourth arm of the roundabout junction which was approved for site S2(c)
 2. The proposed western roundabout junction in the south western corner of the site that will link the relief road with the existing modified A414
 3. The proposed relief road with the roundabout junction along the relief road and the triangle traffic light junction onto Wycke Hill at the eastern site boundary
- 5.9.4 The ES identifies the potential effects of the development identifying the four phases of development. The South Maldon Relief Road (SMRR) is an essential piece of infrastructure which based on the IDP would be pooled by three sites. The ES identifies that the SMRR would provide a road link from Wycke Hill on the eastern boundary access via a triangular traffic junction arrangement linking to A414 just north of Limebrook Farm via new roundabout junction. The role of the relief road is to relieve congestion at the existing A414 / Limebrook Way roundabout junction to allow traffic heading towards Maldon, Heybridge and the areas to the north a route to avoid this roundabout. The SMRR will become part of the A414 route with the existing A414 road to be downgraded.
- 5.9.5 The SMRR is proposed to have a carriageway width of 7.3m plus verges and wide footways / cycleways / bridleways. The road has been designed in accordance with the 'Manual for Streets 2' guidance. The access roads off the SMRR will be designed to reduce traffic speeds and be narrower at 6.75m wide with 2m footways on both sides. The speed strategy for the SMRR is to adopt a 40mph speed limit, which was recommended by Essex County Council (ECC) Highways in September 2015.
- 5.9.6 With regard to the impact of the proposed development upon the highway network, the assessments have included the proposed residential and employment uses and the C2/D1 community uses which are assumed for the purpose of the assessment to include a community hospital of 4,292sqm within the area of the Site to the north of the proposed South Maldon Relief Road (SMRR).. The ES identifies the residual effect as either minor/negative or natural for driver delay, severance, pedestrian delay and amenity and accident and safety on the highway network in the immediate area

adjacent the site. The SMRR is proposed to address the predicted traffic congestion impact upon the existing A414/Limebrook Way roundabout and this was identified early in the LDP process by ECC Highways. The ES identifies that a Travel Plan will be produced as required by the s106 or planning condition to reduce the level of single car occupancy.

- 5.9.7 The alignment of the SMRR has been the subject of extensive discussions with Essex Highways. The alignment of the road has been amended to satisfy the technical requirements of the Highway Authority and this has resulted in the amendment to the planning application and parameter plans. . The Highway Authority is satisfied that the revised alignment meets its safety criteria and would have an acceptable effect on the local highway network.
- 5.9.8 The development will be required to contribute to the following off-site strategic highways improvements in accordance with the IDP and the LDP including:
- B1018 Langford / Heybridge Approach roundabout improvement works;
 - B1018 Heybridge Approach / A414 roundabout improvement works;
 - A414 Oak Corner Junction improvement works.
- 5.9.9 The draft heads of terms from the applicant includes contributions to the above improvements.
- 5.9.10 The ES identifies a number of bus routes in the area operating numbers as follows 5, 31, 31B, 31X, 90, 504, C4, D1, D2, FC07, FCW1 and SB36. From these routes only the 5, 31, 31B, 31X, 502, D2 and 90 provide services in the immediate location with routes along the existing A414 along the southern site boundary and Wycke Hill along the eastern site boundary. None of the existing bus routes would be diverted to run through this site but improvements and upgrades to existing bus stops can be provided along with a financial contribution towards public transport, which is required through the IDP.
- 5.9.11 The site is located in a sustainable location and the wider area of the Garden Suburb will become a more sustainable location through this and other developments in the area to provide links to public transport, walking and cycling.
- 5.9.12 The Construction Phase of the development would result in some disruption as new highway infrastructure is built but this only a temporary form of disruption in order to improve the highway network as a result of this and other developments in the South Maldon and North Heybridge Garden Suburbs.
- 5.9.13 The Access and Movement Plan shows the how the existing footpath and bridleway (PROW reference 253_56) which falls within the site would remain as existing adjacent the SMRR but would require reconfiguration adjacent to the land to the northern part of the site which is identified as community use land. This change is only a realignment slightly north of its existing position. This existing footpath and bridleway would change in this location to one within a suburban area rather than a rural setting as existing. Outside of the western site boundary and the other existing footpath (PROW reference 253_5) would remain as existing.

- 5.9.14 The Access and Movement Plan shows the position of new footpaths and cycleways which accord with Framework Masterplan from the SMF and would link to crossing points within the site where the new central roundabout junction would be located. These new footpaths and cycleways would also link to crossing points across the A414 and into the wider Garden Suburb.
- 5.9.15 As an outline application there are no details of precise parking provision as this will be detailed in the future reserved matters when considering layout and will have regard to the design guidance set out in the endorsed Design Codes.

5.10 Housing Land Supply, Mix and Affordable Housing

- 5.10.1 For the Council to maintain its five year housing land supply as required through paragraph 47 of the NPPF this proposal, as a 300 dwelling LDP allocation, has been included in the Council's five year housing land supply assessment. Some of this development, 150 dwellings as defined in LDP policy S2 and as explained in detail in the Council's most up to date Planning Policy Advice Note version 5 will therefore need to be delivered within the next five years.
- 5.10.2 Paragraph 50 of the NPPF requires local authorities to "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community" and "identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand".
- 5.10.3 LDP policy H2 on housing mix requires all development 'to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population'. This is reflected in the SMF. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. The latest version of SHMA is the September 2014 update.
- 5.10.4 The Council's SHMA identifies in its that for all housing types one and two bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are in demand and where there is an inadequate supply. For market sector housing the SHMA's Executive Summary identifies there is also a demand for one and two bedroom units identifying that 60% of market housing should be supplied with 40% of market units being 3 and 4 bedroom units. The SHMA, through the 'Current and Future Demand for Market Housing' identifies a demand for 1, 2 and 3 bedroom units with a surplus of 4+ bedroom units.
- 5.10.5 The proposal identifies the following housing mix, which is based on the 2014 SMHA requirements:

Bedroom Sizes	Percentage of development	Indicative numbers based on the up to 320 dwellings stated in description, as this could be lower
1 bedroom flats	19%	60 units
2 bedroom flats	7%	23 units

Bedroom Sizes	Percentage of development	Indicative numbers based on the up to 320 dwellings stated in description, as this could be lower
2 bedroom houses	25%	79 units
3 bedrooms	27%	86 units
4 bedroom	22%	72 units

- 5.10.6 The proposed market sector housing mix meets the ‘Current and Future Demand for Market Housing’ stated within the SMHA for 1, 2 and 3 bedroom dwellings. This is considered acceptable in housing terms and the proposed housing mix would also contribute to an appropriate form of garden suburb layout. The provision of family housing would be supported by the primary school and early year childcare facilities identified through the LDP / IDP.
- 5.10.7 The proposed affordable housing tenure complies with the Council’s requirements at 70% affordable rent to 30% intermediate and discount market sale.
- 5.10.8 The affordable housing mix is set out as 52% one bed flats (with a proportion suitable for older persons) 40% two bed flats and 8% three bed houses.

5.11 Viability

- 5.11.1 Paragraph 50 of the NPPF requires affordable housing to be provided where needed and LDP policy H1 requires 30% affordable housing for the South Maldon Garden Suburb including this site. The current adopted RLP policy also requires 30% affordable housing.
- 5.11.2 The scheme has been subject to viability testing which identifies the scheme can deliver 30% affordable housing. This is confirmed in the applicant’s proposed Heads of Terms.

5.12 Employment Land

- 5.12.1 The site is not allocated for employment through the RLP employment policies (E1/E2) but the most up to date policy position of this area is taken from the LDP where by policies S4 and E1 apply. This site is coming forward for development as an LDP allocation. The NPPF paragraph 17 bullet point 3, section 1 (Building a Strong Competitive Economy) and section 3 (Supporting a Prosperous Rural Economy) are all relevant.
- 5.12.2 The South Maldon Garden Suburb have been planned to include employment land and the application proposes employment land to accord with the illustrative SMF within the Knowles Farm character area.
- 5.12.3 LDP policy S4 requires the provision of Class B use employment which is identified in LDP policy E1 for this area as E1(p) with an area of 0.5ha of land for B1 and B2 use. This employment allocation also includes the adjacent site in Knowles Farm which achieved planning permission in February 2016 for B1 use (office and an industrial unit ref. FUL/MAL/15/00498) and occupies 0.3ha of this employment allocation. It was considered with that application that a B2 industrial use would not

be appropriate in this location having regard to the proximity of neighbouring residential properties and the future residential development from the site S2(b). This application on site S2(b) proposes 0.2ha of land for B1 use development and this would be accessed from Knowles Farm via the access area for ref.

FUL/MAL/15/00498, which included the access arrangements on the approved plan. The employment allocation land area meets LDP policy E1 requirements in terms of land area, through the combination of this application and ref. FUL/MAL/15/00498. The inclusion and allocation of employment land meets with NPPF paragraph 17 bullet point 3, section 1 (Building a Strong Competitive Economy) and section 3 (Supporting a Prosperous Rural Economy).

- 5.12.4 Appropriate planning conditions are also required regarding the future hours of use, delivery times, any specific technical equipment/plant and commercial refuse storage for this employment area.

5.13 Community Use Land and Health Provision

- 5.13.1 The application site includes an area of land extending to 2.97 hectares for community uses Class C2/D1. The precise use of this land has not been determined but the site has been identified as a possible site for a new Healthcare Hub including primary care facilities to replace existing health facilities at St Peters Hospital and to meet the need for improvements to capacity arising from growth in the area. The Mid-Essex Clinical Commissioning Group (CCG) is currently undertaking work to define the service model for the new facility and to undertake a formal options appraisal and a detailed assessment of site options including the land identified for community uses. The rest of the area identified for community uses could be suitable for a care home or extra care scheme which would be complementary to a new health facility. The applicant has confirmed that he is willing to reserve this land for a health facility and to make it available to NHS England (or other nominated body) if the site is determined to be the preferred location for the new facility.
- 5.13.2 Section 8 of the NPPF, RLP policy PU4 and LDP policies S4, I1, I2 are relevant and specifically LDP policy I1 which seeks to improve the District's health and wellbeing and states that 'the Council will work with the NHS and other delivery bodies to ensure that the future health needs of the District are comprehensively addressed'. Also LDP policy S4 requires adequate provision to be made for enhanced medical provision in cooperation with the relevant health bodies.
- 5.13.3 NHS England advises that a developer contribution is required to mitigate the increased healthcare needs arising from the development and the requirement for a financial contribution of £121, 780 is identified to meet the healthcare needs arising from the proposed development. This amount exceeds the amount identified in the IDP as it is based on the current calculation methods used by NHS England. The contribution could be used together with other contributions towards the costs of the new Health Hub on the community use land if this is identified as the preferred location or in another location within the vicinity. The draft heads of terms confirms that the applicant will make a contribution towards health care facilities.

5.14 Education Provision

- 5.14.1 LDP policies S4, E3, E6 and I1 (Infrastructure and Services), RLP policy PU1 and NPPF Section 8 are all applicable.
- 5.14.2 Specifically LDP policies S4 (Maldon and Heybridge Strategic Growth) and I1 (Infrastructure and Services) derive from the Infrastructure Delivery Plan (IDP) and requires the following infrastructure for the South Maldon Garden Suburb:
- A new 1.5 form entry primary school;
 - Two 56 place early year and childcare facilities;
 - One class base expansion of the existing primary school;
 - Contributions towards the sufficient expansion of the Plume School;
 - Provision for youth and children's facilities.
- 5.14.3 All of the new education infrastructure as stated above would be provided either within site S2(a) or through financial contributions towards the offsite Plume School (secondary school).
- 5.14.4 ECC Education has no objections as the additional education and childcare places to serve Maldon have been established through the draft Local Plan and Infrastructure Delivery Plan. ECC Education require costs per place as follows:
- £18,891 for Early Years and Childcare
 - £15,661 for Primary education
 - £20,582 for Secondary education.
- 5.14.5 These amounts are different from those stated in the IDP but represent the most up to date position from an ECC perspective based on current calculation methods and follows a similar approach taken for other applications including site S2(a). These planning obligations will need to be secured through s106 agreement and are based on terms set out in the ECC's Developers' Guide.

5.15 Green Infrastructure, Open Space, Sports Provision and Playspace

- 5.15.1 LDP policies S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), D1 (Design Quality and Built Environment), N1 (Green Infrastructure Network), N2 (Natural Environment and Biodiversity) and N3 (Open Space, Sport and Leisure) are all relevant. RLP policy BE1 (Design of New Development and Landscaping), CC6 (Landscape Protection), CC10 (Historic Landscape Features), REC1 (Allocation of land for formal public open space), REC2 (Provision of public playing pitches), REC3 (Children's play space associated with new housing developments and elsewhere in the District) and REC4 (Allocation of land for informal open space), CC4 (Local Nature Reserves), along with various sections of the NPPF.
- 5.15.2 The provision of green infrastructure and the creation of a network of green spaces is a key component of the garden suburb. The SMF proposes a network of green spaces linked with the existing settlement through a network of green corridors, recreational facilities, amenity and semi-natural greenspace and streetscapes in keeping with

Garden Suburb principles. The green infrastructure strategy will need to include efficient and effective maintenance and management of these areas.

- 5.15.3 The revised scheme of up to 320 new homes offers 2.54 ha of Public Open Space made up substantially of amenity green space in the Greenway, the Green Fingers and the Landscape / Green Corridors. This is in excess of the requirement based on the standards set out in the Green Infrastructure Study. The Coast and Countryside Officer retains some concerns about the amenity value of the open space where it has a dual function with the SuDS (Sustainable Urban Drainage System) although the developer confirms that the attenuation basins will be substantially dry. It is considered this can be resolved at the Reserved Matters stage. In addition, at least 0.37ha of the 2.54ha of Public Open Space will be Children's' Play provision in the form of one LEAP (Locally Equipped Area for Play) and additional Local Areas of Play (LAP) for the youngest children within the residential areas. This meets with the standards of our Children's Play Strategy.
- 5.15.4 In addition, the scheme provides a substantial area (2.75ha) of structural landscape, including woodland, to the west of the proposed relief road that will provide both nature conservation enhancements and screening for much of the development from the wider countryside. Some of this will be advance planting. This area will not be designated as Public Open Space.
- 5.15.5 Within the Green Fingers, retained hedgerows will have at least 6m on each side and be located within corridors of at least 13-16m. The minimum distance between the proposed relief road and the retained hedgerow on the northern boundary is 4.2m increasing to 13m over a 200m distance. It is proposed to enhance the hedgerow with further planting. It is intended that the large Oak Tree in the western half of the scheme is retained. There will be additional formal avenue planting within the scheme along with tree planting within areas of public open space, amenity space and private gardens.
- 5.15.6 The Coast and Countryside Officer retains concerns in relation to the amount of buffer between the proposed relief road and the PRoW network to the north of the scheme, particularly with respect to tranquillity, and of the connectivity between the pedestrian access onsite and the PRoW network in the wider countryside. This is a matter which should be addressed at the detailed design stage.

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

- 5.16.1 LDP policy D1 (Design Quality and Built Environment), D2 (Climate Change and Environmental Impact of Development), S3 (Place Shaping), S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), N1 (Green Infrastructure Network), N3 (Open Space, Sport and Leisure), T1 (Sustainable Transport) and T2 (Accessibility) are all relevant. RLP policy BE1 (Design of New Development and Landscaping), BE3 (Public and private amenity spaces), CON5 (Pollution Prevention) and T2 (Transport Infrastructure in New Developments), and Chapter 7 of the NPPF are all relevant.
- 5.16.2 The SMF, which has been endorsed by the Council, is based on Garden Suburb principles and provides the structure for a mix of housing types and tenures and a place of variety and character where housing is integrated in a well landscaped

setting with access to necessary services and facilities. The SMF acknowledges the characteristics of places like Hampstead Garden Suburb, Welwyn and Letchworth but also reflects the requirements of 21st century lifestyles and technologies and the need to integrate the development with the wider area and to respect local character. The SMF sets out a framework for how the key garden suburb principles are to be addressed in terms of layout, character, access and movement, green infrastructure, housing mix, community aspects and quality of development. It is therefore important that the South Maldon Garden Suburb is designed to reflect the principles as set out in the SMF

- 5.16.3 In terms of layout, scale, design of buildings and materials, this outline application includes a detailed Design and Access statement (DAS) which sets out how the layout and design principles set out in the SMF will be addressed in future development of this site. A significant level of detail is provided by the DAS and appropriate planning conditions should be attached to any approval to ensure that the development 'is substantially in accordance with the DAS.
- 5.16.4 A requirement of all outline applications within the South Maldon Garden Suburbs is submission of Design Parameter Plans to accord with the guiding principles within the LDP and SMF and the core function and performance specifications of the Strategic Design Codes which were endorsed by Planning & Licensing Committee in March 2016. If approved, the Design Parameter Plans will become the 'rules' of the outline application i.e. these important structuring elements are fixed in terms of their location, core function and performance specification as prescribed in the endorsed South Maldon Garden Suburb Strategic Design Codes.
- 5.16.5 The Strategic Design Codes will inform future Reserved Matters Applications in respect of Layout, Landscape, Scale, and Appearance i.e. where residential land parcels, community buildings or employment sites address a strategic design code and where the different land uses are located within the garden suburb in terms of design guidance.
- 5.16.6 In addition to the DAS and Design Codes, this application includes five 'Design Parameter Plans'.
- 5.16.7 The 'Development and Land Use' Design Parameter Plan generally conforms with the principles in the SMF in terms of the distribution of land uses i.e. residential parcels, community and employment land and the key structuring elements of green infrastructure and relief road. It is important that the details on the parameter plans remain consistent with the SMF and are carried through to the reserved matters application(s) hence the inclusion of the proposed Design Codes condition which would ensure consistency in the form of development going forward including the location and relationship of the Greenway or Greenfingers with the residential parcels.
- 5.16.8 The 'Access and Movement' Design Parameter Plan also is in general conformity with the SMF in terms of access and movement for all modes of transport including motor vehicle, cyclists, horse riders and pedestrian within the site and connections to the wider garden suburb.
- 5.16.9 The main access points for vehicles are from the existing A414 and via a roundabout on the new relief road. The development parcels are accessed via a main Spine Route

within the site with indicative connecting points. However, the principle is established on the 'Access and Movement' Design Parameter Plan that the Spine Route will connect the Roundabout on the A414 (to be provided as part of the approved development of site S2(c) to the Roundabout on the relief road to be provided as part of this development (points A and B).

5.16.10 The 'Access and Movement' Design Parameter Plan shows the important pedestrian and cycle routes and links through the Greenway and Greenfingers and the diverted PROW/Bridleway with crossing point at the junction with Wycke Hill. These connect with the network of routes within the Garden Suburb. It is important there is minimum disturbance to the strategic green linkages running through the site. The parameter plans reflect the principles set out in the SMF in this regard and the Strategic Design Codes will inform the reserved matters applications.

5.16.11 Leading on from the issues identified above, the 'Landscape' Design Parameter Plan sets out the location of the green infrastructure 'structuring elements' of the development. These include the Green Corridor running along the A414, the Greenway which runs along the overhead pylon line and the two Greenfingers that intersect the site. Again this parameter plan, along with the Strategic Design Codes play an important role setting out the overall framework for the form of development and provide the green linkages between the residential parcels.

5.16.12 The 'Building Storey Heights' Design Parameter Plan indicates both maximum heights and number of storeys. The heights referenced are shown as maximums (13m for 3 storeys, 11.5m for 2.5 storeys and 9m for 2 storeys). The maximum storey heights would follow the natural topography of the land by limiting the height of development in the most elevated areas of the site and allowing greater scope in the lower lying areas, closer to the A414 and existing development. Whilst it can be distracting to focus on maximum heights it is unlikely that the eventual development would differ significantly from the remainder of the South Maldon Garden Suburb and would ultimately be considered 'in the round' as one of the detailed design considerations at reserved matters stage. The overall height of the residential development is predominantly 2 storey but some areas are identified for development up to 3 storeys. In areas identified for up to three storey development, no more than 25% of the residential buildings would be three storeys in height.

5.16.13 Finally the 'Density' Design Parameter Plan identifies two maximum density ranges of 30-35 dwellings per hectare (dph) and 35-40 dph. The lower density range would be located in the most elevated parts of the site and the most visually sensitive at the northern edge of the development. The overall net density, excluding the structural landscaping elements would be 36.2 dph.

5.16.14 The South Maldon Garden Suburb Strategic Masterplan Framework applies an average density range of between 30 - 35 dwellings per hectare. The NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. RLP policy H6 which set density levels of between 30 - 50 dwellings per hectare is based on the former PPG3 requirements. However, the submitted LDP policy D4 considers a design-led approach is most applicable taking into account the location of the proposed development.

5.16.15 The SMF identifies an average density of 30 - 35 dwellings per hectare would be appropriate across the whole Garden Suburb. Whilst it is acknowledged that the overall density is slightly higher than the range identified in the SMF, the SMF identifies the site as a location suitable for higher density development. The scheme has also been the subject of amendment to take account of the requirement to accommodate the proposed relief road and it is considered that when assessed in the context of the strategic open space that would be created to the north of the SMRR any impacts could be adequately mitigated at the detailed design stage. Furthermore, when seen in the context of the proposed Green Corridor along the A414 and the adjacent development, and taking into account the fact that the proposed development includes a relatively high proportion of smaller dwellings, the proposed density is unlikely to appear out of context with its surroundings.

5.17 Landscape and Visual Impact Assessment

5.17.1 LDP policies N2, D1 and RLP policies CC6, CC7, CC10 and CC11 are all relevant along with sections 7 and 11 of the NPPF. In regard to assessing the landscape impact the site is located in a Special Landscape Area (RLP CC7) and in terms of the policy would fall within the 'Woodham Scarp'.

5.17.2 The SMF recognises that the 2006 Maldon Landscape Character Assessment provides the baseline landscape character for this area. The site crosses two distinct landscape areas comprising of the gently rolling marsh hinterland known as the Mundon Drained Estuarine Marsh, and the ridge landscape southwest of Maldon known as the Woodham Wooded Farmland. Directly to the south of the site is the gently undulating arable farmland behind the coastal marshland known as the Tillingham and Latchingdon Coastal Farmland Character.

5.17.3 The LVIA looks at the two separate but interconnected effects of the development on the character and quality of the site and the surrounding area and the effects on sensitive views, viewers and visual amenity. The potential for any mitigation of significant adverse effects arising from the development is also appraised.

5.17.4 The proposed development would result in localised permanent landscape effects due to the urbanisation of existing improved pasture. Some lengths of hedgerow would need to be removed and a ditch diverted to accommodate the proposed development. This would have a residual moderate adverse effect on the site itself i.e. significant. The overall effect on the Woodham Wooded Farmland Landscape Character Area as a whole, however, is judged to be minor adverse. There would be an indirect minor adverse effect on the Mundon Drained Estuarine Marsh character area and a negligible indirect effect on the Tillingham and Latchingdon Coastal Farmland character area. Again, these effects are not significant.

5.17.5 In relation to visual effects, the applicant identifies there would be localised significant (substantial to moderate adverse) visual effects during the construction stage on the occupiers of adjacent residential properties and users of public rights of way through the site and close to the boundary of the site. These effects would be temporary. On completion of the development, it is judged there would be significant localised (substantial to moderate adverse) visual effects on adjacent residents and users of public rights of way through and close to the site in the first year. After 15 years, once structural landscaping has begun to mature, the visual effects would be

reduced with residual moderate adverse effects remaining in localised places. A lighting scheme designed to accord with good practice and avoid light spill, glare and sky glow should not give rise to any unusual or significant effects, although the Coast and Countryside Officer has identified concerns that due to the topography and substantially rural setting of the site, this could have some adverse effects over a wider area. Appropriate mitigation should be considered at the reserved matters stage.

5.18 Effect upon Neighbouring Properties

5.18.1 LDP policy D1 along with RLP policy BE1 considers residential amenity.

5.18.2 The nearest affected dwellings are those that border the site. These are Maldon Hall Cottage, Bray Cottage, Whincroft, Knowles Farmhouse, Three Suns Nursery, Leas, Limebrook Farm and Limburn House. All of these properties would experience a significant change as a result of the proposals changing their outlook and views out of their site. The outlook from various rooms in these properties is towards the open countryside which would be developed into a suburban area with associated infrastructure.

5.18.3 The 'Illustrative Layout' provides a guide to how development could be built within the site so cannot be used as the definitive plan. However, there are concerns over the amount of car parking courtyards shown surrounding the northern and western site boundaries which would introduce noise and disturbance to the rear private garden of this property. In addition the proximity of a building adjacent to the western boundary which is the rear boundary of this property would need further consideration as its siting would impact upon the private amenity space and could include windows overlooking. All of these issues will need further consideration ahead of and through the future reserved matters application process.

5.18.4 For the reserved matters the Essex Design Guide (EDG) (1997 version) identifies the requirements for minimum building to building and minimum building to boundary distances for ensuring daylight / sunlight and rear privacy levels are acceptable for the benefit of future occupiers. These guidelines, unless otherwise superseded by more up to date guidance at the time of the reserved matters submission such as the Maldon Design Guide, which would will need to be applied to the reserved matters.

5.19 Flood Risk

5.19.1 LDP Policy D5 provides local drainage considerations and encourages the use of SuDS and flood response plans, policy D2 seeks to minimise pollution prevention along with RLP policy CON5 and section 10 of the NPPF and the guidance contained within the NPPG.

5.19.2 The SMF identifies that the Garden Suburb lies within the catchment of an ordinary watercourse tributary of Lime Brook. Only one of the two Lime Brooks run close to the site along the western site boundary. There are also existing field ditches that run south along the field boundaries within the site.

5.19.3 Based on the Environment Agency Flood Maps this falls Flood Zone 1 which is the lowest risk flood zone.

- 5.19.4 The site is more than 1 hectare in size and based on the Environment Agency information and the national Planning Practice Guidance (PPG) a Flood Risk Assessment (FRA) is required. As the site falls within Flood Zone 1 it is a sequentially preferable site for development as an allocated site in the LDP and therefore no Sequential Testing is required.
- 5.19.5 Appended to the ES is an FRA. The FRA identifies the topography of the ground shows a height difference of 15m from highest point of 30m AOD in the north east site corner to the lowest point of 15m AOD adjacent the existing A414. The FRA identifies that part of the Lime Brook catchment passes through the site. The FRA's technical assessment of flooding mechanism shows the land to have a low probability of flooding from overland flow, ground water and sewer flooding.
- 5.19.6 The ES identifies that the implementation of an appropriate and sustainable development proposal with appropriate mitigation measures will ensure that the proposal would not result in significant adverse effects during the operational or construction phases of the development. The Construction Environmental Management Plan through a planning condition will require mitigation measures to control the construction phase of the development to avoid any pollution or flooding impacts.
- 5.19.7 The Environment Agency has no objections and it is therefore considered that the development is acceptable in terms of flood risk.

5.20 Surface Water Drainage

- 5.20.1 LDP Policy D5 provides local drainage considerations and encourages the use of Sustainable Urban Drainage Systems (SuDS) and flood response plans, policy D2 seeks to minimise pollution prevention along with RLP policy CON5, section 10 of the NPPF and the guidance contained within the NPPG.
- 5.20.2 The SMF identifies that developments will need to employ a multi-user SuDS water management system to provide source control measures are implemented where possible and the use of a tiered water management system for water treatment.
- 5.20.3 The FRA identifies a number of drainage options for managing storm water by way of a SuDS management train. The existing watercourses within the site have been identified in the FRA as most appropriate receptors of storm water and would involve source control measures and detention features through SuDS management. The development can therefore implement techniques which include permeable paving, filter strips, ditches, swales and attenuation drainage systems. For the discharge of surface water that is not stored on the site the FRA identifies that the Lime Brook south arm would be most appropriate otherwise attenuation measures will be used. An 'Illustrative Surface Water Drainage Strategy' has been produced to show the SUDS management train and shows five SUDS basins in the lowest part of the site located towards the site's southern boundary.
- 5.20.4 ECC SUDS team are the Lead Local Flood Authority and have no objections to the grant of planning permission but require a number of planning conditions that will require further information to be submitted in advance of any development taking

place on site. These conditions are stated in the consultation's table but in summary require:

- Detailed SuDS scheme to be submitted for approval
- A scheme to avoid off site flooding from the development
- A management and maintenance plan detailing who is responsible for the SuDS
- Maintenance plan to include yearly logs of maintenance undertaken

5.20.5 The detailed SUDS scheme can be conditioned to be submitted at the same time of the first the reserved matters applications to help understand how the SUDS would work with the layout, appearance, scale and landscaping of the development.

5.20.6 For the construction phase of the development the ES identifies that mitigation would be required through a Construction Environmental Management Plan which would be subject to a planning condition.

5.21 Foul Drainage and Water Supply

5.21.1 LDP Policy D5 provides local drainage considerations and encourages the use of Sustainable Urban Drainage Systems (SuDS) and flood response plans, policy D2 seeks to minimise pollution prevention along with RLP policy CON5 (Pollution Prevention), section 10 of the NPPF and the guidance contained within the NPPG.

5.21.2 The FRA explains that there are currently no foul sewers in the site but a site drainage strategy has been developed for foul drainage flows to be discharged into the Anglian Water network. Anglian Water have no objections to the application as the foul drainage from the development is the catchment of Maldon Recycling Centre that will have the capacity for these flows but Anglian Water require a drainage strategy to be conditioned.

5.21.3 Essex and Suffolk Water would provide a water supply and the costs of this work would be for the developer in agreement with Essex and Suffolk Water outside the scope of this planning application.

5.21.4 For the construction phase of the development the ES identifies that mitigation would be required through a Construction Environmental Management Plan which would be subject to a planning condition.

5.22 Provision of Private and Communal Amenity Space

5.22.1 With this outline application there are no details of the exact layout of the development as this will be dealt with through the reserved matters. Nevertheless the Essex Design Guide (EDG) (1997 version) forms supplementary planning guidance (SPG) and details the levels of private amenity space needed for dwellings, unless a more up to date replacement SPG has been adopted, such as the Maldon Design Guide, which would be used for the reserved matters alongside the requirements of the SMF. The details are stated as follows:

- Houses of one or two bedrooms need a minimum of 50m²
- Houses of three or more bedrooms need a minimum of 100m²

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

5.23 Impact upon Listed Buildings

5.23.1 LDP policy D3, RLP policy BE16 and Section 12 of the NPPF are applicable.

5.23.2 The nearest listed buildings are located at Maldon Hall Farm where there are five grade II listed buildings, Brookhead Farm is grade II listed, and at Woodham Mortimer where there are seven grade II listed buildings. Maldon Hall Farm and Brookhead Farm are the closest listed buildings to the site. A 'Heritage Setting Assessment' has been submitted and judges that there will be no impact upon the setting of the heritage assets within 1.25km of the site. Maldon Hall Farm is located less than 300m to the north of the site boundary and there would be a 'slight adverse impact' upon these listed buildings due to visual intrusion of the new development. The ES considers that mitigation measures in the form of heightening and thickening the northern hedgerow boundary would lessen the impact to a 'slight / neutral' impact and states that this 'should not be a constraint to development proposals'.

5.23.3 Historic England are a statutory consultee (formerly English Heritage) and have identified that the development has the potential to impact upon the setting of a group of Grade II listed buildings at Maldon Hall. Historic England considers that the impact on the group of listed structures at Maldon Hall would be minimized if the section of the site highest up the slope were to remain open and used for recreational purposes, allotments or similar community use. The northern part of the site has been identified for future community uses but is likely to involve development and would not be used for allotments for example which are allocated within site S2(a). Part of this area has been identified as a possible location for a new healthcare hub and other parts of the community use land are also likely to be developed. Any development will be subject to reserved matters or separate detailed planning applications and the impact on this group of listed buildings will be assessed in determination of these applications. .

5.23.4 The construction process will not impact upon the listed buildings.

5.24 Conservation Area

5.24.1 LDP policy D3, RLP policy BE13 and Section 12 of the NPPF are applicable.

5.24.2 The site does not fall within a Conservation Area and is significantly distant from the nearest Conservation Area, which is Maldon Conservation Area in Maldon town centre, is located approximately 1.3km to the north east.

5.25 Schedule Ancient Monuments (SAMs) Archaeology

5.25.1 LDP policy D3 and Section 12 of the NPPF are applicable.

5.25.2 The nearest Scheduled Ancient Monument (SAM) is the medieval Leper hospital of St Giles and this located approximately 670m north east of the site along Spital Road.

Given the site's distance from the SAM the proposed development would not impact upon its setting and would not be harmed.

5.26 Archaeology

5.26.1 LDP policy D3, RLP policies BE17 and BE18, and Section 12 of the NPPF are applicable.

5.26.2 The proposed development is located on the edge of the historic town of Maldon. The ES demonstrates that a desk based assessment has concluded that the site is considered to have 'moderate potential of Iron Age and Roman agricultural remains'. Planning conditions are therefore relevant and required as recommended by the Council's Senior Conservation and Urban Design Officer who has no objections subject to conditions requiring further archaeological assessments and a fieldwork programme. Such conditions would be imposed to any approval and require archaeological works to take place prior to the commencement of the development of the site to allow for recording and assessment of any unearthed findings.

5.27 Other Heritage Assets

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

5.28 Biodiversity and Ecology

5.28.1 LDP policy N2, RLP policies CC1, CC2, CC3, CC4, CC5 and NPPF section 11 are all relevant considerations.

5.28.2 Given the scale of development the impact upon the nearby statutory designations needs to be considered. The application site is within or in close proximity to a European designated the Blackwater Estuary Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and also at a national level is the Blackwater Estuary Site of Special Scientific Interest (SSSI). These areas are approximately 2.6km to the east of the site and recognized in the ES. Natural England recommends 'that the Local Planning Authority (LPA) determine whether the proposal is likely to have a significant effect on any European site'. This requires the LPA to undertake a Habitat Regulations Assessment (HRA) with regard to the Hydrological Impacts and Recreational Disturbance Impacts, which is similar to the S2(a) application site. This requirement follows Regulations 61 and 62 of the Habitat Regulations.

5.28.3 Habitat Regulation Assessment screening has been undertaken by the Council. The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Blackwater Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Blackwater Estuary Ramsar site and also notified at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI). Maldon District Council, as a competent authority under the provisions of the Habitats Regulations, is required to have regard for any

potential impacts that a plan or project may have. In their response to the EIA scoping consultation (dated 15 June 2015). The screening has taken into account responses to consultation. In response to the first consultation, Natural England identified two main areas of areas for consideration, specifically hydrological pathways and recreational disturbance impacts on European designated sites arising from new residents.

- 5.28.4 In relation to hydrological impacts, Natural England raised concerns that the Environmental Statement did not appear to identify how sewage treatment would be dealt with as part of this application. The submission of a revised flood risk assessment identifies that additional foul drainage storage is required and Anglian Water have confirmed through the planning application consultation response (dated February 16th 2016) that the sewage treatment works have sufficient headroom to accommodate the flows from the proposed development. The applicant has provided further clarification of this issue in a Technical Note prepared by Brookbanks Consulting dated June 8th 2016. The submission and approval of details of the foul drainage strategy would be subject to a planning condition as requested by Anglian Water. This has overcome the concerns previously raised by Natural England.
- 5.28.5 In relation to increased recreational impacts, Natural England's response to the second consultation (dated February 23 2016) confirms that, although the Environment Statement did not include a detailed assessment for potential increased recreational pressure at the Blackwater Estuary SPA, Natural England considers that there would not be a likely significant effect on any European Site as a result of increased recreational pressure. The scheme provides above standard quantities of Public Open Space and is connected to the PRoW network to the north of the site, as well as providing walking and cycling opportunities onsite. Extensive recreational opportunities will also be available within the wider South Maldon Garden Suburb. Natural England has confirmed that no further information is required. In the light of this advice, the Council is satisfied that the recreational disturbance impact is unlikely to be significant and that no further assessment or mitigation in relation to this issue is required.
- 5.28.6 In terms of non-statutory designations, Maldon Wick Local Wildlife Site and the Wycke Meadow Nature Reserve are located within approximately 160m and 270m distance of the site respectively. Development proposals for sites S2 (a) and S2(b) include mitigation measures to protect and enhance these areas and given its distance from the designated areas and the level of on site open space provision, it is not considered that the proposed development would have a harmful impact on these non-statutory designations. Similarly, it is not considered that there would be a harmful impact on the further distant non-statutory designations of Hazeleigh Hall Wood and Parsonage Wood which are located at more than 1.5 km from the application site.
- 5.28.7 With regard to protected species, an 'Ecological Assessment' has been appended to the ES and taken into account through the EIA. This states that surveys were undertaken in 2013 and 2015. The site is dominated by horse grazing pasture with many field boundaries hedged. There are ditches associated with the hedgerow boundaries although these can dry out during drier periods. Protected species are those identified through European and National legislation. Through European legislation these are bats, great crested newts, otters and dormice and through

National legislation these are reptiles, birds and badgers. From the 'Ecological Assessment' it is identified that there have been minor recordings for bats, breeding birds and reptiles, there is evidence of badgers entering the site but no activity was recorded during survey work. There are areas along the bridleway where there are continuous hedgerows and trees which are where bats, birds and badger recordings were identified and reptiles in the stable areas and western site boundary. The 'Ecological Assessment' identifies that recordings were 'scattered across the site'.

- 5.28.8 The 'Ecological Assessment' identifies that mitigation, compensation and enhancement is 'possible' and it is concluded that 'if a development on this land were to proceed, its minor interest and potential impacts are not significant on a site level, or in combination with other development sites in south west Maldon'. The retention of the bridleway and its hedgerow boundary would maintain the existing ecological corridor for species for part of its route to the north of the South Maldon Relief Road although the bridleway will change for part of its route where development is proposed to the north of the South Maldon Relief Road. Boxes can be provided for bats and reptiles can be accommodated in new grassland areas, away from the residential parts of the site. The future SuDS scheme can include an attenuation basin for holding water most of the year for biodiversity benefits.
- 5.28.9 Planning conditions requiring further ecological assessments to be undertaken prior to commencement of development but in advance of that further ecological information will be required through consideration with the reserved matters along with an 'Ecological Conservation Management Plan' for the site.
- 5.28.10 The ES identifies that the residual impacts would be negligible with some minor adverse impacts during the construction process.
- 5.28.11 Natural England has referred the LPA to consider their 'Standing Advice' but other consultees such as the Essex Bat Group, Essex Wildlife Trust have not provided consultation responses. Natural England's 'Standing Advice' with regard to protected species can be used for the purpose of planning conditions and for licenses outside of the planning legislation.

5.29 Construction Environmental Management Plan (CEMP)

- 5.29.1 LDP policy D2, RLP policies BE1, CON5, CON6 and NPPF paragraphs 120 to 125 are all applicable.
- 5.29.2 This report and the ES refer to need for a Construction Environmental Management Plan (CEMP) to provide the mechanism for mitigating adverse environmental impacts and managing the construction of the development. The CEMP will include the need for a site waste management plan, materials management plan, pollution prevention plan, water management plan, traffic management plan and emergency response plan. The CEMP will form a planning condition requiring the information to be submitted prior to the commencement of development.

5.30 Air Quality

- 5.30.1 LDP policy D2, RLP policies BE1 and CON5, and NPPF paragraph 124 are all applicable, which states 'Planning policies should sustain compliance with and

contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan’.

- 5.30.2 The ES identifies that the construction phase of the development with regard to dust would be a ‘medium’ risks to human health and ‘high’ for dusting soils so best practice measures during construction would be needed and would need to be agreed through a Construction Environmental Management Plan, which would form a planning condition to any recommendation of approval. After construction of the development has been completed air quality risks would derive from increased traffic movements from the development and most notably from the South Maldon Relief Road. However, the ES states that air quality level would be within national regulation limits.
- 5.30.3 The Council’s Environmental Health Officer had identified concerns over dispersion modelling and the impact this has on the property known as Whincroft and new dwellings proposed near to Wycke Hill. It is not anticipated that there would be a predicted exceedance of air quality for nitrogen oxide but there could be moderate adverse impacts which need to be addressed via mitigation measures. The ES refers to walking and cycling as air quality mitigation but such provision is a normal part of any residential development and is not the only form of mitigation as electric vehicle charging points for dwellings could provide another mitigation measure. An air quality mitigation condition should be imposed to any approval to demonstrate all types of mitigation are considered and agreed through the reserved matters application(s).

5.31 Noise and Vibration

- 5.31.1 LDP policy D2, RLP policies BE1 and CON5, and NPPF paragraphs 120 to 125 are all applicable.
- 5.31.2 The ES identifies that noise and vibration would occur over two periods – the construction period and the completed development (operational) period.
- 5.31.3 ES explains that during the construction of the development noise levels will increase with disturbance caused nearby during clearance and the building phase. Also vibration effects will occur. The identified receptors would be nearby residents of neighbouring residential properties. Both vibration and noise mitigation measures will be imposed through the Construction Environmental Management Plan for the construction process.
- 5.31.4 Noise deriving from the development would be associated with the South Maldon Relief Road and from road traffic noise.
- 5.31.5 The ES and appended ‘noise site suitability study’ shows that noise monitoring was undertaken at two locations within the site and this provides the background and residual noise levels for the site. One location (site 1) was along Wycke Hill to the eastern site boundary and the other (site 2) was along the A414 to the east of Limburn

Farm. The average noise levels for site 1 range between 62.5dB at night to 68.1dB during the day and for site 2 the range is 61.2dB at night and 67.4dB during the day.

- 5.31.6 The predicted the noise levels that would result from the completed development based on the road traffic noise from the existing road network and with the South Maldon Relief Road have been based on the above dataset. This noise modelling has been applied to the illustrative layout plan and shows that buildings can act as a noise barrier for external residential amenity areas to achieve a <55dB level to meet the World Health Organisation (WHO) guidelines. For internal noise, based on the illustrative layout, most dwellings would not be subject of noise but for those dwellings that are located in close proximity to road traffic noise for living rooms and bedrooms the ES requires standard double glazing when windows are closed and acoustic ventilation.
- 5.31.7 Furthermore, the 'noise site suitability study' also identifies flats from the illustrative layout plan would be positioned where facades would be exposed to a higher threshold of noise of >63dB average noise levels over a 16 hour period (Laeq,16hr) and this would require mechanically assisted ventilation and closed double glazed windows for those affected units. The Environmental Health Officer with reference to considers that residential Properties being built in areas where the average noise levels are >63dB Laeq16hr should be avoided. Further modelling has been undertaken which shows that the impacts on the most noise sensitive properties can be mitigated by the use of two small acoustic barriers and more robust boundary fencing, which will minimise impacts to an acceptable level. This can be dealt with by condition.
- 5.31.8 Other noise sources from the development could derive from the employment land use and from the community land use but as an outline application future end users of the facilities are not known at this stage so limitations in terms of planning conditions regarding the hours of use, delivery hours, any specific technical equipment / plant and commercial refuse storage would be required for amenity reasons. It should be noted that the employment land use would be for a B1 use which includes light industry, office and research and development is normally acceptable in close proximity to residential properties. The C2 use for residential institutions could include any of the following uses: residential care homes, hospitals and nursing homes. The D1 use for non-residential institutions could include any of the following uses: clinics and health centres. On the basis of the proposed community uses it is not considered that there would be significant adverse impacts resulting from these uses.

5.32 Ground Conditions and Land Contamination

- 5.32.1 LDP policy D2, RLP policies BE1, CON5, CON6 and NPPF paragraphs 120 to 122 are all applicable.
- 5.32.2 The ES reports that application site consists of a mix of grade 2 and 3 agricultural land of clay, silt and sand geology of the London Clay Formation. The ES recognises that the construction process will result in ground works that could lead to airborne and surface water pollution therefore the Construction Environmental Management Plan (CEMP) would need implementing to ensure best working practices are implemented such as dust suppression, bunded fuel tanks etc. The CEMP would reduce the impact from 'moderate to major' to 'negligible' in EIA terms.

- 5.32.3 After the construction phase and completion of the development buried materials could result in contamination. To mitigate these risks guidance for regeneration sites will be followed and gas monitoring to take place along with contamination and remediation conditions being imposed to ensure the development is safe for the end users.

5.33 Climate Change and Renewable Energy

- 5.33.1 LDP policies D1 and D2, RLP policy PU6 and NPPF paragraphs 95 to 99 are all applicable.
- 5.33.2 The ES has considered climate change and renewable energy considerations identifying carbon dioxide variations. The construction phase of the development would result in the unavoidable production of carbon dioxide and the completed development would also continue carbon dioxide production. The proposed development should therefore incorporate appropriate renewable energy innovations in accordance with LDP policy and the SMF and this will be considered at the detailed stages of the development through the reserved matters and conditions where applicable.

5.34 Planning Obligations

- 5.34.1 For applying planning obligations The Community Infrastructure Levy Regulations 2010 Regulation 122 (also stated in paragraph 204 of the NPPF) need to meet the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development’.
- 5.34.2 The table listed in section 4.5 of this report provides a list of planning obligations required for this development site based on the Infrastructure Delivery Plan (IDP 2013 and 2014 update) and the submitted Local Development Plan (LDP).
- 5.34.3 The consultation responses received consultees who had provided input into the IDP have provided updated requirements that supersede the IDP requirements in the table where listed below:
- 5.34.4 For Education a price per education place based on the latest ECC Contributions Guide is required and is more likely to be used through the section 106 negotiations with ECC Education.

For Health Care contributions the amount requested from the NHS has increased from £99,220 to £121, 780 based on current calculations.

Infrastructure Item as listed in the LDP / IDP	LDP policy I1 and IDP Financial Contributions 'including pooled' arrangements	Phasing as identified in the Infrastructure Phasing Plan (IPP)
Transport		
B108 Langford / Heybridge Approach	£14,701	2024 / 25
B1018 Heybridge Approach / A414 roundabout	£272,271	2024 / 25
A414 Oak Corner Junction	£81,992	2018 / 19
South Maldon Relief Road (A414 / Wycke Hill)	£1,331,127	Phase 1 2019 / 20 Phase 2 2020 / 21 Phase 3 2022 / 23
Travel Plan Monitoring fee –	£1,500 per annum for lifetime of development	
Public Transport		
Public transport improvements to serve South Maldon Garden Suburb	£643,500	2020 /24 Details of bus service phasing
Education		
56-place early years and childcare facility to serve Maldon	£240,000	2022 / 23
420 space (two form entry) primary school and 56 early year and childcare facility	£1,527,273	Phase 1 2018 / 19 to 2020 / 21 Phase 2 2024 / 25 to 2026 / 27
One class base expansion of existing primary school	£61,091	2017 to 2019
Expansion of Plume School – Lower School	£274,900	2020 / 21 to 2021 / 22
Expansion of Plume School – Upper school/sixth form	£908,367	2020 / 21 to 2021 / 22
Youth and Children's Facilities		
Teen shelters, skateboard facilities and access to shared community facilities to serve Maldon	£162,500	2020/21 – 2021/22
NEAPs and LEAP to serve Maldon	£34,560	2022/23 – 2024/25
Health		
Medical facilities to serve South Maldon Garden Suburb –	£121,118	2019/ 209
Land to be reserved and made available if required for a new Healthcare Hub		
Green Infrastructure		
Allotments to serve South Maldon Garden Suburb	£14,520	2020/21

Infrastructure Item as listed in the LDP / IDP	LDP policy I1 and IDP Financial Contributions ‘including pooled’ arrangements	Phasing as identified in the Infrastructure Phasing Plan (IPP)
Sport Facilities to serve South Maldon	No cost set out in IDP / LDP	2023/24 – 2024/25
Affordable Housing	30%	
Monitoring fee	£8,000	
TOTAL	£5, 687,919 Excluding travel plan monitoring and Council monitoring fee	

5.35 Cumulative Impact

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

5.36 Sustainability Appraisal

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

5.36.2 Sustainability is a material consideration with the determination of this appeal and in terms of sustainability paragraph 14 of the NPPF applies the ‘presumption in favour of sustainable development’ and for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

5.36.3 To assist with the assessment of sustainability it is necessary to assess whether the proposed development is ‘sustainable development’ with regard to the three dimensions to sustainable development as defined in paragraph 7 of the NPPF, which are the economic, social and environmental roles.

5.36.4 Economically the proposed development would deliver 8% of the District’s objectively assessed housing needs and would bring employment opportunities in the construction sector for the duration of the construction phase of the development

which is beneficial to the local economy. The employment land inclusion and community use land would bring more permanent employment during the completed stage of the development. New residents will bring expenditure to the local economy using existing and new local services and businesses to increase economic activity.

- 5.36.5 Socially the proposal would provide a supply of housing required to meet the needs of present and future generations. Employment land and community use land would be created which will promote social cohesion. The proposal would provide areas of open space, recreation and a play area to benefit of future occupiers. The development would be an extension of the existing settlement of Maldon and would benefit new and existing residents in terms of connections to the existing settlement and the wider South Maldon Garden Suburb.
- 5.36.6 For the environmental role the proposal would lead to a significant change in the current environment and the loss of some biodiversity and ecology but mitigation measures are proposed and the development would form an extension to Heybridge in the most appropriate and sustainable location, when considered against other Strategic Housing Land Availability Assessment sites. Through the application process of this proposal careful has been given to the future development of the site in regard to the SMF, its landscape impact, integration with the existing urban area and its associated infrastructure. This alongside the footpaths through the site and key strategic pedestrian / cycleway links identified in the SMF would be provided and would link with the wider South Maldon Garden Suburb as it evolves. Environmentally and socially the layout of this development, subject to noise mitigation measures being installed to protect future residents from any road traffic noise, can satisfy the environmental and social roles of the NPPF.
- 5.36.7 Taking these considerations into account it is considered that the NPPF's 'presumption in favour of sustainable development' can apply to this development.

5.37 Conclusion and Planning Balance

- 5.37.1 The proposed development will assist the Council in achieving its five year housing land supply and is in accordance with the LDP and the South Maldon Garden Suburb Strategic Masterplan Framework.
- 5.37.2 This proposal would provide upto 320 dwellings of which 30% (upto 96 dwellings) would be affordable housing units. In addition to provision of housing to meet growth requirements, the proposal would facilitate the delivery of the South Maldon Relief Road would assist in alleviating traffic flows within the built up areas of Maldon and Heybridge and improve linkages to the other parts of the District and the A12 and contribute to education and early years facilities and open space and green infrastructure provision within the South Maldon Garden Suburb. The proposal would also contribute proportionately towards the delivery of a new infrastructure identified in the IDP and LDP which is required to accommodate growth.
- 5.37.3 The South Maldon Garden Suburb Strategic Masterplan Framework provides guidance on the spatial vision for this area in accordance with the policies set out in the submission LDP. It has been endorsed by the Council as a material consideration in the determination of planning applications following stakeholder engagement and public consultation. This application is in general accordance with the SMF, unless

otherwise stated in the report, and seeks outline planning permission for the principle of the development with all matters reserved with the exception of access. The application also seeks approval for the Design Parameter Plans which show 'Extent of Development and Land Use', 'Building Storey Heights', 'Landscape', 'Access and Movement' and 'Residential Density' as submitted. This requires future reserved matters applications to accord with the Design Parameter Plans when details of layout, scale, appearance and landscaping are considered. Conditions will be required to refer to these plans, the detailed Design and Access Statement and the Strategic Design Codes which have been endorsed by the Council. Furthermore, the phasing for the entire development and South Maldon Relief Road would need to be agreed through a discharge of conditions application prior to the submission of the reserved matters. The information provided with the application and Design Codes provide an excellent basis for delivering a high quality garden suburb development.

5.37.4 This application is acceptable in principle and meets with the three dimensional tests of the economic role, social role and environmental role as outlined in paragraph 7 of the NPPF for the 'presumption in favour of sustainable development', as defined in paragraph 14 of the NPPF, to apply. This site is sustainable and will become more sustainable in the future through the associated strategic growth of the South Maldon Garden Suburb which will provide the necessary infrastructure for connections in the area and beyond. The EIA and ES are robust documents which have addressed issues raised in the scoping opinion and set out mitigation measures where appropriate that can be addressed either by condition or in the accompanying S106

5.37.5 The application has been through two consultation processes and has been assessed in regard to the submitted LDP, the 'saved' policies of the RLP, the relevant paragraphs of the NPPF, all the consultation responses and all other material planning considerations. This report demonstrates that taking into account the planning balance the application can be recommended for approval subject to conditions requiring further details and mitigation, and subject to planning obligations to secure the required infrastructure provision.

6. **ANY RELEVANT SITE HISTORY**

6.1.1 The table below demonstrates the latest position with allocated sites within the South Maldon Garden Suburb:

Site reference	Site Address and application no.	Development	Latest position
S2(a)	Land South Of Wycke Hill And Limebrook Way OUT/MAL/14/01103	Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space	Outline planning permission granted 1 December 2016

Site reference	Site Address and application no.	Development	Latest position
		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.	
S2(b)	Wycke Hill North SCR/MAL/14/01258	Request for Environmental Impact Assessment Screening Opinion for up to 380 new homes	EIA Required 23 January 2015
	SOR/MAL/15/00472	Request for EIA Scoping Opinion	Scoping Opinion regarding the contents of the EIA issued 22 July 2015
S2(c)	Wycke Hill South OUT/MAL/13/00763	Approval of reserved matters relating to the appearance, landscaping, layout and scale as required by Condition 1 and 3 of Outline Planning Permission OUT/MAL/13/00763 which approved demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access.	Outline permission allowed on appeal on 17 December 2014.
	RES/MAL/15/00071	Reserved matters for 117 dwellings	Appeal dismissed 06.05.16
	RES/MAL/15/01055	Reserved matters for 108 dwellings.	Appeal allowed 06.02.17
	MLA/16/00253	Application to modify s106 agreement to reduce the level of affordable housing provision	Appeal subject of legal challenge.
	Knowles Farm OUT/MAL/15/00499	Pub and hotel	Application withdrawn
	Employment Land OUT/MAL/15/00498	B1 Employment	Approved 23.2.16

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Danbury Parish Council	Strongly object due to the amount of traffic that would be generated and the impact on the safety of the A414 and the narrow roads in and out of the village.	See Sections 5.3 - 5.6
Woodham Mortimer Parish Council	Object – further development of an additional 370 homes is overdevelopment resulting in a detrimental and negative impact on the rural nature and character of this area due to the bulk and scale of the development. Infrastructure is deemed inadequate and the pressure imposed on the A414 will be exacerbated and likely to result in extensive traffic chaos.	Scheme now reduced to 320 dwellings. See Section 5.3 - 5.6
Maldon Town Council	Object – the application is in Outline, the Town Council wish to consider the proposal as a FULL application	No scope to refuse application on the grounds that it is outline only because of the additional supporting information provided and in context of the Strategic Masterplan Framework, Strategic Design Codes and submitted Design Parameter Plans

7.2 **Statutory Consultees and Other Organisations (*summarised*)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SUDS – Essex County Council Flood and Water Management	No objection, subject to conditions	See Section 5.20
Maldon Society	Consultation has taken place within the context of the strategic masterplan [however] the amount of previous consultation on this particular location is minimal. A road parallel to Limebrook Way outside Maldon South Garden Suburb should be considered. The presence or not of the hospital is critical of consideration of this site due to the traffic flow it is likely to generate. Consideration should be deferred until the hospital decision is firm. Principle of 40% affordable housing should be adhered to on this site. Parking for two car insufficient for 3/4 bed dwellings. The mix of houses should be more weighted to smaller households. Assumption that the electricity pylons will be removed and cables laid underground as mentioned during the earlier consultation period.	See Sections 5.3 - 5.7 and 5.9. The Transport Assessment modelled the potential residential and non-residential uses. The LDP requirement is 30% affordable housing. See Section 5.11 The Council's parking requirements are for two parking spaces. The indicative housing mix shows a high proportion of smaller households. It is not proposed to relocate the pylons.
Natural England	The application site is within or in close proximity to a European designated site (Natura 2000 sites); is in close proximity to the Blackwater Estuary Special Protection Area (SPA). The site is also listed as a Ramsar site and is a Site of Special Scientific Interest (SSSI). HRA matters raised and addressed	See Section 5.28

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Education – Essex County Council Economic Growth & Development	The development can be expected to generate demand for 82 Primary school places; 55 Secondary school places and 25 early Years & Childcare (EY&C) places. Additional demand will be generated by the Non-residential floorspace which should be estimated at 0.04 EY&C places per employee. The Maldon Local Plan and the Infrastructure Delivery Plan identifies this site as making commensurate contributions to mitigate the impact. Contributions are needed towards Youth Facilities as set out in the IDP. Safe direct walking and cycling routes must be provided by the applicant to the appropriate education, childcare and community facilities.	See Section 5.9
NHS England	The proposed development is likely to have direct impact on the services of 2 main GP practices and 2 branch surgeries operating within the vicinity of the site. The GP practices do not have the capacity for the additional growth from this development. The proposed development is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area. NHS England would expect these impacts to be fully assessed and mitigated. A Healthcare Impact Assessment (HIA) has been prepared by NHS England and provides the basis for	See Section 5.13

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	a developer contribution towards capital funding to increase capacity within the GP catchment area. New primary care services are required due to the level of growth in this area, and, subject to a formal options appraisal, a new primary care facility may be needed on this development site. NHS England and CCG are willing to discuss this in further detail with the developer.	
Anglia Water	Advise that there are no assets owned by Anglia Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment area of Maldon Water Recycling Centre that will have available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream. A feasible drainage strategy has been devised and mitigation has been identified. Requests a condition requiring foul water strategy to be submitted and approved by the Local Planning Authority (LPA) as the development in unacceptable without mitigation.	See Section 5.21
Royal Society for the Protection of the Birds (RSPB)	Objects due to the lack of information provided to demonstrate there will be no adverse effect on the integrity of the Blackwater Estuary Special Protection Area (SPA). The Blackwater Estuary is an integral component of the phased Mid-Essex Coast SPA. The Environment Statement (ES)	See Sections 5.18 and 5.28

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	submitted lacks data and analysis required to assess the likely increases in recreational pressure on the Blackwater SPA, and the capacity of this site to absorb this increase without impacting on nature conservation or designated features. The development site is within 2.5km of the SPA - the RSPB disagrees with the assertion in table F5.1 of the ES that “<i>no significant increased visitor pressure is envisaged</i>”. The impact of the development should be considered in combination with other planned and proposed developments within close proximity to the SPA. Appropriate mitigation should be provided until sufficient evidence is available regarding the developments impacts on the SPA. RSPB do not consider sufficient information has been presented to enable the Council to undertake a full habitats Regulations assessment on this proposal.	
Environment Agency	No objection subject to following comments: • Foul Water - Anglia Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity, EA to be reconsulted. • Sustainability - New development should be designed with a view to improving resilience and adapting to the effects of climate change, and to	See Section 5.21

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	minimise the consumption of natural resources. Recommend the following issues are considered and incorporated into suitable planning conditions: • a pre-assessment under the appropriate Code / BREEAM standard should be submitted with the application. Recommend design Stage and Post-Construction certificates (issued by an authorising body) are sought through planning conditions. • a reduction in the use of resources (including water, energy, waste and materials) should be encouraged. • opportunities should be taken to ensure the development conserves and enhances habitats to improve the biodiversity value of the immediate and surrounding area • the development should be designed to minimise energy demand and have renewable energy technologies (as appropriate) incorporated, ensuring any adverse impacts are satisfactorily addressed. These measures reflect objectives set out in NPPF paragraphs 7 and 93 – 108. Reference should also be made to the Climate Change section of the Draft National Planning Practice Guidance.	
Highway Authority	The Highways Authority has undertaken extensive investigation and analysis of the information submitted (including additional and revised information) and	See Section 5.9

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	concludes that the proposal is not contrary to current nation and Local policy and safety criteria. The proposal would have an acceptable impact on the local highway network. The site is identified in the LDP and it is noted that the applicant intends to fully implement the South Maldon Relief Road and provide off-site highway and passenger transport contributions. Given the appropriate package of mitigation, the Highway Authority considers that proposal will not be detrimental to highway safety, capacity or efficiency of the local or wider highway network. Conditions – • Construction management • Implementation of roundabout off A414 (serving Site S2 (c)) • Strategic Phasing Plan • Travel Plan • Travel Information pack	
Essex County Fire and Rescue Service (ECFRS)	Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 (section 13). There is insufficient detail for the ECFRS to comment. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Reiterates that additional water supplies for fire fighting may be necessary for the development. Advises contact with the Water Technical Officer at Service Headquarters is made.	Matters dealt with under Building Regulations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	ECFRS strongly recommend a risk based approach to the inclusion of Automatic Water Suppression Systems	
Essex & Suffolk Water (E&SW)	Records show that E&SW apparatus will be affected by the proposed development: i) An existing 150 AC trunk water main will require diverting to permit the construction of the access roundabout in Spital Road near Limebrook Farm ii) An existing 150 AC distribution water main will require diverting to permit the new site access to be constructed on Wycke Hill. The cost of any diversion of water mains or relocation of apparatus will be recovered by the Company from the Developer. No objection subject to compliance with the requirements stated above. Consent to this development will be given on the condition that diversion of water mains are carried out and new water mains are laid in the highway of the site, and a new metered water connection is made onto E&SW network for each new dwelling / commercial units / community facility for revenue purposes. Should the existing network not have the capacity to support the proposed development, the network will be reinforced and the cost covered from the Developer.	See SectionS 5.20 and 5.21
Historic England (HE)	Development on this site has the potential to impact on the setting	See Section 5.23

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	of a group of Grade II listed structures at the moated side of Maldon Hall. HE welcomes the reduction in numbers from 370 to 320 and the number of three storey buildings. Notes that the amended illustrative masterplan shows an open space with community use and a hospital in the north part of the site closest to the heritage assets. The creation of open space in the North part of the development accords with HE advice. However, due to the outline nature of the application it is difficult to determine the extent of that impact and how it might affect the significance of this group of listed structures. Impact on Maldon Hall could be mitigated through tree screening and the hospital being no more than two storeys. The LPA should consider the potential cumulative impact on the historic environment.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection in principle but raised the following concerns: <u>Noise:</u> Some significant adverse effects are predicted as a result of noise during the construction phase affecting existing properties. This can be dealt with by condition via a Construction Management Plan or via provisions under the	See Section 5.30 and 5.31

Name of Internal Consultee	Comment	Officer Response
	Control of Pollution Act, to be agreed prior to commencement. Extra noise generated by increased vehicle movements from operation traffic would be less than 3dB and is therefore not considered to have an adverse effect. Potential noise generated by non-residential uses may have an adverse effect – assessment and mitigation is not possible until the use of any equipment is known. This can be dealt with by condition. A site suitability study is appended to the Environmental Impact Assessment (Appendix K1) which considers existing road traffic noise and predicted road traffic noise from the new Relief Road. The indicative site layout exposes a number of flats in the north east corner to noise levels in excess of 63dBA which should be avoided and there are a number of properties to the west and north exposed to noise levels in excess of 55dB which would adversely affect amenity spaces. This can be dealt with by condition. Most dwellings on the south side will receive less than 55dB of road traffic which is desirable. Internal design of exposed properties to the north west will ensure noise exposure will be minimised to an acceptable level. This can be secured by condition. <u>Air Quality:</u>	

Name of Internal Consultee	Comment	Officer Response
	There is not likely to be a predicted exceedance of the AQO for Nitrogen Dioxide at the receptors, however, a number of properties are likely to be within 75% to 95% of the AQO and some may fall into the moderate adverse category in the EPUK_IAQM* Guidance Planning for Air Quality guidance document. Walking and cycling are not considered sufficient to mitigate air pollution impacts from operational traffic and measures set out in Chapter 5 of should be incorporated into the development, such as electric vehicle charging points. This can be dealt with by condition. A number of conditions (and informatives) are proposed in relation to foul drainage, plant, acoustic barriers and assessments, hours of operation and deliveries, contamination and remediation.	
Urban Design Officer	The proposal conforms in general terms with the Strategic Masterplan Framework (SMF) and endorsed Strategic Design Codes (SDC). Some concerns regarding the indicative information on some of the Design Parameter Plans but can be clarified at reserved matters stage and providing the development is implemented in accordance the SMF and SDC.	See Sections 5.15 and 5.16
Countryside and Coast Officer	No objections to the development on the basis of the submitted information issues to be considered in relation to in relation to the amount of buffer between the proposed relief road and the PRow network to the north of the scheme, particularly with respect to tranquillity, and of the connectivity between the pedestrian access onsite and the PRow network in the wider countryside.	See Sections 5.15 and 5.17

Name of Internal Consultee	Comment	Officer Response
	Identified concerns that due to the topography and substantially rural setting of the site, this could have some adverse effects over a wider area. It is judged there would be significant localised (substantial to moderate adverse) visual effects on adjacent residents and users of public rights of way through and close to the site in the first year. After 15 years, once structural landscaping has begun to mature, the visual effects would be reduced with residual moderate adverse effects remaining in localised places	
Conservation Officer	No comments.	
Economic Development Officer	Propose to engage with the developer to help inform the size and design of the 2,000sqm (B1) employment development, at the appropriate time. May be an opportunity to help promote the space to existing or new start-up business and potential investors.	See Section 5.12
Emergency Planner	The development lies within Flood Zone 1 with very little risk to flooding - no comments to make in relation to Emergency Planning.	See Section 5.19
Maldon Society		

* Environmental Protection UK and the Institute of Air Quality Management.

7.4 Representations received from Interested Parties (*summarised*)

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

- Save Maldon Action Group C/O Kath Vale 57 Longship Way Maldon Essex
- Mr & Mrs John & Janis Webb 4 Minster Way Maldon Essex
- Mr Paul Wiggins 25 Longship Way Maldon Essex
- Alan Bell Whincroft Wycke Hill Maldon
- Brenda Joyce 1 Crayford Close Maldon Essex
- Mr & Mrs A & S Winter 9 Meeson Meadows Maldon Essex

- Kath Vale 57 Longship Way Maldon Essex
- Mr Geoffrey Vale 32 Victoria Road Maldon Essex
- Mr Keith A (Danny) Ballinger 20 Coleridge Road Maldon Essex
- Mr S Cottle 17 Aveley Way Maldon Essex
- Mrs Hannah Mayes The Old School House 20 Main Road Danbury
- Carol & Richard Cozens Limburn House Wycke Hill Maldon
- Mr Alan Lowe Limebrook Farm Wycke Hill Maldon

Objection Comment	Officer Response
Principle	
Located in Flood Plain and is in the wrong place	See Section 5.19.
This application should not be considered until the Secretary of State's decision on the LDP is published.	See Section 5.3
Should the hospital be located elsewhere in Maldon, community uses for the northern site ought to be stipulated to be very low level or recreational, or left as open countryside.	See Section 5.13. The application is restricted to health related community uses.
This site contains elevated land and it is important that all development other than community use, lies within the area bounded by the relief road.	See Sections 5.5 - 5.8 and Section 5.16 and 5.17.
Direct contravention of policy BE1 – does not respect local context and street pattern or scale and proportions of surrounding buildings and would be entirely out of character of the area, to the detriment of the local environment.	See Sections 5.16 and 5.17.
Would significantly alter the fabric of the area and amount to serious 'cramming' in a low density area.	See Sections 5.16 and 5.17.
Will have a negative impact on Maldon [and] forms part of the currently unsound LDP.	See Sections 5.3 - 5.5.
Measures should be put in place to safeguard against any future presumption that further extension into the countryside north and west of Knowles Farm will be permitted.	See Sections 5.3 - 5.5.
The premises of the application and the heads of agreement for a section 106 package are entirely unacceptable, with means of escape of obligations and loopholes, that to approve it in its present form would be a betrayal by the LPA of responsibility to the community.	See Section 5.34.
Highways / Traffic	
The relief road as presented has the appearance of a normal primary road serving a housing development and not that of a principal arterial road serving the whole town and its hinterland.	See Section 5.9
Would expect explicit detailed corroboration from the Highways Authority that the expected volumes of traffic by at least the end of the intended LDP period could be adequately catered for without undue delays.	No objections have been raised by the Highway Authority.
The cumulative impact of the development has not been properly assessed.	See Section 5.9.
The road design should allow for high volumes of through traffic being able to smoothly travel unhindered by several small scale roundabouts and need to consider the complex of needs of this quadrant of the town as a whole.	No objections have been raised by the Highway Authority.

No pedestrian crossing facilities identified for the future residents	One pedestrian crossing is shown adjacent to the Wycke Hill junction.
Objection Comment	Officer Response
HGV route creating vibrations to the future residents caused by stop/starting at the junctions and the topography	See Section 5.31.
There have been no proposed solutions to the traffic problems that will be caused at Eves Corner which this development will contribute to.	See Section 5.3 and 5.34.
There are already huge queues at the Morrisons roundabout in addition to the long queue from Eves Corner in Danbury	See Section 5.9.
Any increase in traffic will have a severe impact on the majority of Maldon residents who travel outside of the district for work / school / leisure.	See Section 5.9.
Concerns in relation to cars, trailers and horse boxes travelling into and out of Limebrook Farm – leaving the premises would be hazardous	No objections are raised by the Highway Authority.
Major concerns for safety as we will be accessing a line of traffic that is accelerating from a roundabout, our vision will be short and it will be difficult to judge the speed of the oncoming traffic	No objections are raised by the Highway Authority.
There does not appear to be any suitable pedestrian / horse crossings	One pedestrian crossing is shown adjacent to the Wycke Hill junction.
The visibility from Danbury direction (eastbound) to the western proposed roundabout is shielded by the landscaping, and with poor geometric alignment of the carriageway approach is dangerous and this junction should be omitted from the development entirely.	No objections are raised by the Highway Authority.
The 'bypass' appears to be a distributor road designed to 30mph. This is connected to Spital Road by a 'restricted junction' with poor capacity and negates the recent improvements to Morrison's roundabout.	See Section 5.9.

Objection Comment	Officer Response
The roundabout at Limebrook Farm should have slip roads. The design of the relief road is reliant on the downgrading of Limebrook Way and sections of the A414 around Morrisons roundabout to residential status with numerous pedestrian crossing points. Questions how the proposals will mitigate congestion. The addition of roundabouts and the bifurcation junction at Wycke Hill will add disruption to the strategic network throughout Maldon to the detriment of sustainability of business activity, tourism and general accessibility to Maldon Town. The proposed network is inappropriate and grossly inadequate – the whole design would not cope with present day traffic let alone traffic flows envisaged over the next 15 years.	See Sections 5.3 and 5.9.
Parameter Plans	
Section 13.14 states a minimum 6m buffer either side of retained hedgerows and no built development permitted within the buffer zone – this is shown on all retained hedgerows except those surrounding our property.	See Sections 5.16 & 5.17
Visual impact / Landscaping	
There does not appear to be extensive planting to screen [the development] from the road - high green screening between the primary roads and development is necessary here as it is a gateway to the town.	See Sections 5.17.
Greater measures should be taken to mitigate the visual impact of the development from the south.	See Section 5.17.
If the hospital is sited at the north of the site, the car park area would need high levels of camouflage planting.	See Section 5.17.
The provision of land for community use must be preserved.	See Section 5.13.
Constraints and Opportunities	
Section 5.6 states that the illustrative masterplan will need to consider the amenity of neighbouring properties adjacent to Wycke Hill and Spital Road – no provision is afforded to our property. Section 5, figure 3.2 shows a marking around our property as a sensitive edge (amenity) – there is nothing on the proposed plans to reflect this.	Issues relating to the detailed impacts on neighbouring properties would be dealt with at reserved matters stage. See Section 5.18.

Objection Comment	Officer Response
Bus Service	
Details for buses reveals a far from adequate service - the s106 agreement should specifically improve the frequency of connection between the site and the town centre.	See Section 5.9.
Inadequate design provision for bus service – no indication that they are ‘off-road’.	See Section 5.9.
Flooding	
Surface water runs down A414 Wycke Hill towards Morrisons and bypasses the current drains and floods into Limebrook Farm entrance and the yard. Additional road surfaces will cause more problems.	See Section 5.19 and 5.20.
The land in question currently drains to the southeast corner of the field that adjoins our property – this area regularly floods.	See Section 5.20
Concerns about the impact in terms of significant flooding – no indication on the plans that this has been addressed. Whilst not located within a Flood zone, storm water run-off from the site is reliant on drainage to the estuary via ‘flood plains’ and given inadequate measures would contribute to the increasing off-site problems of drainage in a solid London clay area.	See Section 5.19 and 5.20
Bridleway Usage	
The bridleway is used on a daily basis and riders will be more at risk trying to cross the carriageway as it will be a wider area. There will also be a roundabout within the immediate area of Limebrook Farm.	See Section 5.9.
The bridleway will be on the perimeter of this development and removes the tranquillity for the horses.	See Section 5.9.
Dog walkers, ramblers and cyclists often use the bridleway and this would impact on their right to enjoy a quiet and safe environment.	See Section 5.9.
There does not appear to be any suitable pedestrian / horse crossings.	See Section 5.9.
Air Quality	
Poor air quality will impact on future residents.	See Section 5.30.
Light	
Concerns about light pollution at night from street lighting to the rear of our property.	See Section 5.17.
Noise	

Sound banking on new road and the new roundabout will change traffic noise.	See Section 5.31.
Objection Comment	Officer Response
Could make banking out of soil from footings [which] will save [number] of trucks on the road and [be] greener.	Would be considered as part of the detailed design process.
No provision of sound banking around the relief road to reduce noise to [exisitng] properties.	See Section 5.31.
Impact on Residential Amenity	
There are more flats and houses overlooking our main living areas and garden.	Impacts on neighbouring properties would be dealt with at reserved matters stage.
There is more parking by our garden and we now seem to be surrounded by concrete.	As above.
We will be looking across a concrete jungle of crammed roof tops and brick walls.	See Section 5.3 - 5.7 and 5.17.
Then siting of several houses within the plans [show] that the primary area of our garden and main living areas would be severely overlooked from the top room, resulting in a seroius invasion of our privacy.	Impacts on neighbouring properties would be dealt with at reserved matters stage.
Positioning of houses to the rear of our property would affect our right to sunlight and cause significant overshadowing of the garden and house.	Impacts on neighbouring properties would be dealt with at reserved matters stage.
Density / Housing	
The density of housing has increased and is likely to worsen the detrimental visual impact of the development form the approach on the A414 and the south.	See Section 5.16.
The level of affordable housing must remain at 30% - reference made to point 6.10 in the Supplementary Planning Statement Nov 2016.	See Section 5.11.
There is no detail given of the sliding scale of affordable housing that will be provided [and] the s106 does not expand on this.	A sliding scale is no longer proposed.
The developer is unable to provide a watertight guarantee of a percentage of affordable housing.	See Section 5.11.
The presumption that the larger 3 & 4 bedroom houses will only need two parking spaces is insufficient.	The parking privison meets the Council's requirements.

The %age of houses to flats has been increased and does not reflect the SHMA 2014 recommendation.	No objections are raised to the indicative mix but the issue would be explored further at reserved matters stage.
Welcome the inclusion of housing for the elderly.	No comment.

Objection Comment	Officer Response
Other	
A hotel this side of town is considered desirable, therefore the siting of the employment area and its buildings need to bear this in mind.	The hotel application has been withdrawn and no other proposal has come forward.
Strongly endorse the respondents' comments in relation to "amelioration of run-off" and "Archaeological survey".	No comment.
The heads of agreement document is not fit for purpose with too many get out clauses – they are hedged with the means of escaping obligations by using viability as a get out.	The Heads of Terms have been updated – See Section 5.34.
Properties along Wycke Hill are detached on single plots giving the charm of rural life – this will be taken away from us.	See Section 5.3 – 5.5.
The community in this development will be isolated from Maldon town.	See Section 5.3 – 5.5.
There is no way of collecting the Community Infrastructure levy thereby reducing any positive gains in infrastructure	The Community Infrastructure Levy has not yet been adopted by this Council and cannot be adopted
The plans are out of date as regards to the new roundabout and our house extension of two years	The plans are accurate in relation to the development site and have taken account of the recent highway works on the A414
Increase costs to the business community of Maldon	No comment.
Would appear to offer a false promise to include a hospital that will not materialise.	See Section 5.13.
The provision of land for a hospital is likely to be unenforceable legally and may not be viable. It would be poor exchange for a provision of land that the LPA could have procured or permitted on peripheral agricultural value land without any concessions to a developer. Have ignored the viability of the present hospital site.	No comment.
Urges the council to consider their responsibilities under the Human Rights Act, in particular Protocol 1, Article 1 (right to peaceful enjoyment of home ...) and Article 8 (right to respect for their private and family life).	No comment.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with a Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road. In agreement with the Highways Authority, procure the design, tender and construction of the SMRR leading to adoption as public highway.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
 - A414 Oak Corner Junction.
 - B1018 Heybridge Approach / A414 roundabout.
 - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb).
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of 5 years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
 - Indicative contribution totaling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children's Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.

AND subject to following conditions:

CONDITIONS:

Time Limits:

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

In accordance with the plans:

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
 - PS07015-016-Rev A 'Red Line Boundary Plan'
 - Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39mLCD Roundabout'
 - Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
 - Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
 - Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'REASON: To ensure that the development is carried out in accordance with the details as approved and policies S3, S4, D1, T1, T2 and I1 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:

- PS07015-016-Rev A 'Red Line Boundary Plan'
- PS07015-014.1-Rev I 'Parameter Plan 1 – Extent of Development and Land Use'
- PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement'
- PS07015-014.3-Rev I 'Parameter Plan 3 – Landscape'
- PS07015-014.4-Rev I 'Parameter Plan 4 – Building Storey Heights'
- PS07015-014.5 Rev I 'Parameter Plan 5 – Residential Density'

REASON: To ensure that the reserved matters accord with these approved plans and policies S3, S4, D1, D2, D5, N1, N3, T1, T2 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, BE3, H6, REC2, REC3 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Strategic Design Codes

- 7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.

REASON: To ensure high quality design and coordinated development in accordance with policies I1, S2, S3, S4, D1, D5, N1, N3, T1, T2 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, BE3, H6, REC2, REC3 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Strategic Phasing Plan:

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the 'Indicative Phasing Plan' and with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:

- a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement' to include trigger points in the development and phasing of delivery;
- b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement';
- c) All residential development;

- d) Employment land, where applicable for the relevant phase;
- e) Community Use Land, where applicable for the relevant phase;
- f) The green infrastructure, landscaping, informal open space and open space areas;
- g) Structural landscaping/planting provisions;
- h) Strategic foul and surface water features, including SuDS; and
- i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

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

Highway conditions:

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.

REASON - To ensure access is achieved in accordance with the access arrangements stated in the endorsed South Maldon Garden Suburb Strategic Masterplan Framework and in accordance with policies I1, S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

REASON: To ensure provision of pedestrian and cycle routes and to promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and

T2 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, T2, T4 and T6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 11 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.
REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, T2 and T4 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.
REASON: To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policies BE1, T2 and T4 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Housing:

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.
REASON: To ensure that the scheme provides an appropriate balance and mix of housing units across the site in accordance policies S3, D1, H1 and H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Employment Land

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.
REASON: To ensure that the Employment Land provides an appropriate range of facilities and services required by the development in accordance

with policies I1, S3, S4, D1, D2, E1 and T2 of the Maldon District Submission Local Development Plan, the endorsed the South Maldon Garden Suburb Strategic Masterplan Framework, policies CON5, BE1 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall take place between:
Monday to Friday 07:00 to 19:00 hours
Saturday 08:00 to 13:00 hours
Sundays and Bank Holidays None
Unless any variation of condition is agreed in writing by the Local Planning Authority.
REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CC6, CC7, CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:
Monday to Saturday 07:30 to 19:00 hours
Sundays and Bank Holidays None
Unless any variation of condition is agreed in writing by the Local Planning Authority.
REASON: To protect the amenity of nearby properties and the neighbouring rural countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CC6, CC7, CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
REASON: To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5, PU2 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.
- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any

other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.

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

- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use'.

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

- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use'.

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

Community Use Land:

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: To ensure that development accords with the terms of the application and to protect the amenity of nearby properties in accordance with policies D1, D2 and I2 of the Maldon District Submission Local Development Plan, policies CON5, PU4 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Green Infrastructure Management and Maintenance:

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.

- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Area of Play (LAP and any other area of play;

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

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

Landscaping and Trees:

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.

- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

Hard Landscaping

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

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

- 24 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree / hedgerow survey detailing works required;

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

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

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

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

Youth and Children's Play Facilities:

- 28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:

- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
- b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, Local Area of Play (LAP) and any other area of play.
- c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

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

Materials:

- 29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

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

Boundary Treatment:

- 30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan, the South Maldon Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

Levels:

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

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

Residential Amenity and Private Amenity Space:

- 32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Essex Design Guide (1997 version) for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

REASON: In the interests of the residential amenities of future occupiers of the dwellings on site and in the interests of ensuring the Garden Suburb principles as stated in the endorsed South Maldon Garden Suburb Strategic

Masterplan Framework are achieved in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Surface Water Management:

- 33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.
- 34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Maldon District Submission Local Development Plan, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.
- 35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Maldon District Submission Local Development Plan and the NPPF and PPG.
- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
REASON: To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of

the Maldon District Submission Local Development Plan and the NPPF and PPG.

Foul Drainage:

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.
REASON: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Parking Requirements

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure that all types of vehicle parking is provided in accordance with policy T2 of the Maldon District Submission Local Development Plan, policy T8 of the adopted Maldon District Replacement Local Plan, the adopted Maldon District Vehicle Parking Standards, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.
- 39 Any reserved matters application(s) shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the Council's adopted vehicle parking standards for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. Prior to the occupation of any dwelling / building within that phase of development the facilities shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.
REASON: To ensure appropriate provision for the secure storage of bicycles in accordance with policy T2 of the Maldon District Submission Local Development Plan, policy T8 of the adopted Maldon District Replacement Local Plan, the adopted Maldon District Vehicle Parking Standards, the endorsed South Maldon Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

Archaeology:

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.

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

- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.

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

Ecology:

- 42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:

- a) Contractor responsibilities, procedures and requirements;
- b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
- c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;

- d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
- e) Details who will be responsible for the management and maintenance of the area;
- f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
- g) A programme for Monitoring to be carried out four times annually during the construction phase;
- h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role; and
- i) A programme for long-term maintenance, management and monitoring responsibilities.

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

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

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

Construction Environmental Management Plan:

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:

- a) Agreed strategic phasing set out in Condition 8.
- b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
- c) Construction hours and delivery times for construction purposes.
- d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
- e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing 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.

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

Air Quality:

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Noise:

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:

- 60dB LAeq 16 hours Daytime
- 55dB LAeq 8 hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel Lichfield & Partners Supplementary Environmental Statement, November 2016 ref 07015/05/SB/RM.

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

REASON: In the interests of amenity and minimising the impact of noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 47 Noise levels in amenity spaces shall not exceed 55dB LAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.

REASON: In the interests of amenity and minimising the impact of noise upon the residents of the development in accordance with policies D1 and D2 of the Maldon District Submission Local Development Plan, policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Contamination:

48 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

49 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the

measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 50 The approved remediation scheme 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, CLR 11' 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.

REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

- 51 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.
REASON: To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Maldon District Submission Local Development Plan, policy CON6 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Lighting:

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.
REASON: To safeguard the neighbouring rural countryside, ecological sites, highway safety and amenity in accordance in accordance with policies D1, D2, N2, T2 and I1 of the Maldon District Submission Local Development Plan, policies CON5, CC5, BE1, BE8 and T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

Renewable energy:

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.
REASON: In the interests of reducing carbon dioxide emissions in accordance with policy D2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

Refuse and Recycling:

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.

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

- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.

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

Broadband:

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

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

INFORMATIVES

- 1 Please note that an application to discharge effluent must be made to Anglian Water.
- 2 Please contact the Environment Agency regarding any Land Drainage and Sea Defence Byelaw consent.
- 3 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no.56 Maldon shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 4 Any signal equipment, structures, trees and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a minimum period of 15 years following construction.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**COUNCIL (EXTRAORDINARY)
23 MARCH 2017**

MEMBERS' UPDATE

**AGENDA ITEM NO. 4 OUT/MAL/15/01327 – LAND NORTH AND WEST OF
KNOWLES FARM, WYCKE HILL, MALDON**

Application Number	OUT/MAL/15/01327
Location	Land North And West Of Knowles Farm Wycke Hill Maldon Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Mr Oliver Yeats & Steven Butterworth of Litchfields
Target Decision Date	5 May 2016 but time extended until 31 March 2017
Case Officer	Debi Sherman, TEL: 01621 875862
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Departure from the Local Plan Environmental Impact Assessment Major Application Parish Trigger Local Development Plan (LDP) site allocation site S2(b) in the South Maldon Garden Suburb

**9 PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY
SECTION 106 AGREEMENT (PAGES 66 – 88)**

Green Infrastructure Management and Maintenance: (pages 72 – 73)

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives,

maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.

- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play;

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

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

Youth and Children's Play Facilities: (page 78)

28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:

- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
- b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play.
- c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

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

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
DISTRICT PLANNING COMMITTEE
9 JULY 2020

**CIRCULATED
BEFORE THE
MEETING**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	15/01327/OUT
Location	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Nathaniel Lichfield and Partners
Target Decision Date	31.08.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Local Development Plan (LDP) site allocation Site S2(b)

7 PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Strategic Phasing Plan

There is a formatting error in Condition 8 recommended. Condition 8 should read as follows:

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
 - a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement' to include trigger points in the development and phasing of delivery;

APPENDIX B

- b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement';
- c) All residential development;
- d) Employment land, where applicable for the relevant phase;
- e) Community Use Land, where applicable for the relevant phase;
- f) The green infrastructure, landscaping, informal open space and open space areas;
- g) Structural landscaping/planting provisions;
- h) Strategic foul and surface water features, including SuDS; and
- i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

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

Ecology:

To accord with the conclusions of the Habitat Regulation Assessment carried-out (which has been sent to Natural England for approval), the wording of condition 42 requires amendment to include the following, additional requirement for the Ecological Conservation Management Plan required:

- j) Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW), dedicated 'dogs-off-lead' areas, signage/information leaflets to householders to promote these areas for recreation, and dog waste bins.

INFORMATIVES

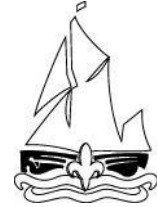
One of the informatives recommended requires amendment as only a spur off the 'Linden Homes' roundabout towards the application site has been constructed and not the full length included in one of the submitted highways drawings. Informative 6 should read as follows:

- 6 In respect of Planning Conditions 5 & 9, the Roundabout shown on 'Drawing No CIV-13756-SA-95-0036' and the Infrastructure Provision Drawing No. CIV-13756-SA-95-0061' have been constructed by others, subsequent to Maldon Council's resolution to approve this application on 23 March 2017 and prior to issuing this Outline Planning Permission (except for the extent of the length of the

APPENDIX B

Site Access road to the north-west of the roundabout shown on the Drawing No CIV-13756-SA-95-0036).

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REPORT of DIRECTOR OF SERVICE DELIVERY

**to
DISTRICT PLANNING COMMITTEE
13 AUGUST 2020**

Application Number	20/00157/FUL
Location	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
Proposal	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
Applicant	Bradwell Power Generation Company Limited
Agent	N/A
Target Decision Date	EOT: 17/07/2020
Case Officer	Devan Hearnah
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Not Delegated to Officers Major Application

1. UPDATE

- 1.1 Members' attention is drawn to the legal advice provided at Agenda Item 8 on this agenda.
- 1.2 The report and Members' Update considered by the District Planning Committee on 9 July 2020 can be found at **APPENDICES 1** and **2** respectively.

2. RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 412657-MMD-00-XX-DR-C-0001, 412657-MMD-00-XX-DR-C-0002, 412657-MMD-00-XX-DR-C-0003 Rev P3, 412657-MMD-00-XX-DR-C-0004, 412657-MMD-00-XX-DR-C-0005, 412657-MMD-00-XX-DR-CIV-0007, 412657-MMD-00-XX-DR-CIV-0008, 412657-MMD-00-XX-DR-CIV-0009 and details included within Planning Statement

(dated February 2020), Ecological Appraisal Report (May 2020), GI Site Investigations Ecological Appraisal Addendum (June 2020), Noise Appraisal Report (February 2020), Heritage Statement Report (February 2020), Flood Risk Assessment (February 2020) and Contaminated Land Desk Study (February 2020)

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

- 3 The intrusive ground investigations shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:
- Up to 30 rotary/sonic drilled (cored) explanatory holes.
 - Up to 130 cable percussion boreholes.
 - Associated in-situ testing including strength and permeability testing;
 - Up to 60 Cone Penetration Test (CPT) probes.
 - Up to 30 trial pits and observation pits.

The Load Test investigation will involve shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:

- a 200m by 100m wide, 8-10m deep (approximate) open cut excavation.
- Surface and underground measuring instrumentation, with approximately 40 vertical holes formed.
- Two 4m diameter and one 7m diameter plate load tests and the bottom of the excavation.
- No more than two engineered and instrumented earth fill embankments

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

- 4 The proposed ground investigation hereby permitted shall cease no later than two years from the commencement of the ground investigation work and the load testing works hereby permitted shall cease no later than three years from the commencement of the Load Test investigation.

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

- 5 Within five years of the date of the planning permission, if permission has not been granted for a new nuclear power station on the site, the approved load test investigation compound shall be removed, and the ground levelled to return it to its condition and appearance prior to the work.

REASON: In the interest of nearby heritage assets in accordance with Policy D3 of the LDP.

- 6 No additional ground investigations shall take place, unless and until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 The temporary structures in the proposed in the Site Compound areas shall not exceed a height of 10m.
REASON: Permanent retention of the structures would be unacceptable and to ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.
- 8 The temporary structures in the proposed within the ground investigation Site Compound area shall be completely be removed within 2 months from the completion of the proposed intrusive ground investigation works or within two years from the commencement of the development hereby permitted. The temporary structures in the proposed within the Load test Site Compound area shall be completely be removed within 2 months from the completion of the proposed load testing works or within three years from the commencement of the development hereby permitted.
REASON: To ensure the development is carried out in accordance with the details as approved and to protect the external appearance and character of the area in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.
- 9 No development shall take place outside hours between 7.00 and 20.00 Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no working on Bank Holidays.
REASON: In the interests of protecting the amenities of adjacent occupiers during the works, having regard to policies D1 and H4 of the approved Local Development Plan.
- 10 At the boundary of the nearest noise sensitive premises levels of noise from the site investigation work shall not exceed:
- 65 dB LAeq, 1hour between 0700 to 1900 hours, Monday to Friday and 0700 to 1300 hours on Saturdays
 - 55 dB LAeq, 1hour between 1900 to 2000 hours, Monday to Friday
 - 55 dB LAeq, 1hour between 1300 to 2000 hours on Saturdays, and 0700 to 2000 hours on Sundays
- REASON: In the interests of protecting the amenities of adjacent occupiers during ground investigations, having regard to policies D1 and H4 of the approved Local Development Plan.
- 11 Lighting should be in accordance with the details submitted within the Ecological Appraisal Addendum section 2 'Lighting Strategy.' With the exception of the PIR (passive infra-red sensor) lighting and suitably shrouded task lighting to the Site Compounds, no other means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the approved Local Development Plan.

- 12 The development shall be carried out in accordance with the methodology described in the submitted 'BRB Phase 2 Ground Investigation: Drilling Approach and Aquifer Protection'.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP and guidance contained within paragraph 109 of the NPPF.
- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP.
- 14 All spoil and topsoil storage within the Load Test Investigation site shall be sited outside of Flood Zones 2 and 3 as shown on Drawing 412657-MMD-00-XX-DR-CIV-0007.
REASON: To ensure that there is no loss of flood storage capacity within recognised flood risk areas (Flood Zones 2 and 3) in accordance with Policy D5 of the LDP.
- 15 The development shall be carried out in accordance with the submitted Technical note: Historic Environment – Archaeological Written Scheme of Investigation for Evaluation and Mitigation works at Bradwell B (March 2020)
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.
- 16 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Landscape Visual Appraisal Report (February 2020).
REASON: In the interests of protecting the character and appearance of the landscape, in accordance with Policy S8 and D1 of the LDP.
- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report Rev P04 (Wood, May 2020), the GI Site Investigations Ecological Appraisal Addendum (June 2020), the Outline Environmental Management Plan (BrB, Feb 2020) amended to include additional precautionary measures for water voles as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

No ground investigation works will take place within a 300m buffer zone around the Borrow Dyke between April to July inclusive or October and November to take account of key periods of sensitivity for breeding pochard, bearded tit and overwinter bird species and will avoid fields sown with the preferred foraging crop (winter wheat) during this period.

REASON: In the interests of protecting ecologically important species in accordance with Policy N2 of the LDP.

- 18 No works should be undertaken within the boundary of the Dengie & Blackwater Special Protection Areas (SPA); Special Areas of Conservation (SAC); Ramsar sites; and Sites of Special Scientific Interest (SSSI) at any time.

REASON: To enhance protected and priority species & habitats in accordance with Policy N2 of the LDP.

- 19 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Noise Assessment (February 2020).

REASON: To enhance protected and priority species & habitats in accordance with Policy N2 of the LDP.

- 20 The development hereby approved shall be carried out in accordance with the detailed contained within the Planning Statement (February 2020) relating to the site access and traffic management within the site. This includes detail relating:

- Storage of plant and materials used during the development
- The erection of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In the interests of highway safety and the character and appearance of the area in accordance with policies S1, T1, T2 and D1 of the LDP.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
9 JULY 2020**

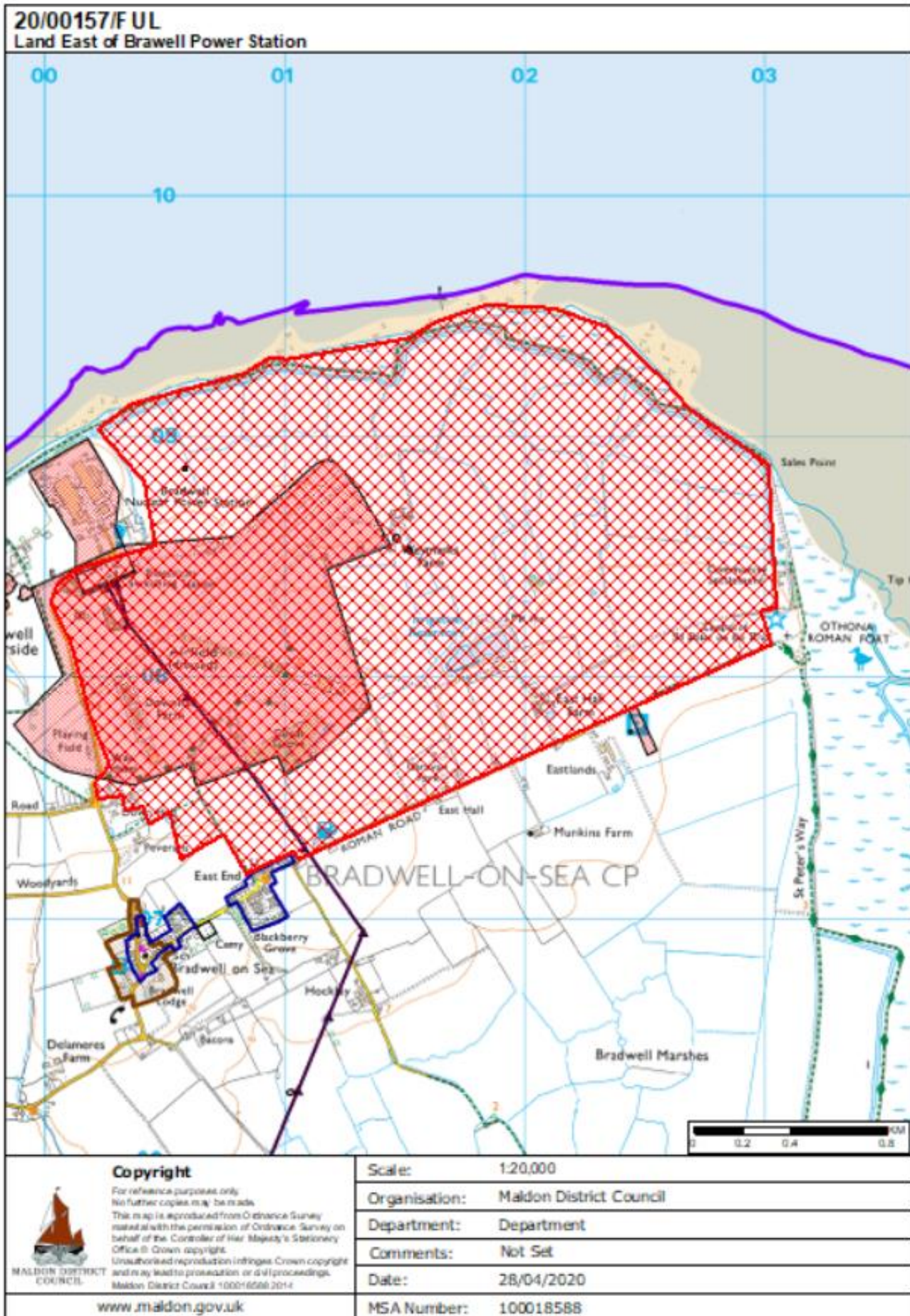
Application Number	20/00157/FUL
Location	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
Proposal	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
Applicant	Bradwell Power Generation Company Limited
Agent	N/A
Target Decision Date	EOT: 17/07/2020
Case Officer	Devan Hearnah
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Not Delegated to Officers Major Application

1. RECOMMENDATION

APPROVE subject to the conditions outlined in section 9.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The site encompasses a large area of land to the east of the Bradwell Nuclear Power Station, west of the Bradwell Bird Observatory, north of East Hall Farm and to the south of Blackwater Estuary, measuring approximately 460 hectares. It is noted that five sites are excluded from the application site. Those sites are East Hall Farm, Peartree Cottages, New Weymarks Cottages, Weymarks Farm and The Control Tower.
- 3.1.2 The application site is mainly arable land which includes part of the former World War II military airfield and runway and very limited number of buildings, which are predominantly large corrugated steel agricultural buildings. A number of private roads and farm tracks traverse the site providing access to the fields. There are also some ditches mainly along the northern part of the application site.
- 3.1.3 Access to the site would be gained off High Street at the war memorial. The access road is a private unnamed road.
- 3.1.4 The site is generally flat and it largely lies within Flood Zones 2 and 3.
- 3.1.5 A borrow dyke runs in an east-west direction within the north of the site along the lower end of the flood defences. To the north of this borrow dyke extends the network of coastal nature conservation designations including Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.
- 3.1.6 Residential properties are sited mainly outside the application site (with the exception of those referred to above, which have been excluded from the red line boundary). A caravan site is also to the south of the site; however, the largest part adjacent to the application site is agricultural land. The previous Nuclear Power Station abuts the site to the west.

3.2 **Description of proposal**

- 3.2.1 Planning permission is sought for preliminary intrusive ground investigations on the land to the east of Bradwell Power Station. These works will help assist in the design of any new nuclear power station that may be proposed on the site. The proposed works build on previous preliminary investigations approved and undertaken in accordance with planning permission 17/01128/FUL and its associated discharge of condition permissions.
- 3.2.2 The works would be temporary in nature and can be considered as two elements; the ground investigation comprising of exploratory holes across the site and the load test investigation; together with associated works including two temporary site compound areas.
- 3.2.3 The first component of the works is the Ground Investigation Campaign which consists of exploratory holes sunk into the ground using a variety of techniques, including rotary, sonic and cable percussive drilling, cone penetration testing and the

formation of machine excavated trial pits. The second component, the Load Test Investigation, consists of four principle aspects. The first would be forming an excavation within the ground and installing various loading tests at the base of the excavation. The second would be to form (at varying heights) earth filled berms, from the material obtained from the excavation. The third aspect would be to undertake long-term monitoring of both of the berms and the installed load test within the excavation. The final aspect would be to reinstate the excavation with the excavated material.

3.2.4 The exploratory holes required are shown indicatively on plan 4126577-MMD-00-XX-DR-C-0005. The intrusive ground investigations proposed would consist of:

- Up to 30 rotary / sonic drilled (cored) explanatory holes, to a proposed maximum depth of approximately 100 metres below ground level (bgl).
- Up to 130 cable percussion boreholes, to a maximum depth of 50m bgl;
- Associated in-situ testing including strength and permeability testing;
- Up to 60 Cone Penetration Test (CPT) probes, to a proposed maximum depth of 50m bgl; and
- Up to 30 trial pits and observation pits, to a proposed maximum depth of 5m bgl.

3.2.5 The Load investigation will involve:

- a 200m by 100m wide, 8-10m deep (approximate) open cut excavation will be formed to expose the top of the unweathered London Clay.
- Surface and underground measuring instrumentation, with approximately 40 vertical holes formed.
- Two 4m diameter and one 7m diameter plate load tests and the bottom of the excavation.
- Excavated material will be reused on the site to form controlled engineered embankment earth fill tests. Two engineered and instrumented earth fill embankments are proposed; one approximately 80m by 100m, 6m high embankment and one 80m by 120m, 8m high embankment will be constructed to simulate the proposed site backfilling for the nuclear power station. Additional area for spoil storage for the top soil and superficial deposits will be provided.

3.2.6 It should be noted that the siting of these works are shown indicatively and only shows the general location of the exploratory holes to take place as part of the proposed ground investigation and load test investigations.

3.2.7 The trial pits and observation pits would be backfilled with the soil arisings and reinstated with topsoil replaced at the surface. Any previous boreholes that are identified and are of interest will be marked and protected for future use.

3.2.8 The Ground Investigation Site Compound layout is shown on plan 412657-MMD-00-XX-DR-C-0004. It will be bound by 2.2m high security fencing and will include a fuel storage area, an area for equipment storage and deliveries, a skip, a welfare area and parking for up to 24 vehicles.

- 3.2.9 The Load Test Investigation Site Compound layout is shown on plan 412657-MMD-00-XX-DR-C-0003 Rev P3. The plan shows the area required for excavation, two surcharge test bunds of heights between 6m and 8m and an 8m high spoil storage bund. The compound also includes a wheel wash, plant and materials storage / laydown area and a topsoil storage area. There is a settlement / retention / pollution control pond within the northern part of the compound and a contractor's office and welfare building to the south. A temporary foul water cesspool is also included within the southwest of the site. The area would be bound by 2.2m high security fencing.
- 3.2.10 It should be noted that both of the proposed compound areas utilise existing areas of hardstanding and means of access.
- 3.2.11 In terms of the access to the site, it is noted that the site would be accessed via an unnamed road leading to Bradwell Power Station at the war memorial. Primary accesses as shown on drawing 412657-MMD-00-XX-DR-C-0005 would be mainly used to provide access to site compound for workers, visitors and deliveries. The secondary accesses and unsurfaced farm tracks would only be used for gaining access to the approach routes to the exploratory hole locations. Appropriate traffic management measures such as signage, appropriate use of banksmen and a speed limit of 15mph on primary routes and 10mph on all other internal routes would be applied.
- 3.2.12 With regard to internal vehicular movements, detailed daily movement information has been submitted, of which details are discussed and assessed below, in the relevant 'Access, Parking and Highway Safety' section of the report.
- 3.2.13 Generally, the proposed site working hours are 07:00 to 20:00 hours Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no work on bank holidays. Notwithstanding this, it is stated that borehole drilling and trial pitting would be restricted to daylight hours and the submitted Noise Appraisal report identifies working locations where different working hours will be applied based on daytime and evening noise thresholds. The site will be manned by security 24 hours a day seven days a week.
- 3.2.14 A number of documents have been submitted in support of the application including a Phase 1 Contaminated Land Desk Study, a Noise Appraisal, an Ecological Appraisal, a Heritage Statement and a Flood Risk Assessment.
- 3.2.15 The application has been supported by an indicative programme of works which outlines the following:
- Site establishment – 3 weeks from commencement
 - Load test area set up – 3-5 weeks from site establishment
 - Excavation and earthwork – 3-5 months from load test area set up
 - Load test equipment/pile set up – 4-6 weeks mostly in parallel with last month of excavation and earthwork
 - Monitoring period – Up to 1.5 year from load test set up
 - Potential extended monitoring period – 6 months from main monitoring period, if required
 - Backfill of excavation /demobilisation – Up to 6 months from completion of load test

Background of the application

- 3.2.16 It should be noted that in 2009 the area of land to the south and east of Bradwell Power Station comprising approximately 298 hectares was nominated into the Government's Strategic Siting Assessment (SSA). In the National Policy Statement for Nuclear Power Generation 2011 (EN 6), the Government concluded that this site in Bradwell is potentially suitable for nuclear new build. On that basis and in order to investigate the potential new Nuclear Power Station at Bradwell-on-Sea, the current application has been submitted to the Local Planning Authority.
- 3.2.17 It is noted that a number of applications have been submitted in relation to the decommissioning of the previous Bradwell Nuclear Power Station; however, it is the currently proposed operational works do not relate with the previous Nuclear Power Station and the application site extends outside to the east of the Bradwell Nuclear Power Station.

3.3 Conclusion

- 3.3.1 Having taken all material planning considerations into account, it is found that the development would be acceptable in principle and it would not have a detrimental impact on the character and landscape of the area, the nearby nature conservation designations, the ecological receptors, the environment as a whole, the amenities of the nearby residential occupiers or the highway safety and highway network. The development would be also acceptable in terms of flood risk. Therefore, subject to appropriate conditions, including those safeguarding the implementation of mitigation measures regarding noise, disturbance, contamination and protection of any archaeological remains, the development would be acceptable, and it is therefore, recommended for approval.

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
- 54 – 57 Planning conditions and obligations
- 102-111 Promoting sustainable transport
- 124-132 Achieving well design places
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- Car Parking Standards
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development. Amongst others, policy S1, which provides the background of the key principles in decision making states that when determining development proposals, the following will need to:

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;
- 2) Support growth within the environmental limits of the District;
- 3) Enable and adapt to the effects of climate change by limiting greenhouse gas emissions through the efficient use of energy and use of renewable alternatives, coastal management, and mitigating against flooding;
- 4) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;
- 5) Conserve and enhance the natural environment; and
- 6) Conserve and enhance the historic environment.

- 5.1.2 As noted above, the proposed development relates to ground investigations that will assist with and inform the design and layout of any new Nuclear Power Station on the site. Policy D4 clearly states that the Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea. It should be noted that the development which is subject of this application is not for the erection of a new Nuclear Power Station; however, the proposed engineering operations are considered to be necessary to be carried out in order to understand the ground conditions which may have a direct impact upon the layout, the design and site specific issues that will need to be taken into consideration for the final design, layout and construction of any future facility. As stated above, the proposed development will build on the works carried out under permission FUL/MAL/17/01128.
- 5.1.3 The site is located within and in close proximity to the network of coastal nature conservation designations and therefore, the impact of the development on the designated sites as well as any protected species within the site would be required to be assessed and, if necessary, mitigated. This is further assessed at the relevant 'Impact on the SSSI and protected habitat' section below.
- 5.1.4 The proposed development site has been identified by the Historic Environment Record (HER) as having archaeological potential. It is, therefore, necessary to ensure that geological deposits are preserved. This is also separately assessed at the relevant section below.
- 5.1.5 The proposed operational works would take place outside the defined development boundary of Bradwell and therefore, the impact on the landscape and character of the area should be assessed. A section discussing the impact of the development on the landscape and character of the area is included below.
- 5.1.6 The development by reason of its nature and location is likely to have an impact on ecological recipients and the environment in general. For that reason, a contaminated land study and a noise appraisal have been submitted to the Local Planning Authority. This impact is also assessed in detail below.
- 5.1.7 Although temporary, the development would generate employment, and this is supported by Policy E1 of the Local Development Plan (LDP). As noted in the Application Form submitted, the development would generate 30 full-time employment posts for a temporary period. Although it is accepted that such technological operations would require a highly skilled workforce which is unlikely to be found locally, would most probably support the local economy for the period of the operations. However, this would be a material consideration of limited weight.
- 5.1.8 In light of the above, it is considered that, subject to mitigation of any impact of the development on the designated sites, protected habitats, the environment, the archaeology assets and the landscape it is considered that the principle of development is acceptable.
- 5.1.9 Other material planning considerations, including impact on the amenity of the nearby occupiers and flood risk are also assessed below.

5.2 Visual Impact on the Character of the Area

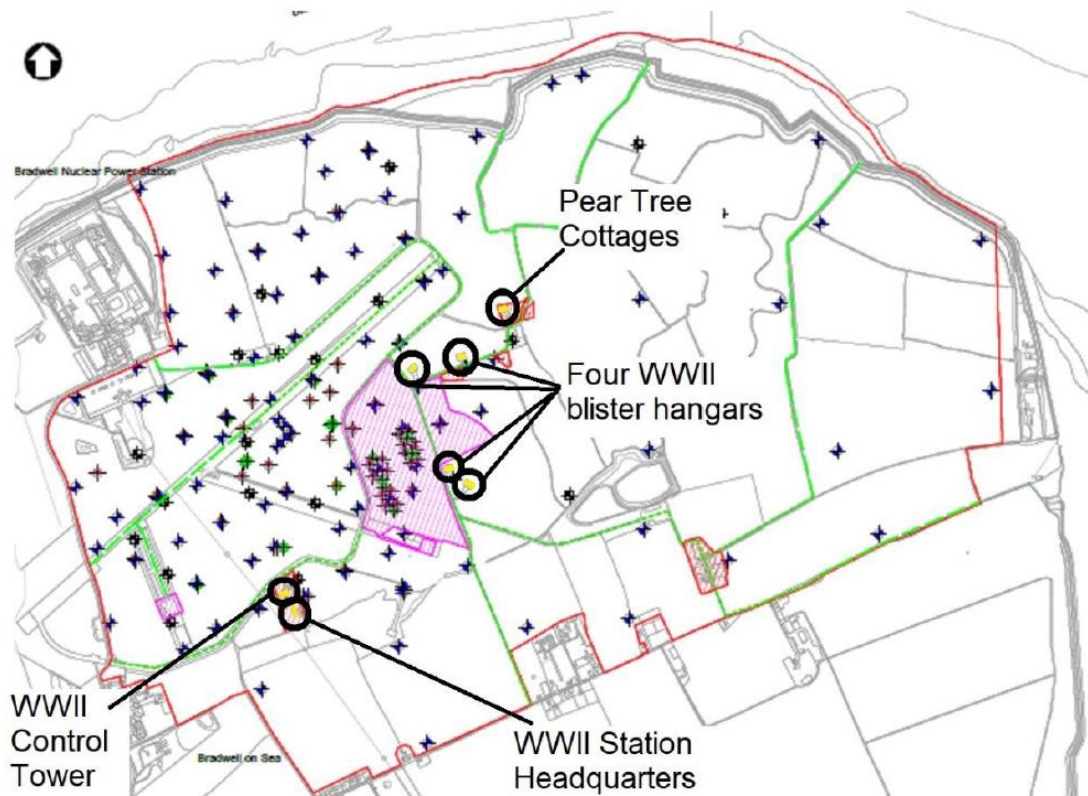
- 5.2.1 The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create high quality built environments for all types of development.
- 5.2.2 The NPPF states that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 5.2.3 The proposal is for intrusive ground investigations that would inform the design of a potential Nuclear Power Station. The proposed works are temporary in nature and during the proposed engineering operations plant and machinery would be present on site together with other equipment, such as seismic monitoring equipment and fencing around the holes for protection purposes. A number of vehicles would be also present during the proposed works.
- 5.2.4 A maximum number of boreholes and trial pits have been included within the submission. A condition could be imposed capping the level of development on site as part of any approval to ensure that this number is not exceeded.
- 5.2.5 It is recognised that by its very nature the proposed development would be out of context with the rural character of the site. However, given the scale of the site at 460 hectares, the fact that the various elements of the works would not take place concurrently and also that they would be temporary in nature, it is considered that the impact on the open countryside would not be detrimental to such an extent that would warrant refusal of the application on visual grounds.
- 5.2.6 In relation to the associated works, two site compounds are proposed to be formed on existing hard surfaced areas; one within the southern part of Downhall Farm and one to the west of Weymarks Farm and to the south of the airfield runway. The compounds would be temporary and would accommodate facilities such as welfare and storage areas, as well as the areas required for the Load Testing.
- 5.2.7 It is noted that the structures within the compounds would not be higher than 10m. A site compound is, by its very nature of limited architectural merit and of a temporary nature. Its function is directly related to and necessary for the enabling works and the structures within the site compound would not be highly visible from public vantage points. In this respect its impact is not considered to be materially harmful to the character of the area and consequently is acceptable for this type of application. It should be noted that this was the approach adopted by Maldon District Council (MDC) as part of application 17/01128/FUL and therefore, it would be unreasonable not to adopt this approach as part of this application. Whilst the bunds created at the Load Test Area Site Compound would be fairly high (up to 8m), it would consist of natural materials and would be temporary in nature. Therefore, whilst these elements would be more visible than the structures within the Site Compound Area, it is also not considered that the impact of the Load Test area would be materially harmful to the character of the area.

- 5.2.8 As noted above land to which the site compound areas would be sited are already hard surfaced and therefore the siting of the proposed compound areas would not result in any loss of existing vegetation. Furthermore, the retention of the existing vegetation along the eastern and western boundaries of the site compound areas provides some screening of the site compound areas from public views. Whilst views of the Load Test area would be more significant and would impact on the existing landscaping as stated above the views would largely be of natural materials stored in bunds. In addition, it is proposed to infill the boreholes once the investigation works are complete. Therefore, there is no objection in relation to the impacts on existing landscaping.
- 5.2.9 The parking area and equipment storage is to be located within the site compound and as such there would be no requirement new hardstanding for car parking area to be laid out and any consequent loss of existing natural landscape.
- 5.2.10 In light of the above, it is considered that the proposed development, by reason of its temporary nature, distance from public vantage points and that it would not encroach into the natural landscape resulting in any further loss existing character, would not have such a significant impact on the open countryside that refusal on such grounds can be justified.
- 5.2.11 Notwithstanding the above considerations, and although the effects of this proposal in total are known to be temporary and limited at any point in time, due to the extent of the work area proposed, a landscape and visual appraisal report has been submitted to cover the entire development area. The report assesses the landscape and visual effects of the proposed development, taking into consideration the national significance and local landscape character of the area.
- 5.2.12 It is stated that significant residual landscape effects would result from the load test area and the drilling rigs, which would directly affect approximately 25ha of the Bradwell Drained Estuarine Marsh Landscape Character Assessment (LCA), for a temporary period of up to two weeks in respect of the rigs and three years in respect of the load test area. However, mitigation in the form of avoiding concurrent working of multiple survey stations within approximately 100m of the coastal footpath (Public Right of Way (PRoW) 241-15) or programming works at multiple survey stations within approximately 100m of the coastal footpath (PRoW 241-15) to occur within concentration and short periods of time, avoiding popular walking periods has been proposed. This can be secured via a condition securing that the development is carried out in accordance with the detail contained within the landscape visual appraisal.
- 5.2.13 Given that the landscape would be restored to its predevelopment condition once the operations are complete, and given the mitigation set out above and within the Landscape and Visual Appraisal Report, it is considered that there would not be significant residual effects on views from settlements, recreational roads, local roads or tourist attractions / facilities resulting from the development. Furthermore, the long-term harm is not considered substantial and therefore, subject to a condition requiring the development to be carried out in accordance with the mitigation proposed within the Landscape Visual Appraisal, it is not considered that the impacts on the landscape would constitute a reason for refusal as there would be no permanent direct or indirect landscape effects.

- 5.2.14 Whilst it is accepted that that there are potential effects in both landscape and visual terms, given that they will only be temporary and localised, no objection is raised in terms of the impact of the development on the landscape or the locality more widely.

5.3 Heritage and Archaeology

- 5.3.1 There are four Grade II listed buildings located in close proximity to southern part application site which form part of East Hall Farm, although it is noted that they have been omitted from the red line boundary. Furthermore, Othona Community Settlement and Chapel of St Peter on the Wall are located to the west outside of the application site. Given the distance between the designated assets at the nearest Load Test area (1400m approximately to East Hall Farm and 3500m approximately to the Chapel of St Peter on the Wall) it is noted that the proposal will not cause any harm to the setting or significance of any designated heritage assets.
- 5.3.2 Notwithstanding the above, it should be noted that a draft List of Local Heritage Assets for the parishes of Bradwell-on-Sea and Tillingham was approved for public consultation by Maldon District Council's Strategy and Resources Committee on 20 February 2020. The buildings on that list qualify as non-designated heritage assets for the purposes of paragraph 197 of the NPPF. The following buildings within the application site have been included on the Bradwell draft list:
- Four WWII Blister Hangars;
 - The Control Tower;
 - The Station Headquarters (HQ);
 - Peartree Cottages.
- 5.3.3 Whilst the proposed works are considered unlikely to harm the setting or significance of Peartree Cottages, The Control Tower or the Station HQ, there would be harm to the four WWII Blister Hangars as a result of the proximity of the Hangars to the ground-investigation site compound and load-test area. The siting of the assets has been annotated on the plan shown below. As the load test area will involve deep excavation and mounding of material up to 6-8m in height it is considered that the mounded material will overwhelm the setting of these buildings, detracting from their setting and significance by interrupting the flat, open landscape they sit within. It is emphasised however, that this harm is visual and not physical. There will be no loss of or damage to building fabric.



- 5.3.4 Notwithstanding the above, given that the ground investigation compound is a temporary feature it is considered that a condition requiring the removal of the compound within five years and returning the site to its condition prior to the work would reverse the visual harm on the hangars and their setting. As the works are estimated within the Heritage Report to approximately three years, it is considered that five years is a reasonable amount of time. Therefore, subject to this condition it is not considered that the harm to the non-designated heritage assets would amount to a reason for refusal.
- 5.3.5 The proposed development has however been identified by the Historic Environment Record (HER) as having archaeological potential.
- 5.3.6 It is noted that archaeological deposits are both fragile and irreplaceable and policy D3 of the LDP states that *“Where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. This assessment must include consultation of the Historic Environment Record. The assessment should be carried out during an early stage of the planning process to identify the likely impact on known or potential heritage assets and assess their significance. The assessment will also provide the basis for potential mitigation strategies, including excavation, in situ preservation, and recording”*.
- 5.3.7 The application is accompanied by a Heritage Statement summarising the archaeological potential of the site and a Written Scheme of Investigations (WSI) detailing the archaeological work required in order to mitigate the impact of the proposed ground investigations. Although it is concluded that the overall impact on

the heritage assets would be low, mitigation measures are suggested within the Written Scheme of Investigations.

- 5.3.8 The Historic Environment Officer was consulted and raised no objection in terms of the impact of the proposed development on heritage or archaeological assets, subject to a condition, securing the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation. Therefore, this condition and one to ensure that the works are carried out in accordance with the WSI should be imposed.

5.4 Impact on the SSSI and protected habitats

- 5.4.1 The site is located within a sensitive location, adjacent to the Blackwater Estuary, which is an area subject to a number of international and national coastal nature conservation designations including:
- Sites of Special Scientific Interest (SSSIs);
 - National Nature Reserves (NNRs);
 - Special Areas of Conservation (SACs);
 - Special Protection Areas (SPAs); and
 - Ramsar sites.
- 5.4.2 It is also noted that part of the site lies within the European Designated Sites, as the red line boundary extends beyond the borrow dyke and sea wall for most of its northern extent, and the boundary of the Dengie SPA and Ramsar Site encompasses the borrow dykes.
- 5.4.3 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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”.
- 5.4.4 For that reason, the application is supported by an Ecological Appraisal (May 2020) and a GI Site Investigations Ecological Appraisal Addendum (June 2020), identifying the potential ecological constraints as well as a Habitats Regulations Assessment determining whether there are any potential impact pathways that could result in Likely Significant Effects for the proposed ground investigations, taking into account consideration of any other relevant plans and projects.
- 5.4.5 The Ecological Appraisal (May 2020) submitted concludes that on implementation of the precautionary mitigation measure summarised in Section 5.4, and the negligible use of the Load Test Area, the proposed ground investigations and load testing are not predicted to result in adverse effects on the Dengie (Mid Essex Coast Phase 1) SPA / Ramsar or the Blackwater Estuary (Mid Essex Coast Phase 4) SPA / Ramsar.
- 5.4.6 Further to the above, the submitted Addendum presents further data regarding the distribution and abundance of SPA qualifying features and assemblages species

recorded during overwinter bird surveys 2019 / 20 and to clarify the nature and extent of the phasing approach as requested by Natural England in their comments dated 23 March 2020.

- 5.4.7 The submitted documentation confirms that no works will be undertaken within the boundaries of any designated site. It is however noted that several of the proposed locations for boreholes, including BHCP-2050; -2087; -2069; -2044; -2070; -2073; -2099 and -2096, lie very close to the borrow dykes which fall within the boundary of the Dengie SPA and Ramsar site. Therefore, these locations are particularly sensitive due to their proximity to the borrow dykes and the risk of disturbance occurrences, particularly in relation to the SPA breeding pochard and the Ramsar site invertebrate assemblages. Furthermore, as the location of the works has not yet been confirmed, there is potential for disturbance to sensitive areas for nesting Bearded Tit which is notified under the Dengie SSSI. It should also be noted that there will be a loss of Functionally Linked Land (FLL) to the load test area, which supports key species of the Dengie and Blackwater European sites.
- 5.4.8 For the above reasons it is considered necessary to assess the effects of the development on the bird populations using the SPA 'Functionally Linked Land' (FLL) and also other protected species using the site.
- 5.4.9 It is considered that the main potential impact pathways to the designated sites and associated FLL are light, visual and noise disturbance.
- 5.4.10 Natural England has been consulted on the Addendum, which includes further clarification on the scope of works and the lighting strategy and raised no objection regarding light disturbance. However, a condition requiring the proposed lighting to be in accordance with the details contained within the Ecological Appraisal Addendum Section 2 'lighting condition' was recommended and should be imposed.
- 5.4.11 Natural England have also advised that the inclusion of a spatially and temporally designed phasing strategy, which has been included within the Addendum, has largely addressed the wider range of concerns linked to disturbance effects, outlined within their response dated 23 March 2020. They are also satisfied that the loss of FFL to the load test area is not likely to be significant as the bird survey data provided indicates that the favoured crop winter wheat is not well used in close proximity to the load test area, and that the crop is not in short supply in the immediate locality.
- 5.4.12 It should also be noted that the Council's Ecological Consultant has been consulted and is satisfied with the proposed mitigation measures within both the Ecological Appraisal and the subsequent Addendum. Likewise, the updated Ecological Appraisal also includes mitigation measures against disturbance to sensitive areas for the nesting Bearded Tit, which is notified under the Dengie SSSI. These mitigation measures were deemed acceptable by the consultee.
- 5.4.13 In relation to other protected species, in accordance with the advice received from the Environment Agency and the detail contained within the Environmental Management Plan (February 2020), it is considered that Water Vole burrows should be identified and accounted for prior to any works commencing, and that any excavations to be left overnight should be inspected daily. A board or something similar should also be left overnight to allow a means of escape for any trapped animals. This can be secured

via a condition stating that the development must be carried out in accordance with the detail outlined within the Environmental Management Plan (February 2020).

- 5.4.14 In addition to the above, section 5.1 of the Ecological Appraisal provides a record of priority species found within or near the vicinity of the site. Most notably, the report identifies that ground nesting birds are potentially at risk of being disturbed. However, the mitigation measures suggested, which includes the avoidance of works during the breeding season are considered to suitably mitigate against the harm. Therefore, in accordance with advice received from the Council's Ecological Consultant and Natural England it is considered that it will be ensured that the Principal Contractor can avoid impacts on ecological features.
- 5.4.15 It is noted that the RSPB still raise concerns in relation to the impacts of the development on the designated sites and priority species and that Essex Wildlife Trust are yet to respond on the updated detail. However, given that Natural England raise no objection subject to appropriate mitigation and that the Council's Ecological Consultant is also satisfied with the detail provided, it is considered that the development could be carried out without causing harm to the designated site or the priority species contained within it or within the surrounding FFL.

5.5 Impact on the Environment

Contamination

- 5.5.1 Conservation and enhancement of the natural environment is one of the principles set in the NPPF and also one of the key principles as set out in the LDP in order to achieve sustainable development.
- 5.5.2 The site covers a large area of 460 hectares, which has been minimally developed in the past. The eastern part of the site is largely undeveloped, and it is mainly used for agricultural purposes, which have been identified as potential sources of contamination in relation to farming practices and potential infill ponds. The western site is predominantly covered by the former Bradwell Bay airfield and part of the runway and it is, therefore, likely that contaminated activities have taken place previously. Other off-site sources of contamination include the radiological contamination associated with Bradwell Power Station and of a lesser degree is nearby large-scale intensive farm activity.
- 5.5.3 On the basis of the abovementioned contaminant sources identified, the Contaminated Land Desk Study states that of concerns are the hydrocarbons, the volatile or semivolatile organic compounds and asbestos relating to the former use of the site for airfield and farming purposes and also radiological contamination from the Nuclear Power Station immediately adjacent to the west of the application site.
- 5.5.4 As part of the Contaminated Land Study an Initial Conceptual Model and Environmental Risk Assessment has been conducted which identified the likelihood of contamination in the east part of the site being very low and in the west part of the site being attributable to point sources and, as such, unlikely to be widespread. Given the geographical and topographical location of the Bradwell Power Station, the impact to the area is likely to be limited to the north western part of the site. It is also stated

that in the absence of any significant groundwater bodies in the drift deposits in this part of the site, the impact is likely to be limited.

- 5.5.5 Notwithstanding the findings above, the potential presence of contamination will require management during the proposed ground investigation to minimise risks to the identified receptors, which include the site workers, other users of the site, the water environment (including surface water and shallower and deeper ground water), the adjacent properties (including buildings, crops and livestock) and the ecological receptors (flora and fauna). Furthermore, it is stated that there is potential for the generation of new contamination during the proposed works, including pollutants such as fuels, oils, waste groundwater, drilling fluids or sediments directly into watercourses, and the creation of preferential contaminant migration pathways during drilling into the deeper Chalk Aquifer which will need to be addressed by the ground investigation contractor, by providing safe working methods.
- 5.5.6 A number of methods for land management and pollution prevention are suggested within the submitted Contaminated Land Study. Risks to site workers from any existing contamination should be managed under the requirements of the Health and Safety at Work Act 1974, and regulations made under the Act. This includes the Ionising Radiation Regulations 1999, given the potential for radiological contamination. In line with the requirements of the relevant legislation, the contractor should develop safe working systems to minimise the potential for exposure to any existing contamination which will include the following:
- Development of working methods to minimise potential exposure via dermal contact, ingestion and inhalation pathways. Elements to be considered during the development of appropriate working methods includes dust control, handling and storage of potentially contaminated soils or waters and the provision of appropriate Personal Protective Equipment; and
 - Provision of specialist radiological contamination advice. Working methods should consider monitoring of plant and personnel during the works to minimise the potential for exposure to radioactively contaminated materials and the potential for cross-contamination between exploratory holes is minimised. Monitoring should be targeted in those areas (north-west / west), where the potential for radiological contamination is higher.
 - Regarding controlling the potential creation of preferential pathways or the migration of contaminants to the environment, the contractor should employ aquifer protection methods to minimise the potential for the creation of preferential migration pathways to the Chalk Aquifer. The methods should take into account the Environment Agency guidance paying particular reference to the principles of aquifer protection set out in:
 - BS10175:2011 A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;
 - National Groundwater and Contaminated Land Centre (EA) report NC/99/73, Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, May 2001; and
 - Environment Agency (EA), Good Practice for Decommissioning Redundant Boreholes and Wells, October 2012.

- 5.5.7 Concerns have been also raised regarding the impact of the development on the water environment, where existing contamination or pollutants, are released directly to the ground. To minimise the potential contamination, the contractor should develop working methods such as:
- the implementation of control measures at drilling and excavation locations to minimise the potential run-off of sediments, drilling fluids or waste groundwaters;
 - disposal of groundwater from boreholes and excavations
 - measures required to minimise the potential release of waste through leaks, spills, run-off or wind-blown dusts or litter.
 - implementation of controls in association with the use and storage of polluting substances such as fuels, oils, and chemicals that are to be used during the works.
 - The development of an emergency response plan, setting out the procedure for dealing with accidental release of pollutants (sediments, waste waters, fuels, oils, chemicals etc.) to the environment.
- 5.5.8 It is noted that a drilling methodology was submitted on the 1st May 2020. The Environment Agency have confirmed that this is satisfactory in controlling any potential contamination risk to the environment, in particular the water environment, when directly drilling to different aquifers. Therefore, a condition should be imposed ensuring that the development is carried out in accordance with these details.
- 5.5.9 In light of the above, whilst there is potential presence of contamination as well as potential generation of contamination during the works, it is considered that, subject to careful management and submission of further details during the process (as required by condition), the risk to all receptors can be successfully managed.
- 5.5.10 The Environmental Health Team has been consulted and raised no objection with regard to contamination, subject to careful management of the ground investigation and adoption of appropriate controls and mitigation measures, as described in the submitted Contaminated Land Study.

Noise

- 5.5.11 The site is predominantly a flat open area, of low background noise level which means any additional sound above background levels could travel long distances. Therefore, it is necessary to assess the impact of the resultant noise from the proposed ground investigations and load testing. The site is also located in close proximity to the coast / estuary, partly within the Dengie SPA and therefore the risk of bird disturbance should be assessed.
- 5.5.12 In order to assess the impact of the development on the ecological receptors, the application is supported by a Noise Appraisal which identifies any parts of the site that may be subject to noise disturbance using 70 dB L_{Amax} as a precautionary threshold. The main assessment of the impact of the development on the ecological receptors is assessed in the Ecological Appraisal. The ecological receptors include, but are not limited to, breeding birds, badgers, roosting bats, water voles, otters and reptiles. However, the Noise Assessment concludes that load testing investigations

will not cause noise impacts on the ecological receptors based on the proximity of the load test investigation area to the SPA. An approximate distance was calculated from the assumed plant on site to the ecological receptors and it was determined that the closest receptor was approximately 950m away. Whilst this is not considered a significant distance, having regard to the distance and the temporal and practical control measures contained within the Ecological Appraisal, it is considered that the works will be suitably mitigated.

- 5.5.13 In terms of the ground investigations it was found that the precautionary threshold would be exceeded at seven receptors, which results in potential disturbance for birds. However, it is suggested that the impacts could be mitigated by providing noise screening at the boreholes causing the exceedance, which could be secured via a condition requiring that the development is carried out in accordance with the details contained within the Noise Assessment. Table 8.1 of the Noise Assessment also includes further proposed mitigation measures which could be incorporated to mitigate against the expected noise disturbance. The mitigation measures consist of things such as the use of temporary acoustic barriers, the use of rubber hammers and mallets and reduced noise generating noise alarms.
- 5.5.14 The Ecological Appraisal also includes proposed control measures at section 5.2, to minimise the risk of adverse effects on ecological receptors. The measures relate to those used as part of the previous approved works at the site (17/01128/FUL) and are therefore, considered to be effective. The measures consist of, but are not limited to, pre-works inspections, a watching brief, Ecological Constraints plan, reduced speed of vehicles within the site and back filling open excavations as soon as possible.
- 5.5.15 Whilst it is noted that Natural England originally raised concerns in relation to the Noise Impact Assessment, in their response dated 23 March 2020, following their further response dated 15 June 2020, which advises that they have no objection subject to conditions, it is considered that the revised Ecological Appraisal sufficiently addresses the concerns raised and the proposed mitigation would be acceptable.
- 5.5.16 On the basis of the above and the assessment of the impact of the development on the SSSI and protected habitats, it is considered that, subject to mitigation measures, the development would be acceptable in terms of its impact on the environment and all possible receptors.

5.6 Impact on Residential Amenity

- 5.6.1 Policy D1 and H4 of the approved Maldon District Local Development Plan (MDLDP) 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.
- 5.6.2 By reason of the nature of the development the most significant impact on the nearby neighbours would be disturbance caused by the noise generated during the engineering operations. There is also a potential for disturbance by way of vibration.
- 5.6.3 Although they have not been included within the red line area of the site, there are three residential properties located almost centred to the application site, which will

be the most affected properties, and some on the outer edges of the development site, mainly located to the south and east. Whilst the ground investigations plan submitted is indicative in terms of the accuracy of the location of the boreholes, it appears that a number of them are likely to be located adjacent to the boundaries of these properties.

- 5.6.4 In order to assess the impact of the development on the receptors (set out above) and in particular the most affected residential properties (Peartree Cottages, Weymarks Farm, New Weymarks Farm, Control Tower, East Hall Farm, Eastlands Meadows Caravan Park, Othona Community and Small Cottages) a Noise Appraisal accompanies the application. This Appraisal has been prepared on the basis of noise threshold of 65dB LAeq Sensitivity 1 and 55 dB LAeq, T Sensitivity thresholds for potential significance taken from BS 5228-1:2009 + A1:2014 'Code of practice for noise and vibration control on construction and open sites'.
- 5.6.5 The results show that the Sensitivity 1 (for weekday daytime works between 07.00 and 19.00 hours and Saturday mornings between 07.00 and 13.00 hours) the threshold level for potential significance derived from BS 5228 is exceeded for the following receptors:
- Receptor 3 – New Weymarks Farm (69 LAeq T);
 - Receptor 4 – Small Cottage (78 LAeq T);
 - Receptor 5 – Control Tower (68 LAeq T).
- 5.6.6 In relation to the above, it should be noted that the noise levels presented represent a worst-case scenario, assuming all plant is operational during the relevant period. To determine whether there is a significant impact, BS 5228-1 states that other project specific factors should be considered, such as the number of receptors affected and the duration and the character of the impact. Therefore, the potential impacts identified on the above receptors are not considered to result in significant effects, due to the limited number of receptors affected and the short duration of works at each individual borehole (two weeks).
- 5.6.7 The report states that because the 'threshold for potential significance' at Receptor 5 is exceeded by more than 10dB LAeq, 1h then additional noise screening should be provided. Therefore, the appropriate conditions should be imposed.
- 5.6.8 Further to the above, Table 8.1 of the report includes measures to be implemented to ensure that any exceedance is minimised as far as practically possible. These measures along with the noise monitoring are considered sufficient and it is noted that Environmental Health have raised no objection in this respect.
- 5.6.9 For weekday evenings from 19:00 hours- 23:00 hours, 13:00 hours and 23:00 hours on Saturdays and between 07:00 and 23:00 hours on Bank Holidays, a lower noise threshold of 55db has been used. The Noise Appraisal Report predicts that this lower threshold is likely to be exceeded at Peartree Cottage, Weymarks Farm, New Weymarks Farm, Small Cottage, Control Tower, East Hall Farm, Othona Community.
- 5.6.10 For properties where the sensitivity 2 threshold limit level of 55 dB LAeq T is exceeded for potential significance by less than 10db LAeq T, it is not considered that potential impacts will result in significant effects, based on the number of receptors affected and the short duration of the works at each individual borehole which will be

less than one month (opposed to two weeks or sensitivity 1). Those that are exceeded by more than 10dB LAeq T the additional control measures identified in Table 8.1 of the noise report should be implemented to minimise the exceedance as far as practically possible.

- 5.6.11 Following consultation with the Environmental Health department, who note that the proposed development is very similar in scope and nature to the previous approached application (17/0112/FUL), having considered the most recent Noise Appraisal Report, it is considered that subject to conditions, largely similar to those applied as part of the previous permission, then the development would be acceptable in noise terms. Such conditions relate to restricting the hours and levels of noise, the impact of the development on the nearby residents.
- 5.6.12 The impact of the proposal on any other nearby residential property, in terms of noise, due to the separation distance maintained, would be less than that caused to the abovementioned properties and thus, no objection is raised in terms of disturbance caused by noise generated by the exploratory hole activities.
- 5.6.13 The potential presence of contamination as well as the potential generation of contamination during the exploratory drilling works was assessed in detail at the relevant section of the report. The impact on the receptors, including the neighbouring residential properties, was assessed and found that subject to careful management and submission of further details during the process of the exploratory works, the contamination risk would be able to be successfully managed.
- 5.6.14 With regard to external lighting, PIR (Passive Infra-Red sensor) security lighting is proposed to be installed within the Site Compound areas, for security purposes. Although, at present, lighting on the site is very limited by reason of the nature of the use of the area, given the separation distance to the nearby residential properties and the fact that existing vegetation provides screening to the Site Compounds, on balance, it is not considered that the development would result in light pollution. The provision of additional lighting is secured by condition.
- 5.6.15 No other impacts, in terms of dominance or loss of light or overlooking will arise from the proposed development.

5.7 Access, Parking and Highway Safety

- 5.7.1 As noted in the description of proposal the site access from the public highway would be from the unnamed road at the war memorial leading to Bradwell Power Station. The site would be also served by number of other secondary access routes and farm tracks. No new temporary culvert crossings would be required. Track mats or floating tracks would be used as necessary to provide safe working areas and access routes. All roads and tracks within the site are private.
- 5.7.2 With regard to internal vehicular movements, a detailed daily movement plan has been submitted for the various stages of the works, which is as follows:

Site Establishment

- average 2-4 low loader / heavy vehicle deliveries (4-8 two-way movements) per day for site establishment including bringing in the majority of plant and equipment;
- average 3-5 PLG journeys (6-10 two-way movements) per day for bringing light goods and materials to site and to assist with the internal transport of workers between different work areas; and average 15 car journeys (30 two-way movements) per day for drilling operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Ground Investigations

- Up to 3-6 low loader/heavy vehicle deliveries (6-12 two-way movements) per week for occasional plant deliveries and routine deliveries of supplies and fuel etc.;
- average 5-8 PLG journeys (10-16 two-way movements) per day for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 25 car journeys (50 two-way movements) per day for drilling operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Potential Additional Ground Investigations

- would not involve movements greater than the main Campaign period.

Demobilisation/Site reinstatement

- which would not involve movements greater than that required for Site Establishment.

Load Test Investigation – Site establishment and Load test area set up

- average 2-4 low loader/heavy vehicle deliveries (4-8 two-way movements) per day including bringing in the majority of plant and equipment;
- average 4-6 PLG journeys (8-12 two-way movements) per day for bringing light goods and materials to site and to assist with the internal transport of workers between different work areas;
- average 25 car journeys (50 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Load Test Investigation - Excavation and earthwork and Load test equipment/pile set up

- Up to 4-8 low loader / heavy vehicle deliveries (8 - 16 two-way movements) per week for occasional plant and material deliveries and routine deliveries of supplies and fuel etc.;
- average 5-8 PLG journeys (10 - 16 two-way movements) per day for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 35 car journeys (70 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

- average 3 - 5 concrete wagon journeys (6 - 10 two-way movements) per day for concrete delivery to site during the last two months.

Load Test Investigation - Monitoring period and Potential extended monitoring period

- Up to 1 - 2 low loader/heavy vehicle deliveries (2 - 4 two-way movements) per week for occasional plant and material deliveries and routine deliveries of supplies and fuel etc.;
- average 2 - 4 PLG journeys (4 - 8 two-way movements) per week for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 5 car journeys (10 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Load Test Investigation - Backfill of excavation / demobilisation

- would involve no greater movements than required for Excavation and Site Establishment.

- 5.7.3 Traffic management measures would be applied, including the installation of signage, appropriate use of banksmen and a speed limit of 15mph on primary routes and 10mph on all other internal routes. The primary routes would provide access to site for workers, visitors and deliveries and therefore, they would absorb the highest levels of traffic, whilst secondary routes and farm tracks would only be used for gaining access to the exploratory hole locations.
- 5.7.4 In light of the above, it is considered that the number of movements and the use of existing routes would be acceptable and not materially harmful to the existing network. Highway safety would be achieved via the proposed use of traffic management measures and thus, no objection is raised with regard to the use of the highway network or highway safety.
- 5.7.5 The Highways Authority has been consulted and raised no objection on highways grounds. It is stated that the predicted number of trips generated by the proposals can be accommodated on the local highway network.
- 5.7.6 In terms of off-street parking spaces, an approximate number of 24 car parking spaces are proposed to be provided at the site compound. A separate area would be provided for the storage equipment. Whilst the Maldon District Vehicle Parking Standards contain no information for such use (engineering operations), it is considered that the proposed parking spaces would be sufficient to meet the parking requirements for 30 employees.
- 5.7.7 The proposed ground investigation works would be carried out away from any public highway and thus, they would not impact upon pedestrian safety or on-street parking provision. The planning statement submitted confirms that in the event that mud, and debris is deposited on the public highway, the affected area would be cleaned.
- 5.7.8 On the basis of all the above, the development is considered to be acceptable in terms of off-street parking provision, impact on the highways network and highway safety. However, a condition should be imposed ensuring that the development is carried out in accordance with the detail above.

5.8 Flood Risk

- 5.8.1 As advised in the Flood Risk Assessment (FRA) dated February 2020, part of the site lies in Flood Zones 2 and 3. The FRA has considered the risk from all sources of flooding and identifies that the key sources of flood risk on site are considered to be tidal and surface water. Although a flood defence is present in the area and this minimises the risk of the site flooding under typical conditions, the residual risk associated with a potential breach of the defences was assessed.
- 5.8.2 The FRA submitted also identifies the receptors, which would include the Weymarks Farm, the Irrigation reservoir's pump house and the Orthona Community Settlement in terms of third parties. It is stated that the risk of the ground investigation works impacting these would be negligible.
- 5.8.3 Other receptors would include people and equipment involved in the ground investigation works. With regard to the areas associated with the proposed ground investigation works, it is noted that the Site Compounds are located in Flood Zone 1 and 2 and in the event of flooding, egress from the site would be possible via East Hall Farm, with access to the main road on the Dengie Peninsula, all situated in Flood Zone 1. The Logging and Core Storage area is within Flood Zone 1 and in the event of flooding, egress from this area would be via crossing the field to the west, with Bradwell Bay Road being which is situated 200m away and lies within Flood Zone 1.
- 5.8.4 An approximate number of 201 exploratory holes and a range of seismic test locations proposed within the Indicative Ground Investigations Plan, from which 26% are located within flood zone 3; thus, in areas at risk of tidal flooding and 0.5% in the 'high-risk' zone; thus, in areas of surface water flooding. The FRA states that the residual risk from tidal flooding will be managed by ceasing ground investigation works and removing all equipment from the tidal floodplain in the event of a Flood Warning being issued for tidal flooding. It is advised also that the Met Office Severe Weather Warnings should be used as a caution for heavy rainfall. A Flood Warning and Evacuation Plan also accompany the FRA and are considered to be acceptable in terms of emergency planning.
- 5.8.5 With respect to access routes, it is noted that the main Bradwell Bay Road access route to the site is situated in Flood Zone 1; however, there are secondary routes located within Flood Zone 3. This risk is to primarily be managed via the precautionary evacuation of the site in the event of a tidal Flood Warning, or Severe Weather Warning for heavy rainfall. The use of appropriate routes is advised within the Flood Evacuation Plan.
- 5.8.6 The Environment Agency has been consulted and raised no objection with regard to flood risk, provided that the development is carried out in accordance with the details submitted. Concerns are mainly raised in connection with the impact that the development would have in terms of contamination of the land in case of flooding. This impact is fully assessed at the relevant 'Contaminated Land'. Mitigation measures are proposed by the applicant and a methodology setting out the approach to rotary drilling would be imposed, in accordance with the requirements of Environment Agency.

6. ANY RELEVANT SITE HISTORY

- **17/01128/FUL** –Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area. **Approved.**
- **18/05033/DET** - Compliance with conditions notification FUL/MAL/17/01128 (Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area) Condition 13 - Rotary drilling. Condition 18 - Phasing Plan. **Conditions Discharged.**
- **19/05009/DET** - Compliance of conditions notification for approved application FUL/MAL/17/01128 (Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area). Condition 5 - Ground investigations. **Conditions Discharged.**

- 6.1 As noted above at the ‘Background of the application’ section although there is a number of applications that have been submitted in relation to the ongoing use of the as a Nuclear Power Station and its decontamination, this is outside the application site and it does directly relate to the purposed of the current application. Therefore, the abovementioned cases are the only relevant planning history to the current proposal.

7. PRE-COMMENCEMENT CONDITIONS

- 7.1 No pre-commencement conditions are proposed.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Object due to traffic pressures, noise and air pollution, the size of the boreholes, the proximity of the works to the seawall and protected pill boxes and impacts on wildlife.	Noted and addressed within the relevant sections of the report above.
Maldon Town Council	Supports the application	Noted
Heybridge Parish Council	Support	Noted
Burnham-on-Crouch Town Council	No response received at the time of writing this	Noted

Name of Parish / Town Council	Comment	Officer Response
	report	
Great Totham Parish Council	No comment	Noted
Mayland Parish Council	Object Traffic generation Noise disturbance Loss of landscape and beaches Loss of habitats Loss of airfield Local infrastructure could not cope Rising sea levels Distance for emergency services to travel Loss of farmland Unsightly powerlines Loss of nature reserve Park and ride will impact traffic	Noted and addressed within the relevant sections of the report above where necessary. However, it should be noted that these works relate to ground investigations only and is not an application for a new Nuclear Power Station. Therefore, matters such as a Park and Ride are not for consideration as part of this application
Southminster Parish Council	No response received at the time of writing this report	Noted
Tollesbury Parish Council	No comment	Noted
Wickham Bishops Parish Council	Support	Noted
Althorne Parish Council	No response received at the time of writing this report	Noted
Cold Norton Parish Council	No response received at the time of writing this report	Noted
Goldhanger Parish Council	Supports the application	Noted
Langford and Ulting Parish Council	No response received at the time of writing this report	Noted
Latchingdon Parish Council	Support	Noted
Little Totham Parish Council	No response received at the time of writing this report	Noted
Mundon Parish Council	No response received at the time of writing this report	Noted
North Fambridge Parish Council	No response received at the time of writing this report	Noted

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Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No response received at the time of writing this report	Noted
Steeple Parish Council	No response received at the time of writing this report	Noted
Stow Maries Parish Council	No response received at the time of writing this report	Noted
Tillingham Village Council	Supports subject to conditions: - Working hours to be 8-6 Mon-Fri, 8-1 Sat and no Sundays or bank holidays - Lighting - Dust control - Traffic management of vehicles through Tillingham during school times	Addressed at sections 5.5, 5.6 and 5.7.
Tolleshunt D'Arcy Parich Council	Object due to encroachment into the countryside, loss of agricultural land and impact on species	Addressed at sections 5.2 and 5.4
Tolleshunt Knights Parish Council	No Comment	Noted
Tolleshunt Major Parish Council	No comment	Noted
Woodham Mortimer and Hazleigh Parish Council	No response received at the time of writing this report	Noted
Woodham Walter Parish Council	No response received at the time of writing this report	Noted
Asheldham and Dengie Parish Council	No response received at the time of writing this report	Noted
Great Braxted Parich Council	No response received at the time of writing this report	Noted
Little Braxted Parish Council	No response received at the time of writing this report	Noted

8.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
National Grid	No objection	Noted
Cadent Gas	There is apparatus within the vicinity of the site which may be affected by the development. The applicant should contact Plant Protection before any works are carried out	Noted, an informative can be included.
Archaeology	No objection, subject to conditions in relation to the implementation of the submitted Scheme of Archaeological Investigation	Comment noted and the condition is recommended accordingly.
Local Highway Authority	No objection subject to conditions The ground investigation and load test process will run concurrently, limiting the length of the works as far as possible. The predicted number of trips generated can be accommodated safely and efficiently on the local highway network.	Addressed at section 5.7
Environment Agency	No objection subject to conditions relation to flood risk and groundwater and contaminated land. Advice on pollution control has been provided.	Addressed at sections 5.5 and 5.8
Natural England	Having reviewed the Ecological Appraisal Addendum (June 2020) against previous advice, we are satisfied that the additional safeguards and information provided are sufficient to address previous concerns. In order to mitigate against adverse effects and make the development acceptable, mitigation measures are proposed. The inclusion of a spatially and temporally designed phasing strategy has largely addressed the wider concerns linked to disturbance effects raised in the letter dated 23rd March 2020. The loss of functionally linked land to the load test area supporting key species	Addressed at section 5.5 and within the Habitats Regulations Assessment (HRA).

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	of the Dengie and Blackwater European sites is not likely to be significant. This is based upon the bird survey data provided, which indicates that the favoured crop winter wheat is not well used in close proximity to the load test area, and that this crop is otherwise not in short supply in the immediate locality. Whilst the red line overlaps with the designated sites, no works will be undertaken within these areas.	
Sustainable Drainage	No objection This application is for temporary works that are not creating any permanent impermeable area. Therefore no objection on the basis that the water discharged from the site is at greenfield rates and there is no pollution risk. Any potential pollution associated will spillages should be mitigated against.	Addressed at section 5.8
Anglian Water Services	No comment - The developer is not proposing to connect to Anglian Water's network.	Noted
Essex and Suffolk Water	No response received at the time of writing this report	Noted
Essex Wildlife Trust	Object • Disturbance impacts on qualifying features of the Blackwater Estuary SPA and Dengie SPA • Extent and duration of impacts pose a risk of longer-term harm to SPA qualifying features • Absence of mitigation in respect of harm to SPA qualifying features.	No updated response has been received in relation to the most recent information submitted. However, given that Natural England have not objected, it is considered that the revised information submitted is acceptable. Please refer to section 5.4 for further information.
Colchester Borough Council	Appropriate consideration should be given to the impact upon trees and vegetation, wildlife and archaeology. Neighbouring residential amenity should also be protected including with appropriate restrictions on noise and hours of use.	Noted
Royal Society for	Concerns by the limited data relied	Given that Natural

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
the Protection of Birds (RSPB)	upon to assess the potential impacts of the works and on which to base the proposed mitigation measures. <u>Phasing</u> The Ecological Appraisal suggests that ground investigation works would be undertaken from July until the end of November, conflicting with the colder winter period when Brent Geese and other wintering waterbirds will be present in and around the application site. However, additional avoidance measures are proposed so that no works will be carried out within 300m of the SPA/Ramsar site boundaries or fields sown with winter wheat in October and November. The above measures will reduce the uncertainty of the potential impacts on the SPA/Ramsar site features, but Brent Geese and Golden Plover also regularly feed on oil seed rape and Golden Plover and Lapwing additionally utilise ploughed fields. It is also unclear if the phasing plan is based on the future cropping plans for the application site or some other data. The phasing plan should be based on confirmed details of the future cropping plans, and works should be avoided in October and November in fields sown with winter wheat, oil seed rape and additionally on ploughed land in order to avoid impacts on the SPA/Ramsar birds. Any works that over-run should be rescheduled to fall outside of the key winter period (October to March inclusive) <u>Load Test Area</u> Little assessment appears to have been carried out in relation to the direct and indirect impacts of the Load Test area on the SPA / Ramsar birds using this part of the application site. The nature	England have not objected, it is considered that the revised information submitted is acceptable. Please refer to section 5.4 for further information.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	of the works limit options for a phased approach to avoid impacts. The limited data relating to the overwintering bird survey results from 2019/20 does not illustrate the negligible importance of the Load Test area for overwintering birds as suggested. There is considerable seasonal variation in abundance and distribution of waterbirds, and the single winter's terrestrial bird survey undertaken only begins to reveal the relative importance of the different parts of the application site year-on-year. This is particularly the case for Brent Geese. It is apparent that fields adjacent to the Load Test Area do support significant numbers of Golden Plover. No assessment appears to have been undertaken of the potential indirect impacts of the Load Test Area on these birds. These birds are also highly active at night when the Load Test area may be operating. No nocturnal surveys appear to have been undertaken at the application site or the surrounding area. Nor has any assessment been made of the potential impacts of the Load Test Area on nocturnally feeding birds. <u>Conclusion</u> Without further data to improve the understanding of the usage of the area by the SPA/Ramsar birds (and other priority species), including information concerning future cropping plans, it is not considered that the Council will be able to determine that the proposal will not lead to an adverse effect on the integrity of the Blackwater Estuary and Dengie SPAs/Ramsar sites. As part of the Council's HRA, it will be particularly important to consider the role of functionally linked land within the application site and the importance	

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	of the area within the wider context of the SPA/Ramsar site network. Natural England's advice on the matter of the 2016 SPA review (letter dated 23 March 2020) is noted. However, RSPB considers given the significant importance of the application site for at least three SPA species and that the boundaries of both of the adjacent SPAs have been identified by the latest SPA review as requiring review, the site should be viewed as a future possible SPA extension.	
Health and Safety	No response received at the time of writing this report	Noted
Office for Nuclear Regulation	No response received at the time of writing this report	Noted
The Maldon Society	Concerns relating to impacts on wildlife and nationally important designations, along with residential impacts.	Addressed at sections 5.4, 5.5 and 5.6

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection The Phase 1 study comprises a suitable characterisation of the site and assessment of the potential for contamination to be present at the site. The careful management of works are required and can be successfully achieved through the measures outlined in in section 7 of the study and the Outline Environmental Management Plan. The proposed development is very similar in scope and nature to previously approved application 17/01128/FUL. Upon consideration of the most recent Noise Appraisal Report, the previously recommended and applied conditions in respect of noise remain suitable and have been suggested.	Addressed at sections 5.5 and 5.6

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Name of Internal Consultee	Comment	Officer Response
Ecology	The Environmental Impact Assessment (EAR) has been updated to include additional mitigation measures to ensure that impacts on protected species are appropriately avoided or mitigated. As the location for the works have not yet been confirmed there is potential for disturbance to sensitive areas for nesting Bearded Tit which is notified under the Dengie SSSI. Mitigation relating to this impact, to avoid damage to the SSSI has also been included within the updated EAR. The location for the works has not been confirmed, but there is potential for disturbance to sensitive areas for nesting Birded Tit, which is notified under the Dengie SSSI. Mitigation has been included within the updated EAR. <u>HRA</u> The detail contained within the Shadow HRA Appropriate Assessment relating to impact pathways is acceptable. The estimated ground works would commence in early-mid July (subject to Planning Permission) and are expected to be completed by the end of November. Works will therefore, avoid the sensitive period when Functionally Linked Land is likely to be used by SPA/Ramsar qualifying feature Pochard (April to July). This timing should be secured via a condition and is approach advocated by Natural England. The additional mitigation measures embedded in the design of the proposal will overcome the concerns raised by consultees and adverse effects on the Conservation Objectives for the designated sites. The conclusion of the Shadow HRA Appropriate Assessment is agreed beyond reasonable scientific doubt and	Please refer to section 5.4.

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Name of Internal Consultee	Comment	Officer Response
	MDC as the Competent Authority, can adopt this document as its HRA record. The proposal is therefore, a HRA complaint development. <u>Protected species</u> A condition should be included requiring any excavations left over night to be inspected daily for any species and to ensure that there is a means of escape left for any trapped animals. <u>Priority Species</u> Noted that ground nesting birds are potentially at risk of being disturbed, but working practices will avoid the breeding season, which is welcomed. The recommended working practices will ensure that the Principal Contractor can avoid impacts on ecological features. If the appropriate mitigation measures are secured, the development can be made acceptable. <u>Biodiversity Enhancements</u> No enhancements have been included, but measures can be secured through a condition requiring a Biodiversity Enhancement Strategy.	
Conservation Officer	The ground-investigation site compound and load-test area – highlighted in purple in the above plan – would be immediately adjacent the four blister hangars. The load tests will require deep excavation and ‘mounding of material up to 6-8m in height’. The flat, open landscape which surrounds the hangars is an important part of the way these buildings are experienced, and their significance appreciated. The mounded material will overwhelm the setting of these buildings, thus detracting from their setting and significance. The compound would be a temporary	Addressed at section 5.3

Name of Internal Consultee	Comment	Officer Response
	feature. A condition on the planning permission requiring the removal of the ground-investigation compound within five years, along with levelling of the ground to return it to its condition prior to the work would reverse the harm caused by the site compound to the setting of the four blister hangers.	

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 **One** Letter supporting the application has been received. The reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Application is solely for ground testing works, and so is unlikely to cause any serious disruption to the area in terms of traffic or wildlife.	Impacts on wildlife and highway matters are addressed at sections 5.4, 5.5 and 5.7
The site is of national importance to bring new electricity supplies.	Noted
Support the application due to the importance of the infrastructure but have reservations on design. However, that is not a matter for this application.	Noted

8.4.2 **137** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Noise disturbance	Addressed at section 5.5
Increase in vehicles and construction traffic which the existing infrastructure cannot cope with and will damage roads	Addressed at section 5.7
Planning permission would allow the company to commence works before being granted planning permission for the remainder of the build.	The application is for ground investigation works only. A permission would not permit any other works
Impacts on the character and appearance of the countryside	Addressed at section 5.2
Impacts on St Peter's Chapel as a heritage asset in terms of both its setting and stability	Addressed at section 5.3
Potential to cause seismic activity	The necessary measures are proposed to be imposed to minimise risk
Works are not necessary at this stage	The justification for the works are provided in section 3.1 and 5.1
Demonstrable impacts on wildlife and the environment	Addressed at section 5.4 and 5.5

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Objection Comment	Officer Response
The previous power station polluted the environment	This is not relevant to this application
The decommissioning of the previous plant caused noise disturbance	This is not relevant to this application
The site has to store nuclear waste	This is not relevant to this application as it only relates to ground investigation works
Wildlife is only just recovering from the previous power station	Impacts on wildlife are addressed at sections 5.4 and 5.5 but the previous power station is not a consideration for this application
The landscape will be destroyed	Addressed at section 5.2
The project is a waste of time and money because the site is only earmarked until 2025	This is not a material planning consideration
It will cause over inflated energy prices	This is not a material planning consideration
Hinckley has issues with leakages and poor equipment	This is not a consideration for this application
Two sites are not needed and another site is earmarked elsewhere	The application must be assessed on what is being proposed. The application does not require an assessment of need
The design appears to be at an early stage and so the need for preliminary investigations cannot be substantiated at this stage. The application is therefore, premature.	This is not a planning consideration
There is a lack of mitigation for flooding, ecological disturbance, amenity damage and archaeological destruction. Permission for the works should not be granted unless it can be demonstrated that the operations can be safely and securely sustained into the future.	Addressed at sections 5.3, 5.4, 5.5 and 5.8
There is a lack of justification for the works. The need for nuclear energy will have diminished by the time the site is operational.	The justification of the works is outlined in sections 3.1 and 5.1. Justification for a new nuclear power station is not required as part of this application
Nuclear energy is dangerous	This is not a consideration for this application as it only relates to ground works
The site is not suitable due to sea level rise and climate change	Flood risk is addressed at section 5.8 and can only be assessed in relation to the ground works
The proposal doesn't fully include the investigative works necessary to inform the suitability of the site and its environment for the provision of supporting the required infrastructures.	The application must be assessed on what is being proposed
Flood Risk.	Addressed at section 5.8

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Objection Comment	Officer Response
Irreversible impacts on ecology	Addressed at sections 5.4 and 5.5
Investigation works should not take place before the approval of the power station.	The works are to inform the suitability of the site and so would be required to inform any later application for the power station
The power station is too large for the village	This application is not for a power station
The bore holes will provide a head start for the works.	If permission is granted it will only be for the works proposed
Proposed site investigation holes appear to be in a similar position to the main water and underground power supplies.	The relevant bodies have been consulted and raise no objection
Nuclear Power is not environmentally friendly or a zero carbon form of energy.	This is not an application for a power station
The nuclear plant would displace cleaner, cheaper, renewable technologies which will soon be available.	This is not an application for a power station
Loss of public footpaths	No public footpaths would be lost as a result of these works
Light pollution	Addressed at section 5.5
The Blackwater Estuary is a biological Site of Special Scientific Interest which we have a duty to safeguard	Addressed at section 5.4
Marine animals including fish and oysters will be killed. The discharge of sediment and water will disturb the waterways and impact on marine species.	Addressed at section 5.4 and 5.5
The village doesn't require 500 houses	This is not relevant to this application
Impacts on recreational coastal activities	There will be minimal impacts on recreational activities as a result of the investigative works
Impact on views from Mersea Island	These works will not impact views from Mersea. The application is not for a power station
How will nuclear waste be dealt with?	The application is not for a power station therefore this is not relevant at this time.
When will the Environmental Impact Assessment be published?	The development is not an EIA development and therefore, no EIA is required.
What is the evacuation plan for the power station	The application relates to the ground investigations only. Therefore, it is not the appropriate arena for considering the potential future application for a power station.
The proposal falls within designated sites	Addressed at section 5.4
Vehicle congestion	Addressed at section 5.7
The scale of the development would overwhelm the surrounding environment	Addressed at section 5.2.

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Objection Comment	Officer Response
Planning permission should be delayed until the Covid-19 situation is resolved.	The application is being considered in the usual ways by the relevant Planning Committee. Therefore, there is no need for delay.
Percussive drilling of a large hole and filling with concrete is not safe in the Dengie Peninsula where the ground is unstable	The Applicant will be required to ensure the stability of the ground under the relevant legislation.
No work should commence until any munitions have been removed with the submission of an approved method statement and approval by MOD bomb disposal team.	This is not a planning consideration
The applicant should evidence public and liability insurance	This is not a planning consideration
The NDA should be consulted on the application.	This is not an application for decommissioning a power plant
Groundworks would cause disruption of contaminated land exposing residents to toxic air.	Addressed at section 5.5
Would affect the nearby conservation area	Addressed at section 5.3
Increase in pollution levels	Addressed at section 5.5
Residents will want to re locate	This is not a planning consideration
No positives for local residents	The benefits are addressed at section 5.1
It is not clear what jobs will be available for local residents	Addressed at section 5.1.
Will accommodation be designed to fit within its surroundings?	No accommodation is required as part of the ground investigations
Services such as police, hospitals and fire stations are too far away	This application relates to ground investigations. The access to these services would be no different to those who reside in the village
Freight should be delivered by sea	Access is addressed at section 5.7
There would need to be a new road network	This is not necessary for the ground investigation works
Relationship between nuclear power and cancer	This is not relevant to the ground investigation works. The application does not relate to a power station.
Adequate consultation not provided	The Local Planning Authority have consulted on the application in accordance with the necessary requirements
The trauma and mental implications for residents should there be a nuclear incident	This is not an application to consider a power station
Local fisherman will be affected by the release of waste into the river	This is not an application to consider a power station
The buildings will swamp a beautiful natural area	This is not an application to consider a power station
By 2030, alternative and clean energy schemes will be working efficiently so there will be no	This is not an application to consider a power station

APPENDIX 1

Objection Comment	Officer Response
need for nuclear energy	
The River Crouch is already contaminated from radiation	Contamination is addressed at section 5.5
It will ruin property values	This is not a material planning consideration
The actual need and location have not been proven	There is no requirement to demonstrate need for ground investigation works
The percussive drilling will cause disturbance	Addressed at sections 5.5 and 5.6
Disturbance of protected species	Addressed at sections 5.4 and 5.5
Storage of flammable substances increases the risk of explosion	Site compounds have been proposed to ensure the safe storage of materials and fuel.
If planning is refused will the earthworks already carried out be filled in?	This is not relevant to this application
Impact on Grade 2* Church of St Thomas	Impacts on heritage assets have been addressed at section 5.3
The size of the bunds seems excessively high	Addressed at section 5.2
No national economic case has ever been made for this development	This relates to ground investigation works, no economic case is required.
There is no need for nuclear, why not wind, solar, tidal etc.	This is not an application to consider a power station
Negative effect on local businesses	Addressed at section 5.1
Will result in the loss of the Bradwell Airfield	Please refer to section 5.3
The Ecological Survey is out of date using data from 10 years ago. The field survey in 2017 was carried out over a 3 day period in August and completed in 2019 via a 'desk study'. It is not possible to conduct an ecological survey remotely by computer.	Addressed at section 5.4. As the statutory consultee Natural England do not object to the development.
The Ecological Survey is devoid of information/statistics/ data for specific species	Addressed at section 5.4. As the statutory consultee Natural England do not object to the development.
The fifth boundary of the site does extend into the SPA and SAC area, The development will have significant effects on Water Voles and Otters.	Addressed at section 5.4
The siting of the boreholes has not been confirmed and so it will not be possible to accurately assess the impacts.	The general location of the boreholes is known. However, the impacts are assessed on the site as a whole and therefore, the information is considered sufficient.
The 2019 report acknowledges that it was only possible to obtain satellite images with 4 spectral band imagery instead of 8. This does not appear to each the standards required for the HRA	The detail provided is considered sufficient for the Council as the Competent Authority to undertake the HRA.
The Ecological Survey does not mention noise disturbance relating to the bird population. It is	Noise is fully addressed within the Ecological Appraisal, the Noise

APPENDIX 1

Objection Comment	Officer Response
not considered that the noise from the equipment will be on par with a lawn mower.	Assessment and sections 5.4 and 5.5 of this report.
Risks to human health as a result of a new nuclear power station	This application is not for a new nuclear power station. Therefore, this is not a material consideration.
Impacts on fishing and leisure industries as a result of a new power station	This application is not for a new nuclear power station. Therefore, this is not a material consideration.
Lack of consultation due to the pandemic	The consultation required to be carried out in relation to this application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015
The RSPB, Natural England and Essex Wildlife Trust all object to the proposal	Please refer to section 5.4
Lack of marine survey relating to pollution	Pollution/contamination is addressed at section 5.5
MDC have an obligation to push for Bradwell B to carry out consultations before applications are considered.	This application does not relate to the new nuclear power station. MDC does not have power to consult on proposals which do not relate to a live application.
Unacceptable working hours in terms of residential amenity	Addressed at section 5.6
There is no record of a Form 1 notice being served on Strutt & Parker (Farms) Ltd either as Tenants or as a Landowner.	The Council has been provided with copies of the covering letters and notice which was said to have been sent to the relevant land owner on the 6 th February 2020.
Works should not be carried out during the harvest period or when the ground conditions are wet. Works should not occur between 1 st November and 31 st March to prevent damage to soil structure. Works should only occur when the growing crop has been harvested and before the next crop is sown to minimise disruption to the farm business.	Proposed condition 17 ensures that no ground investigation works will take place within a 300m buffer zone around the Borrow Dyke between April to July inclusive or October and November and will avoid fields sown with the preferred foraging crop (winter wheat) during this period. Following consultation with Natural England it is considered that these mitigation measures are sufficient. Whilst the letters and forms were not sent by recorded delivery, on balance the LPA has no reason to dispute this evidence that the notice was issued. Therefore, the application is considered to be valid.
A S106 should require the developer to reinstate the land following the excavation works if further development will not proceed.	Planning Practice Guidance states that planning obligations should only be used where it is not possible to address

APPENDIX 1

Objection Comment	Officer Response
This should be secured by a financial mechanism in case the developer does not have the required funds to continue.	unacceptable impacts through a planning condition. There is no reason to suggest or assume that the developer will not have the required funds and therefore, a S106 for this purpose is not considered necessary and the proposed conditions are considered sufficient.
As the Applicant doesn't own all of the land in question, conditions alone will not be sufficient to control matters relating to archaeology. Therefore, a s106 is proposed for: 1. Provision for site management, interpretation schemes and access; 2. Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance in the future; and 3. Safeguarding of archaeological interest or provision for excavation, recording and archiving.	Planning Practice Guidance states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. As the land in question falls within the red line boundary of the site it is considered that these matters can be suitably managed via conditions.

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

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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 412657-MMD-00-XX-DR-C-0001, 412657-MMD-00-XX-DR-C-0002, 412657-MMD-00-XX-DR-C-0003 Rev P3, 412657-MMD-00-XX-DR-C-0004, 412657-MMD-00-XX-DR-C-0005, 412657-MMD-00-XX-DR-CIV-0007, 412657-MMD-00-XX-DR-CIV-0008, 412657-MMD-00-XX-DR-CIV-0009 and details included within Planning Statement (dated February 2020), Ecological Appraisal Report (May 2020), GI Site Investigations Ecological Appraisal Addendum (June 2020), Noise Appraisal Report (February 2020), Heritage Statement Report (February 2020), Flood Risk Assessment (February 2020) and Contaminated Land Desk Study (February 2020)
REASON: To ensure the development is carried out in accordance with the details as approved.

- 3 The intrusive ground investigations shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:
- Up to 30 rotary/sonic drilled (cored) explanatory holes.
 - Up to 130 cable percussion boreholes.
 - Associated in-situ testing including strength and permeability testing;
 - Up to 60 Cone Penetration Test (CPT) probes.
 - Up to 30 trial pits and observation pits.

The Load Test investigation will involve shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:

- a 200m by 100m wide, 8-10m deep (approximate) open cut excavation.
 - Surface and underground measuring instrumentation, with approximately 40 vertical holes formed.
 - Two 4m diameter and one 7m diameter plate load tests and the bottom of the excavation.
 - No more than two engineered and instrumented earth fill embankments
- REASON: To ensure the development is carried out in accordance with the details as approved.
- 4 The proposed ground investigation hereby permitted shall cease no later than two years from the commencement of the ground investigation work and the load testing works hereby permitted shall cease no later than three years from the commencement of the Load Test investigation.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 5 Within five years of the date of the planning permission, if permission has not been granted for a new nuclear power station on the site, the approved ground-investigation compound shall be removed, and the ground levelled to return it to its condition and appearance prior to the work.
REASON: In the interest of nearby heritage assets in accordance with Policy D3 of the LDP.
- 6 No additional ground investigations shall take place, unless and until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 7 The temporary structures in the proposed in the Site Compound areas shall not exceed a height of 10m.
REASON: Permanent retention of the structures would be unacceptable and to ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.

- 8 The temporary structures in the proposed within the ground investigation Site Compound area shall be completely be removed within 2 months from the completion of the proposed intrusive ground investigation works or within two years from the commencement of the development hereby permitted. The temporary structures in the proposed within the Load test Site Compound area shall be completely be removed within 2 months from the completion of the proposed load testing works or within three years from the commencement of the development hereby permitted.
REASON: To ensure the development is carried out in accordance with the details as approved and to protect the external appearance and character of the area in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.
- 9 No development shall take place outside hours between 7.00 and 20.00 Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no working on Bank Holidays.
REASON: In the interests of protecting the amenities of adjacent occupiers during the works, having regard to policies D1 and H4 of the approved Local Development Plan.
- 10 At the boundary of the nearest noise sensitive premises levels of noise from the site investigation work shall not exceed:
- 65 dB LAeq, 1hour between 0700 to 1900 hours, Monday to Friday and 0700 to 1300 hours on Saturdays
 - 55 dB LAeq, 1hour between 1900 to 2000 hours, Monday to Friday
 - 55 dB LAeq, 1hour between 1300 to 2000 hours on Saturdays, and 0700 to 2000 hours on Sundays
- REASON: In the interests of protecting the amenities of adjacent occupiers during ground investigations, having regard to policies D1 and H4 of the approved Local Development Plan.
- 11 Lighting should be in accordance with the details submitted within the Ecological Appraisal Addendum section 2 'Lighting Strategy.' With the exception of the PIR (Passive Infra-Red sensor) lighting and suitably shrouded task lighting to the Site Compounds, no other means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the approved Local Development Plan.
- 12 The development shall be carried out in accordance with the methodology described in the submitted 'BRB Phase 2 Ground Investigation: Drilling Approach and Aquifer Protection'.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP and guidance contained within paragraph 109 of the NPPF.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP.
- 14 All spoil and topsoil storage within the Load Test Investigation site shall be sited outside of Flood Zones 2 and 3 as shown on Drawing 412657-MMD-00-XX-DR-CIV-0007.
REASON: To ensure that there is no loss of flood storage capacity within recognised flood risk areas (Flood Zones 2 and 3) in accordance with Policy D5 of the LDP.
- 15 The development shall be carried out in accordance with the submitted Technical note: Historic Environment – Archaeological Written Scheme of Investigation for Evaluation and Mitigation works at Bradwell B (March 2020).
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.
- 16 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Landscape Visual Appraisal Report (February 2020).
REASON: In the interests of protecting the character and appearance of the landscape, in accordance with Policy S8 and D1 of the LDP.
- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report Rev P04 (Wood, May 2020), the GI Site Investigations Ecological Appraisal Addendum (June 2020), the Outline Environmental Management Plan (BrB, Feb 2020) amended to include additional precautionary measures for water voles as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

No ground investigation works will take place within a 300m buffer zone around the Borrow Dyke between April to July inclusive or October and November to take account of key periods of sensitivity for breeding pochard, bearded tit and overwinter bird species and will avoid fields sown with the preferred foraging crop (winter wheat) during this period.
REASON: In the interests of protecting ecologically important species in accordance with Policy N2 of the LDP.
- 18 No works should be undertaken within the boundary of the Dengie & Blackwater Special Protection Areas (SPA); Special Areas of Conservation (SAC); Ramsar sites; and Sites of Special Scientific Interest (SSSI) at any time.

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REASON: To enhance protected and priority species and habitats in accordance with Policy N2 of the LDP.

- 19 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Noise Assessment (February 2020).
REASON: To enhance protected and priority species & habitats in accordance with Policy N2 of the LDP.

- 20 The development hereby approved shall be carried out in accordance with the detailed contained within the Planning Statement (February 2020) relating to the site access and traffic management within the site. This includes detail relating:

- Storage of plant and materials used during the development
- The erection of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In the interests of highway safety and the character and appearance of the area in accordance with policies S1, T1, T2 and D1 of the LDP.

**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
DISTRICT PLANNING COMMITTEE
9 JULY 2020

**CIRCULATED
BEFORE THE
MEETING**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	20/00157/FUL
Location	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
Proposal	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
Applicant	Bradwell Power Generation Company Limited
Agent	N/A
Target Decision Date	EOT: 17/07/2020
Case Officer	Devan Hearnah
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Not Delegated to Officers Major Application

5. MAIN CONSIDERATIONS

5.3 Heritage and Archaeology

Amended as follows:

- 5.3.4 Notwithstanding the above, given that the ~~ground~~ **load test** investigation compound is a temporary feature it is considered that a condition requiring the removal of the compound within five years and returning the site to its condition prior to the work would reverse the visual harm on the hangers and their setting. As the works are estimated within the Heritage Report to approximately three years, it is considered that five years is a reasonable amount of time. Therefore, subject to this condition it is not considered that the harm to the non-designated heritage assets would amount to a reason for refusal.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee/ Other Organisation	Comment	Officer Response
Essex Wildlife Trust	Endorse the comments made by RSPB in their letter dated 15 th June 2020 in respect of the additional information provided. Position is of objection, based on insufficient information to enable MDC to rule out adverse impacts on SPA designated sites.	Given that Natural England have not objected, it is considered that the revised information submitted is acceptable. Please refer to section 5.4 of the Committee Report.

8.4 Representations received from Interested Parties

8.4.2 **Seven** additional letters of objection have been received, equalling a total of **144** objection letters. The points raised do not raise any new material planning considerations but for clarity the reasons for objection have been summarised below:

Objection Comment	Officer Response
Alterations to the landscape forever	Addressed at section 5.2 of the Committee Report. The site is to be returned to its current condition once the works are complete.
Noise, light and traffic disturbance	Addressed at sections 5.5 and 5.7 of the Committee Report
Reduction in tourism	There is no evidence to suggest that the development would result in a reduction in tourism. The works would increase jobs in the area and would likely have a positive impact on the local economy.
Heritage impacts	Addressed at section 5.3 of the Committee Report
Ecological Impacts and harm to the European Designated sites – objections from Natural England and RSBP	Addressed at sections 5.4 and 5.5 of the Committee Report. It should be noted that Natural England have removed their objection.
Contamination risks	Contamination is addressed at section 5.5 of the Committee Report.
There is no need for nuclear energy	This is not a consideration for this application as it only relates to ground works.
Flood Risk	Addressed at section 5.8 of the Committee Report.

Objection Comment	Officer Response
Undemocratic consultation	This refers to the separate consultation being ran by BRB in relation to the proposed power station and does not have a bearing on this application. This application was fully consulted on in accordance with the relevant legislation.
Potential to uncover WW2 graves	Heritage and Archaeology are addressed under section 5.3 of the Committee Report and appropriate conditions are proposed to deal with this matter.
The groundworks planning application forms a critical part of a National Infrastructure Project not supported by National Policy (due to two reactors being proposed, opposed to one) therefore, it's outside of the planning system. The Nuclear Power National Policy Statement (NPS) does not support two reactors at Bradwell and all supporting documentation to justify the Governments case to include Bradwell is based on one reactor. Impacts for two have not been considered. The NPS states that Bradwell will not be revisited and reassessed for two reactors. As the works do not relate to the NPS planning should not be given.	These matters largely relate to the wider consultation being undertaken by BRB in relation to proposal for a new nuclear power station, rather than the ground works. However, the works proposed as part of this application are to inform the development consent order (DCO) process, and the impacts of a two-reactor station would need to be assessed as part of that DCO process. Therefore, these works are required to inform that process.
MDC should not issue a decision until the Minister responds to the legality of the consultation process.	It would appear that this relates to the legality of the separate consultation process that is currently being undertake by BRB in relation to the wider development of a nuclear power station and not this application.

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

PROPOSED CONDITIONS

- 5 Within five years of the date of the planning permission, if permission has not been granted for a new nuclear power station on the site, the approved ~~ground investigation~~ **load test investigation** compound shall be removed, and the ground levelled to return it to its condition and appearance prior to the work. REASON: In the interest of nearby heritage assets in accordance with Policy D3 of the LDP.

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