



APOLOGIES Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

22 September 2021

Dear Councillor

You are summoned to attend the meeting of the;

**DISTRICT PLANNING COMMITTEE**

on **THURSDAY 30 SEPTEMBER 2021 at 7.30 pm**

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

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance





**AGENDA**  
**DISTRICT PLANNING COMMITTEE**  

---

**THURSDAY 30 SEPTEMBER 2021**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the District Planning Committee held on 5 August 2021, (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. **21/00384/RES - Land at Broad Street Green Road and Langford Road and Maypole Road, Great Totham, Heybridge and Langford and Ulting** (Pages 11 - 40)

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

6. **21/00270/ADV - McDonald's, Fullbridge, Essex, CM9 4LE** (Pages 41 - 52)

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

7. **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 Nos. 5 and 6.
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](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

**NOTICES****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.

**Fire**

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

**Health and Safety**

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

**Closed-Circuit Televisions (CCTV)**

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

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

## **Supplementary Planning Guidance and Other Advice (continued)**

### **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.

This page is intentionally left blank



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
5 AUGUST 2021**

---

**PRESENT**

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	Miss A M Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, CC, B B Heubner, A L Hull, K M H Lagan, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

**190. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**191. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M G Bassenger, V J Bell, R G Boyce MBE, R P F Dewick, M F L Durham CC and K W Jarvis.

**192. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 9 June 2021 be approved and confirmed.

**193. DISCLOSURE OF INTEREST**

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council who were consultees on planning applications.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council.

**194. 21/00479/FUL LAND NORTH OF MARSH ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>21/00479/FUL</b>
<b>Location</b>	Land North Of Marsh Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Residential development comprising the construction of 58 residential dwellings (Use Class C3) public open space, landscaping and associated infrastructure (Revised proposals to that already approved under FUL/MAL/19/01208 to provide 15 additional dwellings, a revised dwelling mix and alterations to the layout)
<b>Applicant</b>	Taylor Wimpey (East London)
<b>Agent</b>	Mr Oli Milne – Savills
<b>Target Decision Date</b>	26.08.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Major application Strategic site within the Local Development Plan

An Update to the report had been circulated prior to the meeting and detailed the following:

- an amendment to paragraph 4.1 and 5.13.6 of the report;
- details of Heads of Terms relating to education contributions following receipt of a consultation response from Essex County Council Education;
- conditions 10 – 13 required detail to be submitted prior to the commencement of the development and agreement of these had been gained from the applicant;
- consultation responses had been received from Essex County Council Education, the Specialist - Environmental Health and the Arboricultural consultant;
- clarification to heads of terms 2;
- amendment to condition 2 and additional condition 36.

During her presentation of the application the Specialist – Development Management provided the following verbal updates following receipt of consultation responses:

- Essex County Council (ECC) Sustainable Drainage Systems Team still require some additional information, however Members were advised that this would be covered by a recommended condition.
- ECC Highways has raised no objection but had recommended some conditions to be imposed and advised that the same financial contribution, as required as part of the previous application, was necessary. If Members were mindful to approve the application there would need to be an amendment to the recommendation to ensure the relevant conditions and financial contribution were secured, if necessary.
- The Waste Team had made some recommendations in terms of waste storage and collection. The Officer advised that a refuse strategy had been submitted as part of the application and any additional information requested could be dealt with by condition, if Members were minded to approve the application.

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



A lengthy debate ensued and in response to a number of questions and concerns raised by Members the following information was provided by Officers:

- The whole site had permission for 90 dwellings and this application sought an additional 15 dwellings bringing the total dwellings on the site to 105.
- The application met the 40% affordable housing requirement and met minimum space sizes with regards to Nationally Described Space Standards. However it did not comply with the results of the 2021 Local Housing Needs Assessment which had been published after the application was submitted.
- All proposed properties had car parking spaces and complied with the required standards.
- In order to accommodate the additional units an area of the previously approved orchard had been reduced along with a slight reduction in open space landscaping.
- The figures detailed in the proposed Heads of Terms would be reviewed alongside those agreed with the earlier planning permission to ensure the developer was not charged twice for the same units.
- The Section 106 Agreement would seek additional contributions to Recreational disturbance Avoidance & Mitigation Strategy (RAMS), National Health Service, Essex County Council etc.
- The application was supported by a Flood Risk Assessment and no dwellings were proposed in the areas of site associated with flood risk levels 2 and 3.
- In respect of the percentage of habitat improvement, it was noted that Essex County Council Ecology had been consulted and made recommendations.
- The footpaths and links to surrounding areas had not changed to those previously approved.
- It was noted that in respect of areas such as climate change the Council could only apply conditions that linked with its adopted policies.
- If approved the application would include a financial contribution to Essex County Council Education and its provision of schools and infrastructure in the future.
- Policy S6 referred to the provision of Bridleways. This scheme did not include a bridleway and the Officer advised it was not something that could be made a requirement of the current application.

In response to the debate and concerns raised, Councillor S P Nunn proposed that this application be refused, contrary to Officers' recommendation for reasons of overdevelopment of that previously approved, loss of the orchard green infrastructure and lack of a bridleway. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote. This was duly seconded.

The Lead Specialist Place commented on the proposed refusal and the reasons given and provided Members with some further clarification relating to overdevelopment and the loss of the orchard. The Officer advised he did not think a bridleway in respect of this site had previously been granted.

Following further debate amongst Members and guidance from Officers, Councillor Nunn amended his earlier proposal, advising that the reasons for refusal were as follows and this amendment was duly seconded:

- The proposed level of development resulted in the proposal not reflecting the rural character of the area, with reference to green infrastructure.
- No provision of a bridleway;
- The proposed housing mix not reflecting the Local Housing Needs Assessment.

The Chairman then put the proposal in the name of Councillor Nunn to the Committee and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, M S Heard, B B Heubner, A L Hull, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, N J Skeens, W Stamp, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor R H Siddall.

Abstention:

None.

This was therefore agreed.

**RESOLVED** that this application be **REFUSED** for the following reasons:

- 1 The proposed development, primarily due to the addition of 15no. residential units and the reduction in the landscaping, green space (including part of the previously approved orchard) and open space, along with the increase in built form and hard standing, would result in an urban form of development that does not reflect the rural character of the area to the detriment of the character and appearance of the area, contrary to Policies S2, S6, S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
- 2 The housing mix for the affordable housing proposed does not accord with the current affordable housing needs of the District as identified in the Local Housing Needs Assessment 2021. Therefore, the development would not meet the greatest affordable housing needs of the District, contrary to Policies S6, H1 and H2 of the approved Maldon District Local Development Plan and the NPPF.
- 3 One of the requirements of Policy S6: Burnham-on-Crouch Strategic Growth of the approved Maldon District Local Development Plan is that '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'. The development proposed does not make any provision for bridleways and therefore does not make adequate provision for links from the development to the surrounding area, contrary to Policy S6 of the approved Maldon District Local Development Plan as well as the aims of Policies T1 and T2.

There being no other items of business the Chairman closed the meeting at 8.45 pm.

M S HEARD  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE  
30 SEPTEMBER 2021**

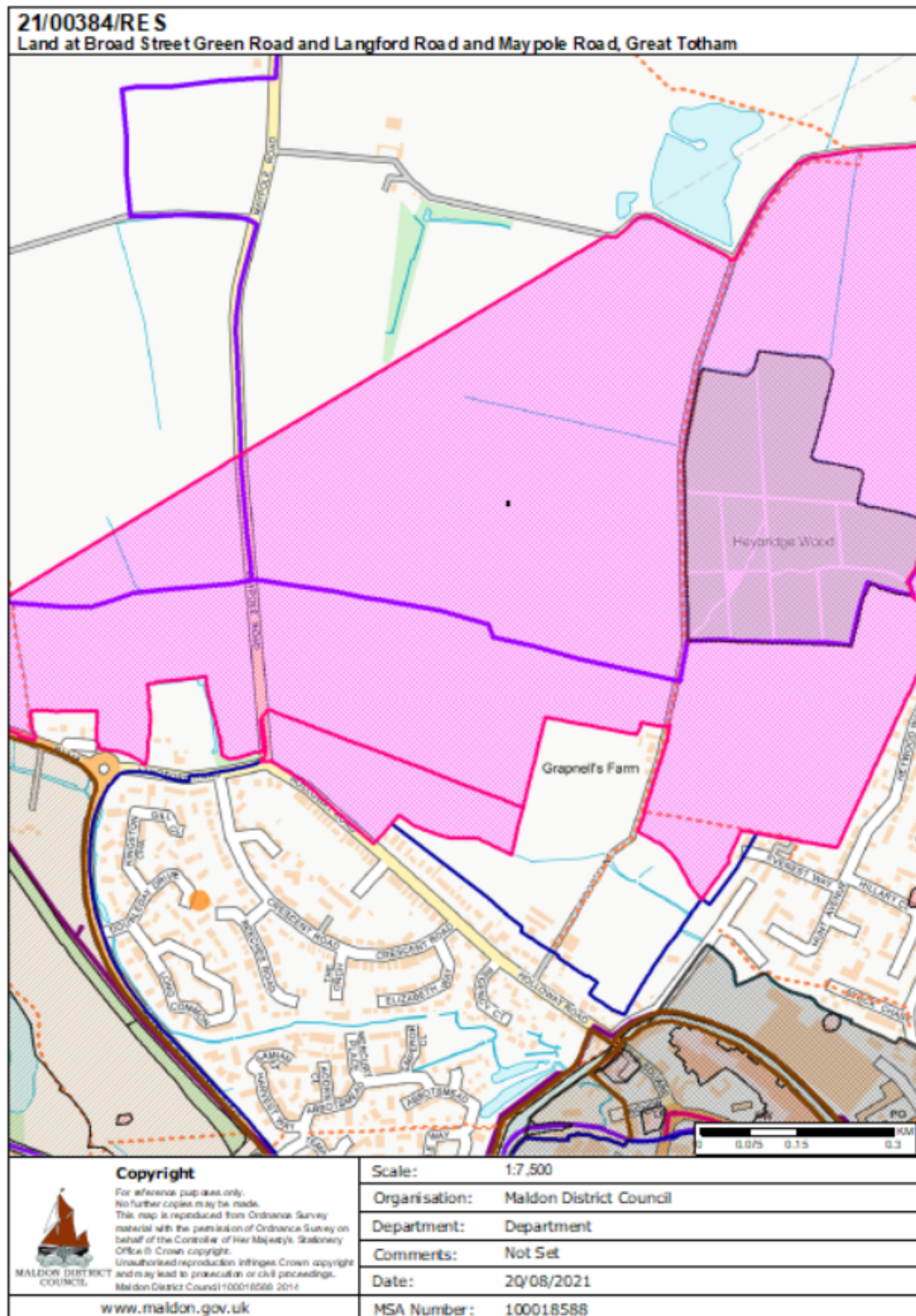
<b>Application Number</b>	<b>21/00384/RES</b>
<b>Location</b>	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham, Heybridge and Langford and Ulting
<b>Proposal</b>	<p>Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;</p> <ul style="list-style-type: none"> <li>(a) landscaping for the approved Relief Road,</li> <li>(b) phase 1 entrance green,</li> <li>(c) phase 1 spine road,</li> <li>(d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)</li> <li>(e) acoustic bund for phase 1</li> </ul> <p>Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> <li>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</li> <li>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</li> <li>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</li> <li>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</li> <li>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</li> <li>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</li> <li>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</li> <li>(Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline.).</li> </ul>
<b>Applicant</b>	Mr D Moseley - Countryside Properties (UK) Ltd
<b>Agent</b>	Kevin Coleman - Phase 2 Planning & Development Ltd
<b>Target Decision Date</b>	04.08.2021 – EOT agreed until 8 October 2021
<b>Case Officer</b>	Julia Sargeant
<b>Parish</b>	<b>Great Totham, Heybridge and Langford and Ulting</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.



### **3. SUMMARY**

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

3.1.1 This application represents the first reserved matters submission for the North Heybridge Garden Suburb, strategic site reference S2(d), in relation to hybrid planning consent granted on appeal on 25 October 2019 under reference 15/00419/OUT.

3.1.2 The development granted on appeal under reference 15/00419/OUT was:

*“Part outline/part detailed (hybrid) application for mixed use development including:*

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)*
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)*
- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)*
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)*
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)*
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);*
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and*
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).”*

3.1.3 This first reserved matters application relates to the strategic landscaping elements within the first phase of the development. Subsequent landscaping reserved matters applications will be submitted in respect of future phases (of which there are five). The submission covers the strategic landscaping, roads, paths, open spaces, and earthworks. The application does not include any part of the actual relief road layout approved under 15/00419/OUT as this was granted detailed consent under 15/00419/OUT, however it does include the landscaping alongside phase 1 of the relief road. Consent 15/00419/OUT also approved a number of parameter plans which are relevant to this reserved matters submission, which includes the land use parameter plan, the green and blue infrastructure parameter plan and the access and movement parameter plan. Condition No. 6 of 15/00419/OUT requires development to be carried out in accordance with the approved parameter plans.

3.1.4 Condition 11 of 15/00419/OUT required that before or concurrent with the first reserved matters application(s) for the site, a strategic phasing plan, for the site was to be submitted to and approved in writing by the local planning authority. A strategic phasing plan was submitted and agreed under reference 20/05039/DET. This application covers the strategic landscaping for the phase 1 area of the development. A subsequent submission will cover the residential parcels within the phase 1 area.

3.1.5 Plan showing the agreed phase 1 area:



3.1.6 The key elements of the strategic landscaping covered in this submission are:

- Landscaping along the western section of the relief road;
- Design of the open space at the entrance to the site from the Relief Road / Maypole Road;
- The design of the main spine road which runs through the main section of the site covered by phase 1, including the landscape treatment of this route;
- The design of green corridors that form the eastern boundaries of residential parcels 1 and 2 which are also included within phase 1 (although not part of this submission);
- The design of the central open space within phase 1 containing a formal garden and play area (Local Equipped Area of Play (LEAP)) which is located opposite the future site of the school (approved under 15/00419/OUT);
- The open space to the south of parcel 2 which connects into the Bellway site (references 14/00990/OUT and 17/00712/RES) to the south (site S2(e));
- The design of the acoustic bund that lies to the south of the relief road and the north of the residential parcel 1 within phase 1.

3.1.7 Condition No. 31 attached to 15/00419/OUT states that:

*“Any reserved matters application made pursuant to this approval that seeks the approval of landscaping details shall include a detailed landscaping scheme with designs and specifications for the associated reserved matters site. Where relevant to that part of the site, this shall substantially accord with the details set out within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement). The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme is broadly in accordance with the Council’s endorsed Strategic Design Code.”*



- 3.1.8 This application has been supported by a detailed landscaping scheme and landscaping statement which accords with the requirements of condition 31. This submission also includes details to comply with condition 28 (network of pedestrian and cycle routes) and condition 18 (arboriculture report). It must be noted that condition 31 (landscaping details) is split into two parts (as agreed under 21/00321/NMA) and the second part of this condition which requires full details for the hard and soft landscaping approved under any reserved matters does not come into force until prior to the commencement of any reserved matters approved.

### **3.2 Conclusion**

- 3.2.1 The principle of the development of this site has been accepted as the site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The strategic landscaping shown for phase 1 of the development is considered to accord with the North Heybridge Strategic Masterplan Framework, the North Heybridge Strategic Design Code and the outline planning permission to which it relates. It is considered that this first phase of strategic landscaping sets out a well-designed framework of green spaces and linkages that will ensure the development as a whole delivers the high quality, vibrant and distinctive neighbourhoods that the site aims to achieve. It is also considered that the proposal would be acceptable in terms of the quality of life for existing and future residents as well as highways, access, drainage and ecology. On the basis of the above, the application 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 2021 including paragraphs:**

- 7 Achieving sustainable development
- 8 Three objectives of sustainable development
- 10-12 The presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining Applications
- 55-58 Planning Conditions and Obligations
- 60-67 Delivering a Sufficient Supply of Homes
- 92-97 Promoting Healthy and Safe Communities
- 98-103 Open Space and Recreation
- 104-113 Promoting Sustainable Transport
- 119-125 Making Effective Use of Land
- 126-136 Achieving Well-Designed Places
- 152-169 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 174-182 Conserving and Enhancing the Natural Environment
- 189-193 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
- 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
- D5 Flood Risk and Coastal Management
- H4 Effective use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Car Parking Standards
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014)
- North Heybridge Garden Suburb Strategic Design Code (endorsed by Maldon District Council as a material consideration for Development Management purposes in March 2017)
- Green Infrastructure Strategy

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 and allows for:

- “(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)*
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)*
- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)*
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)*
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)*
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);*
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and*
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).”*



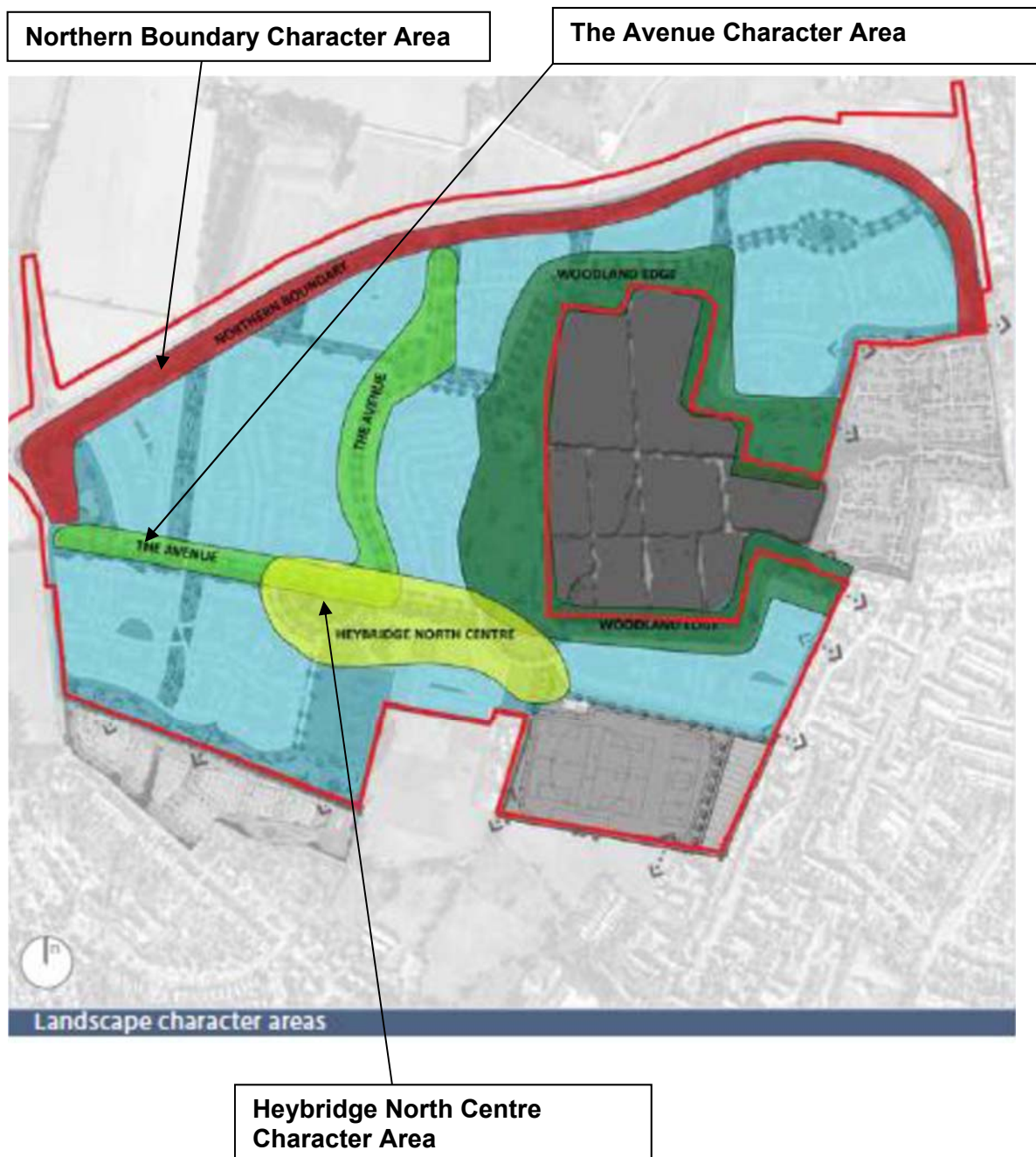
- 5.1.2 The granting of 15/00419/OUT therefore establishes that the principle of the development of the site has been considered acceptable. The permission also included Parameter Plans that form the basis for this reserved matters application.
- 5.1.3 This application is a reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 of the development. Essentially this application deals with all areas surrounding the residential parcels within phase 1, but not the residential parcels themselves. With the principle of developing the site set, and hybrid consent granted, the main considerations for this reserved matters submission is whether the details submitted accord within the details set out in the approved parameter plans, the North Heybridge Garden Suburb Strategic Masterplan Framework, the North Heybridge Garden Suburb Strategic Design Code, and relevant Local Development Plan (LDP) plan policies.

## **5.2 Design, layout, landscaping and Impact on the Character of the Area**

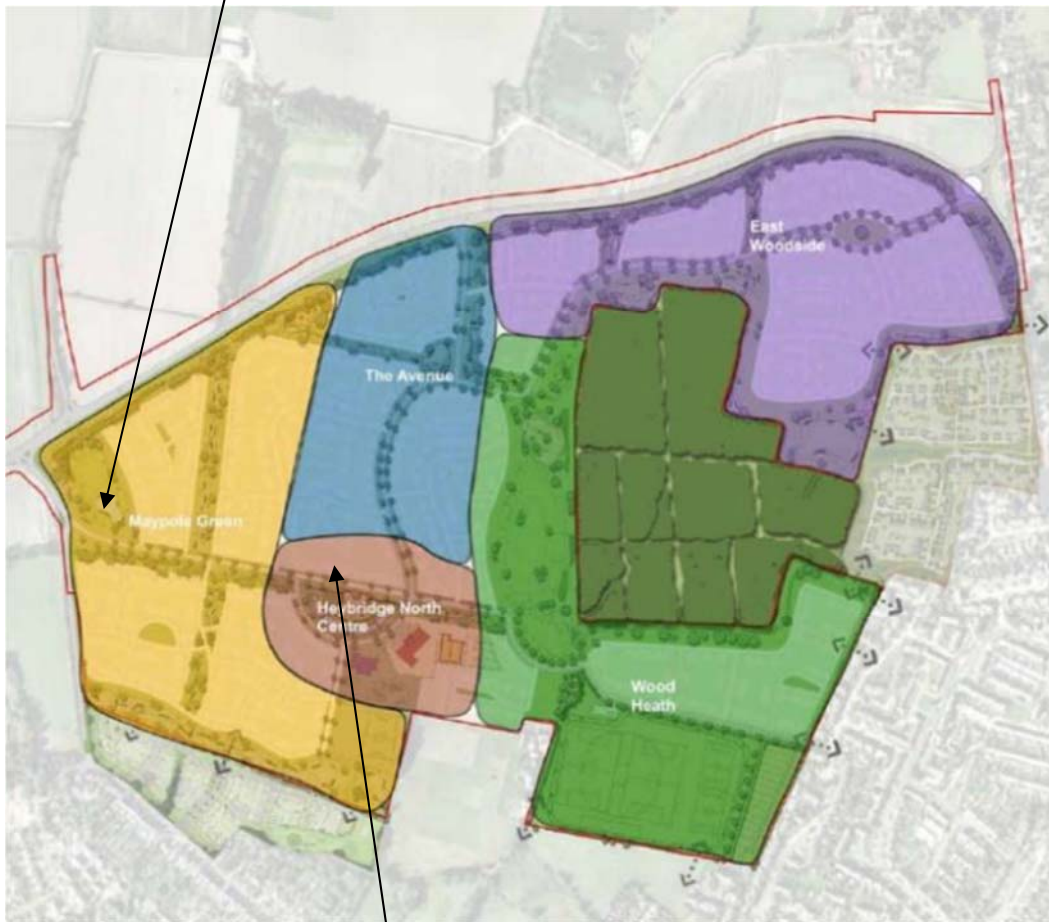
- 5.2.1 Part of the environmental role of sustainable development (the environmental role is one of the three strands of sustainable development along with the social and economic roles) as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.2.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.3 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The development is subject to a Strategic Masterplan Framework and Design Code. The North Heybridge Garden Suburb Strategic Masterplan Framework (NHGS SMF) and the North Heybridge Garden Suburb Strategic Design Code have both been endorsed by the Council as material considerations for Development Management purposes. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the hybrid planning application: 'Design Parameter Plan – Land Use', 'Green Infrastructure' and 'Movement and Access' are relevant to this submission. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework to guide the physical development of the strategically important infrastructure that is central in defining the garden suburb character.
- 5.2.4 A key part of the garden suburb model is the landscape led approach and there are three character context areas set out within the NHGS strategic design codes, which are the woodland edge, village edge, and garden suburb. This first submission covers part of the village edge character context as well as a key gateway and entrance into the development (entrance from the Maypole Road / relief road junction). The character context areas identified are not development neighbourhoods as referred to in the NHGS SMF and consented Design and Access Statement (DAS); they are broad areas that are influenced by their context, setting

and landscape which should be reflected across the different residential neighbourhoods that the DAS identifies. Condition 31 attached to 15/00419/OUT states that any reserved matters application that seeks the approval of landscaping details, shall substantially accord with the details set out within the submitted Design Strategy for the North Heybridge Relief Road (included within the DAS).

- 5.2.5 In terms of the approved DAS this phase 1 strategic landscaping submission covers a section of The Northern Boundary, The Avenue, and The Heybridge North Centre within character areas Maypole Green and Heybridge North Centre. The DAS also includes a relief road strategy (page 96). The extracts below show the relevant character areas taken from the approved DAS with the areas relevant to this submission annotated.



### Maypole Green Character Area



### Heybridge North Centre Character Area

5.2.6 The landscape character areas are defined within the agreed DAS as follows:

- Northern boundary landscape character area - This is described on page 80 of the DAS (2018). This area is to provide a transition between the development and the rural countryside to the north. The northern boundary also affords a degree of screening between the Relief Road and the residential parcels.
- The Avenue character area - This is described on page 77 of the DAS (2018) and includes verges with trees and hedgerows.
- The Heybridge North Centre - This is described on page 79 of the DAS (2018) and includes a formal tree structure and a play area set within the open space.
- The Maypole Green Character Area - The DAS (page 86) provides a further description of this character area. This includes:
  - The western gateway is articulated with a high-quality landscaped entrance providing an attractive arrival experience to the garden suburb.
  - Main streets are characterised as tree lined public spaces with green verges.

- The Heybridge North Centre - The DAS (page 88) provides a further description of this character area. This includes:
  - The Heybridge North Centre is the heart of the site and core of the future development. It comprises local services, education, and health facilities. These facilities will front onto a half crescent - an area of informal public open space that incorporates an area of children's play space. High quality public realm materials should emphasise the space and allow it to be used and adapted for a variety of public uses.

5.2.7 With regard to the overall approach taken with this reserved matters submission, it is therefore necessary to ensure the proposals conform with the parameter plans, the DAS, the NHGS SMF, and the NHGS Strategic Design Code. Each will be considered in turn.

#### 5.2.8 Approved parameter plans

5.2.8.1 Condition 6 attached to 15/00419/OUT requires development to be carried out in accordance with the approved parameter plans. The relevant parameter plans for this submission are:

- PRM-01 Rev R – Design Parameter Plan – Land Use;
- PRM-02 Rev W – Green and Blue Infrastructure; and
- PRM-03 Rev P – Access and Movement

5.2.8.2 In relation to the land use parameter plan the submission conforms with all areas shown for Green Infrastructure proposed as such. Furthermore, along the northern boundary of residential parcel 1 (northern parcel) the land shown on the land use parameter plan as '*area for either noise attenuation works or residential / green infrastructure use*' is shown for noise attenuation and green infrastructure.

5.2.8.3 The Green and Blue Infrastructure parameter plan details all open space, Sustainable Drainage System (SuDS) features, primary vehicular routes through the development and the indicative location of Locally Equipped Areas of Play (LEAPS) and the Neighbourhood Equipped Area of Play (NEAP). The submission conforms with this parameter plan with the location and extent of open space adhering. A LEAP is shown within the crescent shaped area of open space opposite where the primary school will be located, which also conforms with the approved parameter plan. The submission also details SuDS features within the open spaces in accordance with the approved parameter plan.

5.2.8.4 Looking at access and movement parameter plan it can be seen that the submission accords with this plan with all appropriate linkages shown.

#### 5.2.9 The NHGS SMF and the NHGS Strategic Design Code

5.2.9.1 The hybrid planning consent granted had regard to the NHGS SMF in terms of the DAS and overall approach to the development. This reserved matters submission follows the same principles outlined in the approved DAS and parameter plans. The NHGS strategic design codes are most relevant for this submission as they set out the detailed rules or requirements to guide the physical development of the site; that being the strategic design codes that relate to main structuring elements that pass through and influence the development. The relevant design codes for this submission are as follows:

#### 5.2.10 Primary Street Code – PS02.

5.2.10.1 The underlying principle of the code for the primary street is to immediately establish the garden suburb identity. It is a unifying feature which requires continuity of character and identity across plot boundaries. The key characteristics of this design code are:

- Consistent landscape strip's with formal tree planting parallel on both sides of the street to create an Avenue.
- Parallel pedestrian and cycle access provided
- Pedestrian and cycle access separated from the carriageway by a landscape strip or a verge which also accommodates parallel or bay parking
- A flexible strip adjacent to the carriageway which must be included as either parking, bus layby, additional lane on approach to junctions or extension of the landscape strip.

5.2.10.2 The priority is to achieve a formal mature avenue. Tree coverage must be evenly spread along the street.

5.2.10.3 The submitted details show that the primary street within this first phase would accord with the relevant design code. It would form a 6.75m wide internal link road from the already approved junction with Maypole Road, which would run on an east-west alignment through phase 1 and into the crescent shaped area of open space to the north west of the primary school and local centre site. The submission retains the existing hedgerow and group of trees to the south of this primary street at the entrance to the phase from Maypole Road, with the landscaping becoming more formal with even tree spacing along the remainder of the street further east. The retention of the existing hedgerow and trees is welcomed at the entrance to the site and would aid the transition from the rural open countryside and the garden suburb. This is also characteristic of the village edge character context set out within the NHGS strategic design codes. Appropriate pedestrian and cycle access is shown, which are separated from the main carriageway by a landscape strip. Originally the main pedestrian/cycle access was shown along the northern side of the primary street, however following initial feedback this has now been shown along the southern boundary for the majority of its length so that it is on the same side as the proposed school site and local centre and allows for easier access. To further facilitate cycle routes, the section of path through the open space located within the Crescent has also been increased in width to 3.5m which creates a continuous pedestrian and cycleway to the north of the spine road as well. Appropriate crossing points are shown to allow for linkages north and south into the residential parcels and public open space. Overall the proposed primary street within this phase would accord with the NHGS strategic design code.

5.2.11 Green Edge Code – GE01 - This section of the code is to be applied to all areas where development meets the woodland buffer or the transition with open countryside. Within phase 1 GE01 relates to the southern boundary of the relief road past its junction with Maypole Road and represents a rural edge of the development. As far as the code relates to this current reserved matters submission it forms the noise attenuation bund to the south of the relief road with shrub and tree planting. A footpath / cycle path runs along the southern alignment of the bund and links around the open space forming the landscaped gateway to the site. The design code allows for varying width of the bund from between 15m and 24m. The submission shows a bund 15 metres wide and between 2.5 and 3 metres high depending upon the surrounding ground levels. The footpath / cycle path would measure a minimum of 3.5 metres. It is noted that this area is smaller in width than that shown within the NHGS strategic design codes. The GE01 design code measures at least 25 metres

in width, and the area for this green edge on the submission is approximately 20 metres. However, the submission accords with the area designated on the approved parameter plans as well as the annotation which allocated the land for '*either noise attenuation works or residential / green infrastructure use*'. On this basis it is considered that the green edge would accord with the design code as far as practicable and accords with the approved parameter plans.

- 5.2.12 Green Space Codes (GS01, GS02 and GS03) - Green Infrastructure in the North Heybridge Garden Suburb needs to fulfil many important roles; it is essential for expressing the physical design principles of Garden Suburbs and providing new residents contact with nature. It will provide a buffer to residential areas and busy transport corridors, meet the majority of the recreational needs of new residents as well as providing opportunities for increased biodiversity, water management, amenity and shelter. In order to achieve these functions strategic green infrastructure corridors are identified in the North Heybridge SMF, set out in the Structuring Plan and approved within the parameter plans.
- 5.2.13 GS01 – Greenway east of residential parcel 2 (southern parcel in phase 1) - The NHGS design code states that this greenway is to be a multi-functional green corridor with a minimum width of 25m, with shared streets to both sides. The greenway may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, SUDs and wildlife corridors. Planting is to incorporate existing trees and hedges and maintain and enhance biodiversity. The submission shows this greenway as 25 metres in width with pedestrian and cycle links running north-south. The existing ditch is to be retained and used as part of the suds for the site with timber bridges to allow movement. Existing trees are shown retained with additional planting proposed. The proposed greenway would accord with the relevant design code.
- 5.2.14 GS02 – Green finger east of residential parcel 1 (northern parcel in phase 1) - The NHGS design code states that this green finger is to be multi-functional green corridor with a minimum width of 16m (min. 13 where no SUDs / swale), with shared streets to both sides. The green finger may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, existing watercourses, SUDs and wildlife corridors. The green fingers provide a second tier to the linear multifunctional space. The landscape will provide ecological enhancements and contain a significant proportion of native planting. The submission shows this green finger as between 27 and 29 metres wide with an existing ditch running north / south and a number of shallow attenuation basins. There would be a pedestrian / cycle way running north-south and linking into the green space to the south and route to the north around the site. Additional soft planting and trees are also proposed. The proposed green finger would accord with the relevant design code.
- 5.2.15 GS03 – Greenspace adjacent southern site boundary
- 5.2.15.1 This green space links strategic site S2(d) with site S2(e) (the Bellway site). One of this strategic design code's core functions is to bring a robust and defining structure to the garden suburb and a multifunctional use for connecting people with nature, a visual break in development and a continuous and connected green corridor for a strategic pedestrian and cycle links to the wider garden suburb network. This green space would measure between 37 and 40 metres wide and would contain two large attenuation basins as well as a pedestrian / cycle link which would link into site S2(e) to the south and GS01 to the north. A further pedestrian link is shown from the south of the residential parcel down towards site S2(e). The attenuation basins are to be planted with meadow grassland that would be maintained and remain dry for the



majority of the time and have been designed in such a way to be useable open space, outside of large rainfall events, as the benefit from shallow slopes to allow easy access. The existing trees / hedgerow along the southern boundary with site S2(e) is to be retained. This proposed greenspace would accord with the relevant design code.

5.2.15.2 There are also other sections of the proposal which do not have set specific design codes such as the green space to the entrance to the site, the half crescent area of green space opposite the local centre and the landscaping along the relief road. each of these elements will now be considered in detail.

#### 5.2.16 Entrance green space

5.2.16.1 The main area of green open space at the entrance to the NHGS is located at one of the main gateways into development and forms a key gateway entrance feature. It is also located within the village edge character area as set within the NHGS strategic design code. The village edge references its location adjacent to open countryside where it is appropriate to make a gentle transition from town to country. It will be formed from the development areas lying around the northern and western rural edge of the site and close to the Relief Road corridor.

5.2.16.2 At the entrance to the development within phase 1 a large area of public open space containing a large shallow attenuation basin leading to permanent water feature, which would benefit from marginal planting. There would also be a pedestrian footway/cycle path running along the open space adjacent to residential parcel 1 which would link into the wider network within the site. A pedestrian linkage is proposed across the open space which would link into the formal footway along the primary street. Existing trees within the area are shown to be retained with additional tree planting proposed, along with amenity grassland and wetland grassland to the attenuation basin. A low knee rail would run along the south western boundary of the space adjacent to the access road and toddler proof fencing would be located around the suds feature as it would hold permanent water.

5.2.16.3 The current submission initially included an entrance feature in the form of a low stone wall with 'Westcombe Park' etched into it with low level illumination. Following concerns with this element of the proposal the low stone wall has now been removed from the proposal.

5.2.16.4 Following the removal of the stone wall entrance feature it is considered that the layout and landscaping proposed to the main entrance green space is appropriate and reflective of this entrance into the garden suburb within the village edge character area as set within the NHGS strategic design code, as well as the Maypole Green character area set within the approved DAS.

#### 5.2.17 Half Crescent green space

5.2.17.1 Within phase 1 of the development is the half crescent green space located adjacent the primary street and opposite the local centre where the primary school is to be located. This green space is located within the main heart of the garden suburb and within the Heybridge North Centre character area set out within the approved DAS. The approved parameter plans show this area as public open space containing a LEAP. This public open space forms a key focal feature within the main primary street. The space is well connected into the pedestrian/cycle network within the development and would contain a range of uses. There would be two orchard gardens, a formal garden with seating, an area of open grassland and a LEAP.

5.2.17.2 It is considered that this area of open space is well designed and would create an interesting and usable focal point opposite the local centre. There is a variety of open spaces which would increase the usability of the space. In terms of standards for this LEAP we would expect to see as a minimum:

- Five play types, including a safer surface
- Fencing complete with two pedestrian gates
- Minimum activity zone of 400m<sup>2</sup>
- Seating, litter bins and notices

5.2.17.3 The LEAP covers an area of 463m<sup>2</sup>, includes seven play types of equipment, a safety surface, bow top dog proof fencing with two self-close gates, seating and litter bins. The LEAP would therefore meet the adopted standards and would be appropriate in this location providing a range of play equipment.

5.2.17.4 Overall it is considered that this area of public open space is well designed and would create a useable focal point opposite the local centre.

#### 5.2.18 Relief Road

5.2.18.1 The landscaping details submitted for the relief road substantially follow the relief road design strategy contained within the approved DAS. The relief road is split into two zones within the relief road design strategy, with zone 1 being between Langford Road and Maypole Road and zone 2 is located east of the junction with Maypole Road.

5.2.18.2 Zone 1 of the relief road has agricultural land to the north and south. When this application was originally submitted a continuous native hedgerow was proposed to the north of the relief road but not the south in this section. Following the receipt of a letter of representation and comments from the parish council the agent has revised the scheme to include a hedgerow to both the north and south of this section of the relief road. This brings the landscaping in line with the approved DAS as well as addressing concerns raised by a member of the public. Swales will run alongside the relief road and a permissive right of way is also proposed along the northern side of zone 1, linking Maypole Road to Langford Road. A continuous footway/cycleway is also proposed south of the Relief Road and segregated from the carriageway. The roadside verges will be planted with highway verge grass which has a high tolerance to roadside environments. A number of trees are also to be located along this section of the relief road, including a small copse to the west of the new Langford Road roundabout.

5.2.18.3 A section of zone 2 of the relief road is located within this reserved matters submission. This includes the landscaping of the new junction with Maypole Road and a section of the relief road to the east of this junction. Again, a new continuous native hedgerow is proposed along the northern boundary of this section of the relief road (the southern section features the landscaped bund in this location). There would be swales running alongside the relief road and a small woodland copse is proposed in the very north-eastern end, where it adjoins the landscape corridor to the east of parcel 1 (GS02 above refers). A footpath/cycle path runs along the southern alignment of the bund and links around the open space forming the landscaped gateway to the site. The roadside verges will be planted with highway verge grass which has a high tolerance to roadside environments.

5.2.19 The approach taken to the strategic landscaping of the relief road is considered to reflect the approach approved within the DAS and would result in appropriate



screening and softening of this new road to help it assimilate into the wider landscape.

- 5.2.20 Overall it is considered that the landscape approach taken is reflective of the garden suburb character and approach that the Council envisaged when allocating this site as part of the North Heybridge Garden Suburb. This first phase of strategic landscaping sets out a well designed framework of green spaces and linkages that will ensure the development as a whole delivers the high quality, vibrant and distinctive neighbourhoods that the site aims to achieve. The proposal accords with The North Heybridge SMF, the North Heybridge Garden Suburb Strategic Design Code, as well as all relevant LDP policies and guidance contained within the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 In relation to this submission the main issues to consider in relation to impact upon residential amenity are noise attenuation and visual impact. There are no immediate neighbours to this reserved matters parcel, however there are dwellings to the south of the relief road along Langford Road and there will be occupiers of the first residential reserved matters part of the application site in due course.
- 5.3.3 The nearest neighbouring dwellings to the part of the site this reserved matters submission relates to are those along Lagford Road, close to where the new relief road will meet Langford Road with a new roundabout. In relation to visual impact of the development, as detailed above, the landscaping proposed is considered to be appropriate and consistent with the overall garden suburb character and approach. When the application was initially submitted a new native hedgerow was proposed along the northern boundary of the relief road in section 1 (north of Langford Road prior to the Maypole Rd junction) with none along the southern boundary. This was contrary to what had been shown in the approved DAS and a letter of representation as well as comments from Heybridge Parish Council were received in relation to this matter. Following discussions with the applicant and agent a native hedgerow has now been proposed to the south of the relief road as well as the north along section 1. This will result in approximately 1,140 metres of new native hedgerow along this section of the relief road. The landscaping of the relief road is fully in accordance with the agreed DAS.
- 5.3.4 In relation to noise this application has been supported by a noise assessment which identifies the extent of the “acoustic barrier to the south of the relief road” (as referenced in Condition 11 (phasing plan) of the outline consent) and presents the results of computational noise modelling. The noise modelling carried out demonstrates that the bund as proposed will reduce the incident sound levels on the most exposed dwellings (those that will be along the northern edge of the development). The report also goes to recommend further mitigation in terms of glazing and orientation which is not relevant to this submission and will be addressed as part of any residential reserved matters submission. Environmental Health have been consulted on this application and have advised that noise computational model appears satisfactory and on this basis they have no adverse comments to make.
- 5.3.5 It is noted that Heybridge Parish Council have commented that the noise bund should also be included south of the relief road between Langford Road and Maypole Road. The approved parameter plans do not show any noise bund in this location

and the agreed DAS does also not propose any noise bund in this location. At the time of the original consent being granted (15/00419/OUT) the need for a noise bund in this location was considered and a further noise assessment addendum report submitted. This report concluded that a bund along the southern section of this part of the relief road would have no material benefit and it did not form part of the original consent. It would therefore be unreasonable to seek a noise bund in this location now and the proposal as submitted in accordance with the approved parameter plans and agreed DAS.

- 5.3.6 Overall it is considered that the proposed development is acceptable in terms of residential amenity.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 In terms of access parking and highway safety this first reserved matters submission covers the design of the main spine road through the first phase of the development as well as the landscaping along the main relief road. The submission also covers the pedestrian and cycleway linkages within the first phase of the development. There are no specific parking requirements for this first reserved matters submission.
- 5.4.3 The proposal shows the main spine road as a 6.75m wide internal road which will link from the permitted spur from Maypole Road and run west through the centre of phase 1 in an east-west alignment. The spine road will extend to the crescent shaped area of open space to the north -west of the local centre and primary school area of the site. Access points into future residential parcels and the local centre are shown from the spine road. The alignment of the proposed spine road accords with the approved parameter plans.
- 5.4.4 In terms of pedestrian and cycle linkages the proposal accords with the approved access and movement parameter plan and will create a good internal network of pedestrian and cycle paths as well as linking into the surrounding public footpath network and the existing development to the south (site S2e). These all accord with the approved parameter plans and the S106 agreement on the original consent which requires the new permissive path to the north of the relief road (within this reserved matter phase).
- 5.4.5 Essex Country Council Highways has been consulted on this application and have confirmed that they have no objections to make to the proposal. The development is therefore considered to be acceptable in terms of access and highway safety.

#### **5.5 Flood Risk and Drainage**

- 5.5.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.5.2 This submission relates to the phase 1 strategic landscaping and provides details of the size, location and gradients of the surface water attenuation basins and drainage

network within this phase of the development. The submission follows the parameter plans set out the outline stage of the development as well as the overall agreed drainage strategy. The technical details of the surface water drainage scheme are dealt with through condition 9 of the original hybrid consent, and there is a current submission in relation to this condition (21/05125/DET).

- 5.5.3 The agreed drainage strategy is that due to the relatively shallow ground water, infiltration drainage techniques will not be utilised on the site. However, other SuDS techniques will be used, which will follow the SuDS train submitted as part of the Flood Risk Assessment (FRA) to 15/00419/OUT, consisting of a mixture of; rainwater butts, permeable paving to private drive ways, swales, ponds and detention basins. Water will be collected, treated and attenuated in a SuDS train prior to outfalling into the existing water courses at the 1 in 1 year Greenfield runoff rates up to and including the 1 in 100 plus 40% climate change rainfall storm event.
- 5.5.4 The Lead Local Flood Authority have been consulted on this application and have advised that having reviewed the strategic infrastructure plan and the associated documents which accompanied the planning application, they do not object to the granting of planning permission 21/00384/RES in relation to Phase 1 development. The Lead Local Flood Authority advise that the submission is in line with approved outline drainage strategy and as such should be subject to the same condition applied to the outline application (15/00419/OUT). The conditions attached to 15/00419/OUT in relation to the surface water drainage would remain and would not be superseded by any reserved matters consent granted under this submission.
- 5.5.5 The Environment Agency (EA) has also been consulted on this submission and have advised that they have no objection to the proposed development. The EA have provided further advice in relation to the need an environmental permit which can be attached as an informative to any consent granted.
- 5.5.6 It is therefore concluded that this submission is acceptable from a flood risk and drainage perspective. The key drainage features shown accord with the approved drainage strategy and the technical detailed drainage design and approval process is being dealt with through clearance of condition 9 attached to 15/00419/OUT.

## **5.6 Ecology**

- 5.6.1 Paragraph 174 of the NPPF states that “Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity”. Furthermore paragraph 180 of the NPPF states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 5.6.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.6.3 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.”*

- 5.6.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.5 A holding objection was originally received by place services ecology due to insufficient information having been submitted in relation to ecology. Originally no ecological information was submitted as part of this application, however Table 4.1 of the Construction Ecological Management Plan (EPR, January 2021 and cleared under reference 21/05031/DET in relation to phase 1) identifies that further species specific surveys are required to inform the design of the reserved matters stage. Place services therefore recommend that an ecological assessment of the land included within this phase of the development was provided. Following the receipt of this holding objection the application was supported by a Construction Ecological Management Plan (EPR, January 2021), a Ecological Conservation Management Plan (EPR, January 2021), a Bat Technical Note: Survey Results & Recommendations (EPR, June 2021) and a Badger Technical Note: Survey Results and Recommendations (EPR, July 2021). It should be noted that the Construction and Ecological Management Plan in Respect of Condition 7(g) and the Ecological Conservation Management Plan in Respect of Condition 13 have both been submitted previously to the council and cleared under 21/05031/DET in relation to phase 1.
- 5.6.6 The submitted badger and bat technical notes provide a more detailed update on the 2020 update surveys, as well as minor changes in the assessment of potential impacts. The bat technical note now identifies two trees that support bat roosting potential, but that these will be retained and not impacted by the proposals, and therefore no EPS licence will be required. However, the badger technical note identifies that one badger settt *"will be impacted by construction works (most likely in autumn 2022) and sett is in 'current use' by Badger. Therefore, a Natural England development licence to allow works to proceed legally will be required in summer 2022"*.
- 5.6.7 The agreed Construction Ecological Management Plan and agreed Ecological Conservation Management Plan detail suitable mitigation and biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity. Place Services Ecology have confirmed that they have no objection to the proposal subject to securing biodiversity mitigation and enhancement measures.
- 5.6.8 Natural England has also been consulted on this application and have advised that contingent upon the application aligning with the recreational disturbance mitigation package outlined in the Habitats Regulation Assessment (HRA) dated 15/08/2019 they have no objection to this reserved matters application. In relation to the HRA this reserved matters submission accords with the recreational disturbance mitigation package in so far as phase 1 of the development relates.
- 5.6.9 Overall subject to appropriate conditions it is considered that impacts upon biodiversity and protected species as a result of this first phase of reserved matters can be adequately mitigated and there is therefore no objection to the submission on this basis.

## 5.7 Other Material Considerations

### 5.7.1 Archaeology

Place services archaeology have advised that the archaeological evaluation has just been completed and a number of areas requiring open area excavation have been identified on the site. The proposal will not impact this work and the original archaeological condition on the 15/00419/OUT application should remain in place until all phases of the archaeological fieldwork has been completed. All archaeological conditions on the original consent would remain in place.

### 5.7.2 Waste

5.7.2.1 Waste services have confirmed that the vehicle trackings for the refuse vehicles into the difference parcels appear to be sufficient to allow the 26 tonne refuse vehicles to drive in and out of each parcel. As part of any residential reserved matters submission consideration will be given to individual houses and/or communal collections points.

### 5.7.3 Arboriculture

5.7.3.1 The Council's tree consultant has been consulted on this application as it has been supported by an arboricultural impact assessment report dated February 2021 which relates to condition 18 of 15/00419/OUT. The arboricultural impact assessment provides an update in relation to trees and in relation to the relief road finds that two oaks (T132 and T149) which had previously been noted for removal can be retained. In terms of the remainder of this element of the overall site the only change from the DFC AIA is the removal of low quality trees (T11, T103A, T106, T110 T113 and T114 ash and T112 holly) for ditch widening, the LEAP play area and internal road. Trees classified under the BS as 'unsuitable for retention' are also shown removed. The report provides details on tree protection and arboricultural method statements for removing a section of Maypole Road near trees, installing a private drive near trees, and a tree surgery schedule.

5.7.4 The Council's tree consultant has raised no objection to the content of the arboricultural impact assessment report and comments that it satisfactorily details what trees are to be retained and protected. A condition can be attached to any consent to ensure that the development is carried out in accordance with the arboricultural impact assessment report. The tree consultant also provided comments in relation to tree species to be used within the development, however these details will be considered under condition 31 part 2 which has not yet been submitted.

## 6. ANY RELEVANT SITE HISTORY

- **15/00419/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
  - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)

- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
  - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
  - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
  - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
  - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
- Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019
- **19/00741/OUT** - Part outline/part detailed (hybrid) application for mixed use development including:
    - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
    - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
    - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
    - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
    - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
    - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
    - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
    - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).

– **Approved - 14.10.2019**
  - **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan – **Cleared - 11.05.2020**
  - **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – **Cleared - 15.05.2020**
  - **21/00321/NMA** - Application for non-material amendment following grant of Planning Permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Amendment to Condition 31 – **Approved - 29.04.2021**
  - **21/00538/NMA** - Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9 – **Approved - 09.06.2021**
  - **21/05031/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development

- Condition 13 - Ecological conservation management plan. Condition 7 - Construction & environmental management plan – **Cleared - 01.04.2021**
- **21/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 – Archaeology – **Cleared - 18.05.2021**
- **21/05107/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 14 - Contaminated land – **Cleared - 18.08.2021**
- **21/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details - **pending consideration**
- **21/05121/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 10 - Drainage management - **pending consideration**
- **21/05125/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – **pending consideration**
- **21/05129/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 18 - Tree protection – **pending consideration**

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Totham Parish Council	<p>Raises no objection but wishes to make the following comments: The Council notes that most of the reserved matters are details which are technical and advised by the various standards in place. It would however like to make two requests and recommendations concerning the Relief Road; both of which relate to Her Majesty the Queen generally, and specifically her Platinum Jubilee in 2022.</p> <p>(1) The Council would like to see tree planting that creates an avenue of trees alongside the route of the Relief Road.</p> <p>(2) The Council requests that the Relief Road is named after Her Majesty the Queen in the form of Queen Elizabeth Way or Avenue.</p>	<p>Noted. The landscaping along the relief road follows that in the agreed DAS and parameter plans in terms of the positioning of the bund. The naming of the relief road is not a material planning consideration.</p>

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	<p><u>First Response</u></p> <p>Recommend Refusal on the following grounds:</p> <p>Several important features included in Phase 1 of the original approved Design and Access statement have been removed, features that were offered by the applicant specifically to mitigate the nuisance of both visual and noise intrusion to the western end of zone 1.</p> <p>The inclusion of hedgerows and bunding promoted within the original approved Design and Access statement recognised the important multi-functions of these proposed landscape features. The hedgerows and tree planting were originally included to create a sympathetic entrance to the new relief road corridor. The existing road network and new relief road corridor benefit from being bounded by hedgerows, leaving the different treatment of the western end of zone 1 in this proposal, an incongruent and harsh variation to the intended, softer treatment of the rural fringe, along what will become a significant road.</p> <p>Removing inclusion of the hedgerows at this westerly point will further exacerbate the negative impact of both the intended raising of the relief road and removal of the acoustic bunds in the very location where rural calm, characterised by a cluster of lower lying listed buildings and the conservation area of Langford, is located.</p> <p>Finally, Heybridge Parish Council has grave concerns about the proximity of the intended roundabout at the Langford Road end of the planned relief road in zone 1 to the existing humped</p>	<p>The hedgerow to the southern side of the relief road in section 1 has now been included within the submission. Please see section 5.3.5 of this report.</p> <p>The position and form of the relief road has detailed planning permission granted under 15/00419/OUT and is not</p>



Name of Parish / Town Council	Comment	Officer Response
	<p>bridge. Any obstruction resulting in a tailback at this point would be particularly dangerous to vehicles travelling towards Heybridge, along the single carriageway and over the bridge where drivers would be unsighted of standing or slow traffic.</p> <p><u>Second Response</u></p> <p>In line with our previous comments, the noise attenuation bund that separates Phase I from the relief road should be given to the relief road from Langford Road to Maypole Road. This would give protection to the existing dwellings and would go some way to offer the dwellings, a majority of which are listed buildings protection from noise pollution that would be expected from the relief road.</p>	<p>a matter for this submission to consider.</p> <p>Please refer to section 5.3.5 of this report.</p>

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	<p>Confirm that they have no objection to the proposed development.</p> <p>Provided advice in relation to Risk Activity Permits.</p>	<p>Noted. The advice in relation to flood risk activity permits can be added to any permission granted as an informative.</p>
Essex County Council Highways	The Highway Authority has no objections to make on this proposal.	Noted.
Essex County Council Suds (Lead Local Flood Authority)	Having reviewed the Strategic Infrastructure plan and the associated documents which accompanied the planning application, we do not object to the granting of planning permission 21/00384/RES in relation to Phase 1 development. it is inline with approved outline drainage strategy and as such should be subject to the same condition applied to the outline application (15/00419/OUT)	Noted. The original conditions attached to the outline consent will remain in place.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County and Fire Rescue Service	<p><u>First Response</u> Unable to provide comment on Fire Service access at this stage owing to lack of detail on drawings showing street layout and individual building plots and size.</p> <p><u>Second Response</u> Access for fire service vehicles appears when inspecting Phase 1 refuse tracking plans to be satisfactory. It should be noted however that depending on if parts of the development are going to include larger commercial or communal buildings that would require high reach appliances then this should be considered.</p>	Noted. This reserved matters application is only for strategic landscaping of phase 1 and the reserved matters for the residential parcels will contain the street layout and individual building plots and size as required for comment by Essex County and Fire Rescue Service.
Natural England	Contingent upon the application aligning with the recreational disturbance mitigation package outlined in the HRA dated 15/08/2019 we would have no objection to this reserved matters application.	Noted and addressed in section 5.6 of the report
Place Services - Ecology	<p><u>First Response</u> Holding objection due to insufficient ecological information on protected and Priority species</p> <p><u>Second Response</u> No objection subject to securing biodiversity mitigation and enhancement measures.</p> <p>Place services are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species &amp; habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p> <p>Also support the proposed reasonable biodiversity</p>	Noted and discussed in detail in section 5.6 of this report

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2019.	
Place services - Archaeology	The archaeological evaluation has just been completed and a number of areas requiring open area excavation have been identified. The proposal will not impact this work and the original archaeological condition on the 15/00419/OUT application should remain in place until all phases of the archaeological fieldwork has been completed.	Noted. All conditions attached to 15/00419/OUT will remain in place.
Tree Consultant	The arboricultural report has satisfactorily provided details on what trees are to be retained and protected as part of the scheme. It will need to be ensured that the supervision program is undertaken to secure the trees are being protected as outlined in the report.	Noted.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	Having reviewed the noise computational model which appears satisfactory, confirm this service has no adverse comments.	Noted.
Waste Services	The vehicle trackings for the refuse vehicles into the difference parcels appear to be sufficient to allow the 26 tonne refuse vehicles to drive in and out of each parcel.	Noted.

## 7.4 Representations received from Interested Parties (*summarised*)

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

Objection Comment	Officer Response
The original application indicated a new hedgerow was to be planted adjacent to and south of the relief road at the western end. Of significant concern is that this appears to be removed from the reserved matters application. This is completely unacceptable as this hedgerow is critical to reduce the visual and noise impact of the relief road to the properties to the south. Unlike the new properties to be built which will be protected by a noise bund, the existing properties including listed buildings will not be and the road is to be elevated by around 2m to the existing landscape.	The application has been revised since its first submission to re-instate the new hedgerow to the south of the relief road at the western end.
Already this development is short of the flood alleviation scheme on which its whole premise was founded. It would be quite appalling if the council now acquiesced to a material deterioration in landscaping of the relief road to the detriment of the landscape and visual amenity and creating more noise.	The application has been revised since its first submission to re-instate the new hedgerow to the south of the relief road at the western end.

## 8. **PROPOSED CONDITIONS**

### **CONDITIONS:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
2841-5-2 DR-0014 S4-P2  
F00134-RJL-NA-NA-DR-C-1500 P2 – Refuse Tracking sheet 1 of 3  
F00134-RJL-NA-NA-DR-C-1501 P2- Refuse Tracking sheet 2 of 3  
F00134-RJL-NA-NA-DR-C-1502 P2 – Refuse tracking sheet 3 of 3  
F00134-RJL-NA-NA-DR-C-2210 P2 – Road 1 Longitudinal section  
SK-0013-P3 – Road spot levels  
F00134-RJL-NA-NA-DR-C-1200 P6 – Basins 8 and 8A sections  
F00134-RJL-NA-NA-DR-C-1201 P9 – Pond 1 cross sections  
F00134-RJL-NA-NA-DR-C-1202 P7 – Basins 6 and 12 sections  
F00134-RJL-NA-NA-DR-C-2231 P5 – Basins 1 – 4 sections  
F00134-RJL-NA-NA-DR-C-2230 P6 – Section through ditch widening  
F00134-RJL-NA-NA-DR-C-1400 P8 – Articulated vehicle tracking  
F00134-RJL-NA-NA-DR-C-1450 P4 – Bus tracking  
F00134-RJL-NA-NA-DR-C-2010 P5 – General arrangement layout  
F00134-RJL-NA-NA-DR-C-2160 P6 – Contours plan  
F00134-RJL-NA-NA-DR-C-2020 P6 – Phase 1 spot levels sheet 1 of 3  
F00134-RJL-NA-NA-DR-C-2021 P6 - Phase 1 spot levels sheet 2 of 3  
F00134-RJL-NA-NA-DR-C-2022 P6 - Phase 1 spot levels sheet 3 of 3  
F00134-RJL-NA-NA-DR-C-2110 P6 – Surfacing and kerbing sheet 1 of 3

F00134-RJL-NA-NA-DR-C-2111 P6 - Surfacing and kerbing sheet 2 of 3  
 F00134-RJL-NA-NA-DR-C-2112 P6 - Surfacing and kerbing sheet 3 of 3  
 F00134-RJL-NA-NA-DR-C-1203 P3 – Noise bund sections  
 2841-5-2-DR-0009-S4-P11 – Relief road landscape proposals  
 2841-5-2-DR-0001-S4-P15 – Landscape Proposals sheet 1 of 2  
 2841-5-2-DR-0003-S4-P10 - Landscape Proposals sheet 2 of 2  
 2841-5-2-DR-0004-S4-P8 – Bund illustrative section  
 F00134-DAV-01-NA-DR-0005-S4 P6 – LEAP  
 F00134-DAV-01-NA-DR-0009-S4 P10 – Relief Road landscape proposals  
 Strategic Infrastructure RM 1 Landscape Statement  
 Noise Mitigation Report – Mayer Brown March 2021  
 Arboricultural Impact Assessment Report – Sharon Hosegood Associates –  
 SHA 1012 February 2021  
 Construction Ecological Management Plan in Respect of Condition 7(g) –  
 Phase 1 - 14 January 2021 - 20/01-4C  
 Ecological Conservation Management Plan In Respect of Condition 13 –  
 Phase 1 - 14 January 2021 - 20/01-3C  
 Bat Technical Note: Survey Results & Recommendations - EPR  
 Badger Technical Note: Survey Results and Recommendations – EPR

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

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Construction Ecological Management Plan (EPR, January 2021), the Ecological Conservation Management Plan (EPR, January 2021), the Bat Technical Note: Survey Results & Recommendations (EPR, June 2021) and the Badger Technical Note: Survey Results and Recommendations (EPR, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 3 No sett closure shall in any circumstances commence unless the local planning authority has been provided with either:
  - a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

**REASON:** To conserve protected species in accordance with policy N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and guidance within the National Planning Policy Framework.

- 4 Prior to the installation of any lighting on site a lighting design scheme for biodiversity 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 external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**REASON:** To ensure that the lighting of the development is sensitive to the wildlife interests of the site and adjacent areas in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

1. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

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

2. For the avoidance of doubt this consent gives no permission for any brick entrance feature.
3. The granting of planning permission does not absolve the developer of any amendments required by the Highway Authority under the detailed design highway process; especially any that may compromise highway safety.
4. Any trees and non-standard materials/equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.
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](mailto:development.management@essexhighways.org) or by post to:  
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
6. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site

supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

This page is intentionally left blank





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

---

**to  
DISTRICT AREA PLANNING COMMITTEE  
30 SEPTEMBER 2021**

<b>Application No:</b>	<b>21/00270/ADV</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Application for advertisement consent for the installation of 4No. Fascia signs
<b>Applicant:</b>	McDonald's Restaurants Limited
<b>Agent:</b>	Mrs Sarah Carpenter - Planware Limited
<b>Application Expiry Date:</b>	10 June 2021 - EoT until 4th August 2021
<b>Parish:</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	Deferred from Central Area Committee on 28 July 2021 following consideration for decision at District Planning Committee

**1. RECOMMENDATION**

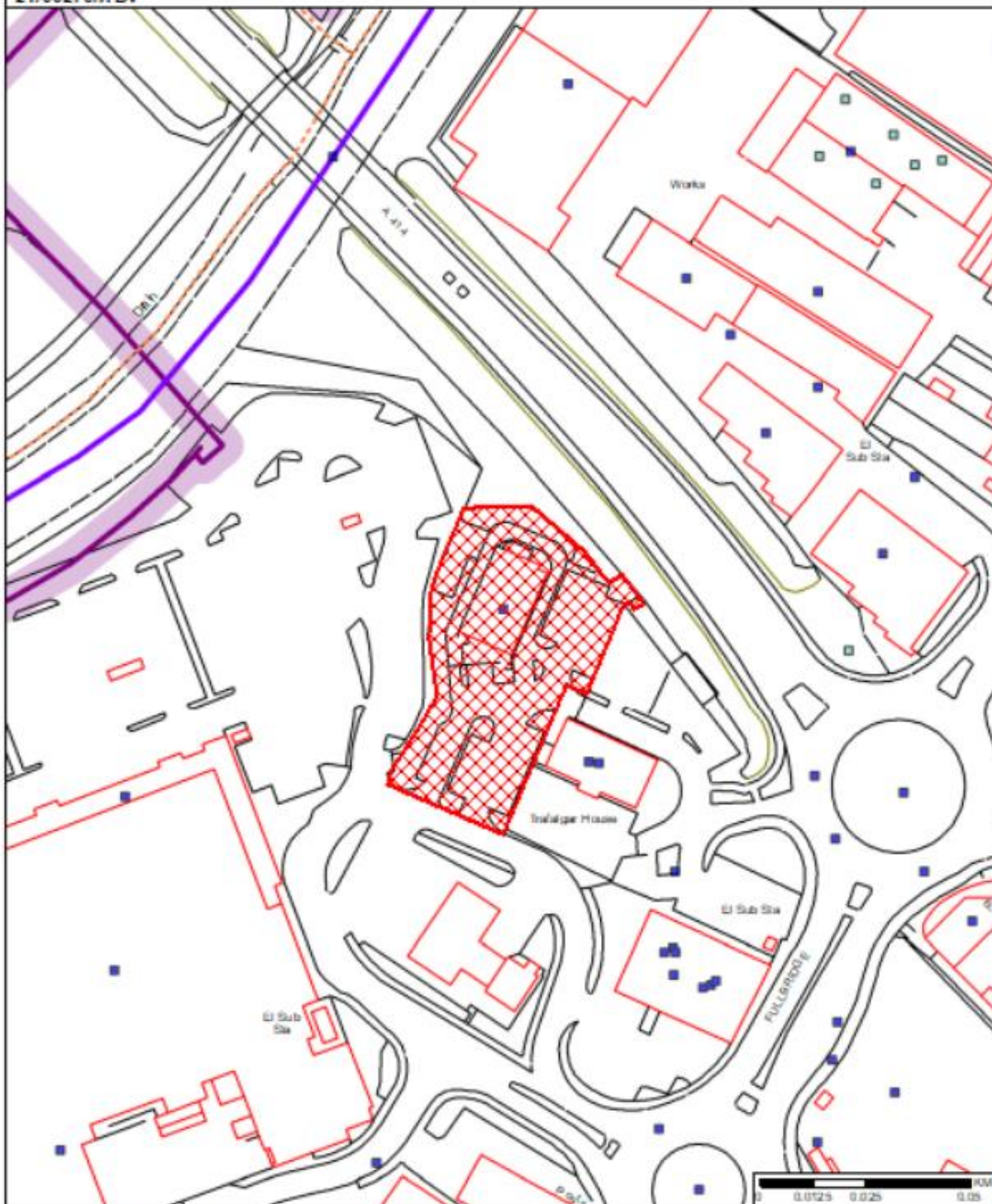
**GRANT ADVERTISEMENT CONSENT** subject to the conditions (as detailed in Section 4 of this report).

**2. SITE MAP**

Please see overleaf.

# McDonalds, Fullbridge

21/00270/A DV



## Copyright



MALDON DISTRICT  
COUNCIL

For reference purposes only.  
No further copies may be made.  
This map is reproduced from Ordnance Survey  
material with the permission of Ordnance Survey on  
behalf of the Controller of Her Majesty's Stationery  
Office. Crown copyright.  
Unauthorised reproduction infringes Crown copyright  
and may lead to prosecution or civil proceedings.  
Maldon District Council 100018588 2014

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 15/07/2021

MSA Number: 100018588

### **3. BACKGROUND TO DEFERRAL**

- 3.1.1 This planning application was heard at the Central Area Planning Committee on 28 July 2021. The Officers report is appended at **APPENDIX 1**.
- 3.1.2 Following consideration of the report Members resolved that:
- this application be DEFERRED to the DISTRICT PLANNING COMMITTEE for determination
- 3.1.3 Since the Area Planning Committee of 28 August 2021, the applicants have submitted an amended drawing reference 05/D. This drawing corrects an error in drawing 05/C which was considered at the Area Planning Committee meeting and presented the existing 'McDonalds' text as black when it is actually white. Given that this corrects an error on the drawing representing the 'existing' on site advertisement, the correction is not considered a material change in the application as it reflects what is on site, and not the proposal. On this basis, no further consultation or notification of the application was considered to be required.
- 3.1.4 This application relates to the signage on the building. There are already signs in the position of the new signs and this application is upgrading these signs to reflect the new design.

### **3.2 Conclusion**

- 3.2.1 The proposed development would not increase the number of fascia signs, but they will be slightly larger than the existing signage and repositioned on the building. They are considered acceptable in terms of style, design, siting and materials, and would not have a detrimental impact upon the character and appearance of the area. Furthermore, the signage would not be detrimental to highway safety. As such the proposal satisfies the requirements of the advertisement regulations (amenity and highway safety) and as such would be in accordance with adopted policies D1, D6, H4 and T2 of the Local Development Plan and advice contained within the National Planning Policy Framework.

### **4. PROPOSED CONDITIONS**

**Grant Advertisement Consent** subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 No advertisement shall be sited or displayed so as to:
  - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007. 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m<sup>2</sup>) for signs less than 10m<sup>2</sup>, and 300 Candelas per square metre (300 cd/m<sup>2</sup>) for those over 10m<sup>2</sup>.

REASON: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policies D6 and T2 of the Maldon District Local Development Plan.

## INFORMATIVES

- 1 All highway related details shall be agreed with the Highway Authority All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicant should contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

---

to  
**CENTRAL AREA PLANNING COMMITTEE**  
**28 JULY 2021**

<b>Application No:</b>	<b>21/00270/ADV</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Application for advertisement consent for the installation of 4No. Fascia signs
<b>Applicant:</b>	McDonald's Restaurants Limited
<b>Agent:</b>	Mrs Sarah Carpenter - Planware Limited
<b>Application Expiry Date:</b>	10 June 2021 - EoT until 4th August 2021
<b>Parish:</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	Councillor call in by Councillor C Mayes Policies: D6, D1

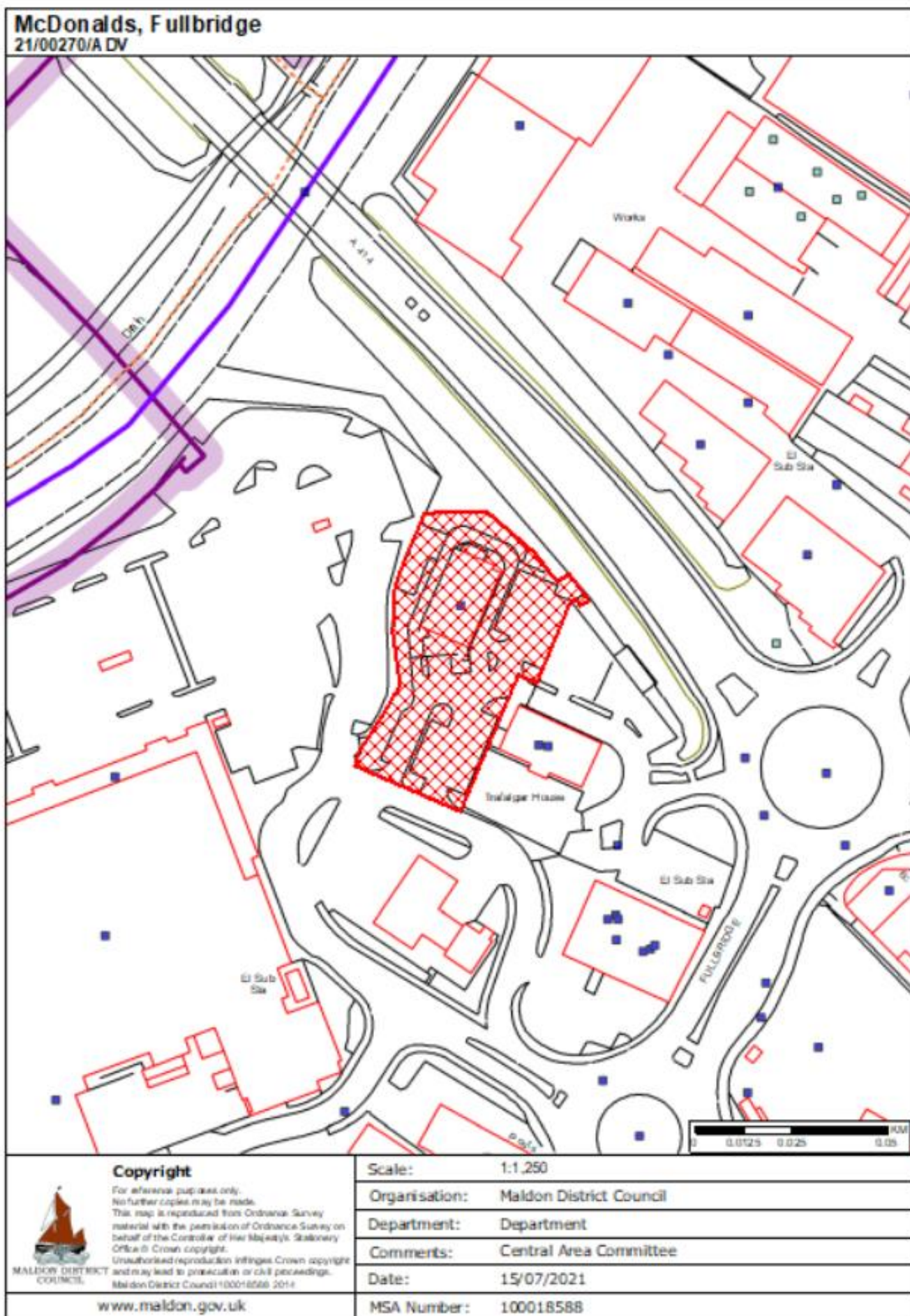
**1. RECOMMENDATION**

**GRANT ADVERTISEMENT CONSENT** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.





### 3. **SUMMARY**

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

##### Site description

- 3.1.1 The application site lies within the settlement boundary of Maldon, located within the Blackwater Retail Park and is occupied by a single-storey commercial building used as a Use Class A3 unit (McDonalds). The unit is situated approximately 100 metres away from a grade II listed building, Old Ironworks, opposite a supermarket, Tesco, with petrol station and adjacent to an office building, Trafalgar House.

##### Proposal

- 3.1.2 Advertisement consent is sought for the following signs:
- 3.1.3 This application relates to the signage on the building. There are already signs in the position of the new signs and this application is upgrading these signs to reflect the new design.
- 3.1.4 The plans submitted shows that the signage is already internally illuminated, and the new signage would be internally illuminated also.
- 3.1.5 The main difference would be that the size of the signage has slightly increased in size and colour, with the wording “McDonald’s” colour black to coloured white:
- Drive thru side the double arch “M” would be slightly larger and replace the word “McDonald’s”.
  - The opposite side elevation the “M” would change to the wording “McDonald’s”
  - On the front elevation, within the left-hand side gable the word “McDonald’s” would be removed and replaced with the letter “M”.
  - The letter “M” would measure 1.37m high, 0.9m wide and 0.1m deep. The word “McDonald’s” would measure 2.73m, wide, 0.3m high and 0.1m deep.

#### 3.2. **CONCLUSION**

- 3.2.1 Although the proposed development would not increase the number of fascia signs, they will be slightly larger than the existing and repositioned on the building are considered acceptable in terms of style and design, including its siting and materials, as it would not have a detrimental impact upon the character and appearance of the area. Furthermore, it would not be detrimental upon highway safety. As such would be in accordance with adopted policies D1, D6, H4 and T2 of the LDP and advice contained within the NPPF.

### 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
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- D1 Design Quality and Built Environment
- D6 Advertisements
- H4 Effective Use of Land
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.

5.1.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1) *“The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.”*

5.1.3 Paragraph 132 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

5.1.4 As the proposal seeks consent in order to display signage within an existing commercial site, it is considered that the principle is acceptable. Other material considerations are discussed below.

#### **5.2 Impact on Amenity**

5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority (LPA) must assess the visual and aural amenity in the immediate locality of an advertisement or



site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

- 5.2.2 In terms of the scheme potentially detracting from the area, the level of signage would not increase on the fasciae but would result in relocating existing signs, which is not considered to result in demonstrable harm to the character or appearance of the commercial locality or a proliferation of adverts. The scale and proportions of the adverts are considered to be proportionate to the size of the site or the main restaurant building. The proposed signage is not considered to be visually obtrusive, nor to cause harm to the character and appearance of the site in accordance with policy D6 of the LDP.
- 5.2.3 As stated above there would not be additional signs to the ones that already exist but are design and positioned differently. In light of this the amount of advertisements proposed, it is considered appropriate for the established use of the site.

Furthermore, the area is not residential and as such the illumination would not affect any neighbouring residents and as stated above the existing signs are already illuminated and the re-positioning of the signs will also be illuminated and therefore will not be out of keeping with the existing arrangements. Although the Parish Council have suggested that the illumination be shut off when the restaurant is not in use, it is considered that as this is a commercial area and a significant distance from residential premises, there is no justification to recommend a condition of this nature and could not be justified as a reason for refusal. Such a condition would not, therefore, be reasonable or necessary.

- 5.2.4 Therefore, it is considered that the proposed development would be acceptable in its setting as it would cause no demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the submission LDP.

### **5.3 Effect on Public Safety**

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 It is considered that the design of the adverts themselves is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. In addition, the design is considered to aid traffic by directing them to their destination.
- 5.3.4 The positioning of the advertisements which are visible from the highway, are not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. Essex County Council Highways (ECC) has also been consulted and raised no objection to the proposed signage subject to conditions.

5.3.5 Therefore, it is considered that no conflict would arise in regard to saved policy D6 of the submitted LDP.

## 5.4 Other Material Considerations

5.4.1 The additional signs for the drive thru is considered under a separate application 21/00271/ADV and layout changes are considered under 21/00269/FUL.

## 6. ANY RELEVANT SITE HISTORY

- **96/00429/FUL** – Class A3 restaurant with drive-thru facility and associated landscaping and car parking – APPROVED (21.11.1996)
- **97/00696/FUL** – Extension to existing restaurant – APPROVED (08.01.1998)
- **09/00688/FUL** – Refurbishment of restaurant and patio area. Changes to elevations which include additional cladding. Installation of customer order display. Replacement and new signage. – APPROVED (12.10.2009)
- **16/00315/FUL** – Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines. Construction of 3.No extensions. The installation of 2 x Customer Order Displays (COD) with associated canopies. The relocation of the existing container and the enlargement of the existing bin store. – APPROVED (03.06.2016)
- **16/00316/ADV** – Reconfiguration of existing signage suite – APPROVED (03.06.2016)
- **16/00317/ADV** – Installation of new pole sign with 24 hour appendage. – WITHDRAWN.
- **18/00932/LDE** – Claim for lawful development certificate for existing use of storage container for equipment and operational stock. – REFUSED (02.10.18)
- **18/01506/FUL** – Section 73A application for the continued use of a customised container. – REFUSED (30.04.2019).
- **20/00012/ADV** – The installation of 3no. new digital freestanding signs and 1no. 15" digital booth screen – APPROVED (03.03.2020)

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon	Recommend granting of the application. However, note that the internally illuminated signs shall be switched off when not in use.	Noted in the above assessment.

### 7.2 Statutory Consultees and Other Organisations:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways (ECC)	The proposal is acceptable to Highway Authority, subject to conditions	Comments noted

### 7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
3. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007. 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
7. The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m<sup>2</sup>) for signs less than 10m<sup>2</sup>, and 300 Candelas per square metre (300 cd/m<sup>2</sup>) for those over 10m<sup>2</sup>.  
REASON: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policies D6 and T2 of the Maldon District Local Development Plan.

## INFORMATIVES

1. All highway related details shall be agreed with the Highway Authority All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicant should contact the Development

Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or  
by post to:

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