

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND GOVERNANCE
Paul Dodson

24 November 2021

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE

on **THURSDAY 2 DECEMBER 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

COMMITTEE MEMBERSHIP:

CHAIRMAN Councillor M S Heard

VICE-CHAIRMAN Councillor C Mayes

COUNCILLORS
M G Bassenger
Miss A M Beale
B S Beale MBE
V J Bell
R G Boyce MBE
Mrs P A Channer
R P F Dewick
M F L Durham, CC
M R Edwards
Mrs J L Fleming, CC
M W Helm
B B Heubner
A L Hull
K W Jarvis

J V Keyes
K M H Lagan
A S Fluker
C P Morley
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
Miss S White





**AGENDA
DISTRICT PLANNING COMMITTEE**

THURSDAY 2 DECEMBER 2021

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the District Planning Committee held on 30 September 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. **21/00788/FUL - Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex** (Pages 15 - 30)

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

6. **21/00889/RES - Land south of Wycke Hill and Limebrook Way (Western), Maldon, Essex** (Pages 31 - 60)

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

* 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.

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**MINUTES of
DISTRICT PLANNING COMMITTEE
30 SEPTEMBER 2021**

PRESENT

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

306. CHAIRMAN'S NOTICES

The Chairman welcomed everyone back to the first meeting of District Planning held in the Council Chamber since the outbreak of the Pandemic. He then took the Committee through some general housekeeping arrangements for the meeting.

307. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, M F L Durham, M W Helm, K W Jarvis, C P Morley, S P Nunn and N Skeens.

308. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 12 August 2021 be approved and confirmed.

309. DISCLOSURE OF INTEREST

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a consultee on all planning applications.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council a consultee on all planning applications.

Councillor M Edwards declared a non-pecuniary interest as a ward member for Heybridge Parish Council.

Councillor Morris declared a non-pecuniary interest as his daughter frequented McDonalds.

Councillor Fluker declared a non-pec interest as he frequented McDonalds.

Councillor B Boyce declared a non-pecuniary interest as he officially opened Mc Donald's Restaurant.

310. 21/00384/RES - LAND AT BROAD STREET GREEN ROAD AND LANGFORD ROAD AND MAYPOLE ROAD, GREAT TOTHAM, HEYBRIDGE AND LANGFORD AND ULTING

Application Number	21/00384/RES
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham, Heybridge and Langford and Ulting
Proposal	<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"> (a) landscaping for the approved Relief Road, (b) phase 1 entrance green, (c) phase 1 spine road, (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play) (e) acoustic bund for phase 1 <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"> (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).)
Applicant	Mr D Moseley - Countryside Properties (UK) Ltd
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	04.08.2021 – EOT agreed until 8 October 2021
Case Officer	Julia Sargeant
Parish	Great Totham, Heybridge and Langford and Ulting
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

Following the Officer's presentation, an Objector, Mr David Sismey and the Agent, Mr Kevin Coleman addressed the Committee. The Chairman then opened the debate and invited comments on the report.

A long discussion ensued where Members raised concerns about flooding/drainage scheme, biodiversity, compliance with conditions on the previous outline application, noise pollution once built both within and outside of the development, effectiveness of the earth bund, planting of trees and hedgerows, provision of bridleways, commencement of development, relief road strategy, health and safety in respect of the attenuation basins/ponds, archaeological investigations, badger sets and parking/access for vehicles servicing the development.

In response the Lead Specialist: Development Management provided the following information:-

- That this was a reserved matters submission dealing with the strategic landscaping only, for phase 1 of the development.
- That the details under condition 9 for phase 1 drainage (i.e. the drainage that goes with this Reserved Matters area), have already been approved under application 21/05113/DET. In addition Essex County Council SuDs, Lead Local Flood Authority (LLFA) had reviewed the Strategic Infrastructure Plan and the associated documents which accompanied the application and had no objections to granting planning permission 21/000384/RES in relation to this Phase 1 development, which was subject to the same conditions applied in the outline application 15/0049/OUT.
- That Members were assured that this reserved matters application complied with the conditions on the outline application. The conditions on the outline application had been through a comprehensive comparison analysis and cross-referenced in this reserved matters application. Clarifications, amendments and assurances had been sought from all parties involved in the suite of reports.
- That as set out in the report, in respect of biodiversity, a Habitats Regulations Assessment had been undertaken in 2019 and Natural England had no objections to the application.
- That the proposed earth bund was supported by an acoustic assessment which determined that it was appropriate for that area and the expected volume of traffic over the period of the development. In addition the accompanying residential scheme would contain progressive materials to marry with the acoustic development of the scheme as a whole. This would come forward at a later stage as another part of the overall package of measures. In addition the Council's Tree Consultant had considered the number of trees proposed acceptable.
- That there would be comprehensive replacement of trees and hedgerows as part of the overall scheme to the northern and southern part of the western section and to the east of Maypole Road on the northern side.
- That there was no requirement for bridlepaths as part of this application. The application in front of the committee related to phase 1 only, not the adjoining phases. A number of the parcels of land had already been approved and footpath parameters set, therefore the inclusion of bridlepaths, which were large, would substantially alter the application. These matters should have been considered prior to this phase.

- That no works that would constitute commencement of development had taken place. Works to facilitate investigations to discharge /inform conditions, namely archaeological work which was implicit in the outline application had been undertaken. The necessary tree removal, to facilitate future phases of development had been agreed in 2015 as part of the Arboricultural Assessment under condition 18.
- That the relief road strategy and location was already agreed as part of a previous application and contained details of hedgerow alignment to mitigate noise pollution.
- That a risk assessment regarding the attenuation basins would have been considered under SuDs, not part of this application. Furthermore, as noted earlier, the LLFA had no objections to this application. These basins absorb /soak up water, release the water naturally to avoid cascading. The hard surfacing will be permeable material with culverts to divert the water under the roads.
- That in terms of archaeological investigations these were scheme wide and all investigations would have to take place before continuing with the development.
- That the issue of the badger set was covered in the report under condition 3. Whilst the obtaining of a license itself was not a planning matter, the set enclosure was, which vindicated the need for a license.
- That 5.7.2 of the report confirmed that vehicle tracking is sufficient to allow refuse vehicles access and egress with no objections from Essex County Council Highways Authority. The use of yellow lines was not relevant within the context of this application.

At this point Councillor Siddall reiterated the Officer's earlier comments that this application was phase 1 in relation to the entrance and the green landscaping which will be submitted in further phases. He reminded Members that at the moment there was very little green infrastructure in Maypole Road, nothing that stopped noise or enhanced the environment. What was being proposed by the developer would be a benefit to the area, adding more green infrastructure than currently existed, with the hedgerows being the natural noise barrier in a rural area. The application was the landscaping element alone, which the Committee needed to decide was fit for purpose.

The Chairman then moved the Officer's recommendation to approve the application and this was seconded by Councillor Swain. A recorded vote was requested, duly seconded and the results were as follows:-

For the application

Councillors B S Beale, R G Boyce, Mrs P A Channer, R P F Dewick, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, J V Keyes, C Mayes, R H Siddall, W Stamp, E L Stephens, C Swain and Mrs M E Thompson.

Against the application

Councillors A M Beale, B B Heubner, A L Hull, K M H Lagan, C Morris, N G F Shaughnessy, Mrs J C Stilts and Miss S White.

Abstentions

None

RESOLVED that this application be **APPROVED** subject to the following 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
- 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.

- 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.
- 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.

311. 21/00270/ADV - MCDONALD'S, FULLBRIDGE, ESSEX, CM9 4LE

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

Following the Officer's presentation, the Chairman opened the debate and invited comments on the report.

Councillor Morris proposed that the application be refused contrary to the Officer's recommendation, this was not seconded. The Chairman moved the Officer's recommendation which was seconded by Councillor Swain. A recorded vote was called for but not seconded. The Chairman then put the Officer's recommendation to the Committee and it was agreed by assent.

RESOLVED that **ADVERTISEMENT CONSENT** be **GRANTED** subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 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.
- 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.
- 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.
 - 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.
 - 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.
 - 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^2) for signs less than 10m^2 , and 300 Candelas per square metre (300 cd/m^2) for those over 10m^2 .

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

There were none and the Chairman thanked all on attendance for their contributions.

The meeting closed at 9.21 am.

M S HEARD
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
2 DECEMBER 2021**

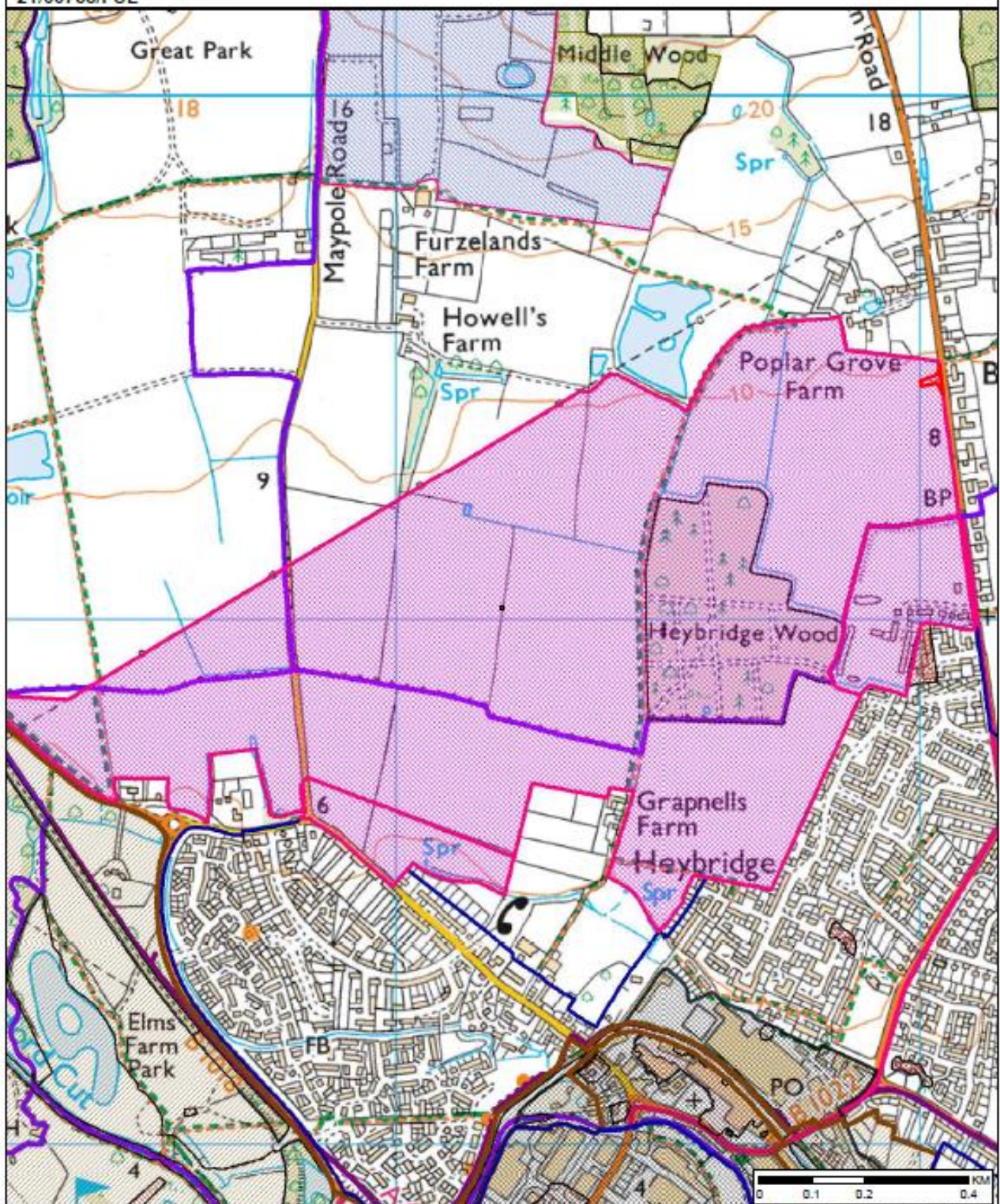
Application Number	21/00788/FUL
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Formation of temporary access points for construction traffic from Maypole Road and Broad Street Green Road.
Applicant	Mr D Moseley
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	30.09.2021 (Extension of time agreed: 08.12.2021)
Case Officer	Anna Tastsoglou
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In by Councillor Michael Edwards Reason: Policies N1 and N2 and deviation from the construction accesses allowed on appeal under the terms of application 15/00419/OUT

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 23/11/2021

MSA Number: 100018588

3. **SUMMARY**

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

3.1.1 The application relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid residential development on appeal on 25 October 2019 under reference 15/00419/OUT. The site is located to the north of the Heybridge settlement boundary, west of Broad Street Green Road, east of Langford Road.

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 The current proposal relates to the formation of two temporary access points for construction traffic onto Maypole Road and Broad Street Green Road. The proposed development would require the construction of crossovers between the existing carriageway and the boundaries of the site.

3.1.4 The application is supported by a cover letter confirming that the expected duration for both access points would be no longer than two years and also that their usage is expected to decrease towards the latter part of that period as construction access from the northern part of the site will become available.

3.1.5 The submitted information highlights that as part of the approved Phasing Plan under reference number 20/05039/DET (see phasing plan details strategic phasing plan pursuant to condition 11 of planning permission APP/X1545/W/19/3230267 date: 06/05/20), two main construction access points were agreed for Phases 1 and 2 from the Relief Road, which are still expected to be used. The purposes of the currently proposed temporary access points is to allow construction traffic to build the Broad Street Green Road roundabout and start construction on the western section of the Relief Road from Langford Road.

3.1.6 The reasons for the positioning of the proposed temporary access points are as follows:

- For the access point onto Maypole Road the positioning was mainly based on vehicle tracking issues due to the unsafe vehicle movement in and out of the existing farm entrance (which was originally proposed to be used) and the fact that the existing access is within the S278¹ working area which would have complicated the build. The proposed access would be 30m south of the farm access, which itself would be closed.
- The proposed location of the Broad Street Green access has been determined due to site constraints (mature trees, the need for archaeological mitigation in these areas, and the existence of accesses on the other side of the road and the need to prevent the creation of 'cross roads').

3.2 Conclusion

3.2.1 The application seeks permission for the formation of two temporary access points for construction traffic onto Maypole Road and Broad Street Green Road. The reasoning given by the applicant has been considered having regard to the identified constraints, and the mitigating factors and proposals. On this basis the principle is considered acceptable. The development would result in the loss of some existing vegetation; however, any such loss was previously taken into account by the Inspector in deciding the appeal for the original hybrid application, and found that unforeseen damage to trees (removal, destroyed, dies or becomes seriously damaged or defective), would need to be addressed by suitable conditions for replacement trees. This, taken together with the temporary and localised nature of the development, it is considered that, subject to conditions, the impact of the development on the visual amenity and character of the area would not be materially harmful. Furthermore, the proposed development, subject to conditions, would not result in a detrimental impact on highway safety or the local highway network. No objection is raised in terms of the impact of the development on the amenity of the neighbouring occupiers. Therefore, it is considered that the proposed development would be acceptable and in accordance with policies S1, S4, D1, N2 and T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework (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
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places

¹ S278 is section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highway Authority to make permanent alterations or improvements to a public highway, as part of a planning approval.

- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S4 Maldon and Heybridge Strategic Growth
- D1 Design Quality and Built Environment
- N2 Natural Environment and Biodiversity
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing temporary vehicular access points to facilitate the timely delivery of an approved allocated sites for development within the Local Development Plan (LDP), is considered acceptable.
- 5.1.2 It is considered that the reasons provided by the applicant for the formation of these access points, as discussed in section 3.1 of the report, as well as the duration of the presence and use the access points are acceptable. Furthermore, it is confirmed that the use of the construction accesses will cease and the land would revert to highway verge. This would be secured by the imposition of an appropriately worded condition.
- 5.1.3 Other material planning consideration, including the impact of the development on highway safety, the character of the area and the unavoidable loss of existing vegetation are assessed below.

5.2 Design and Impact on the Character of the Area and the Existing Trees and Hedgerows

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

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

- 5.2.3 The proposed development seeks permission for the formation of two vehicular access points onto Maypole Road and Broad Street Green Road, through the construction of formal crossovers. The site is currently open land pending the approved development which comprises a large scale residential development with all the attendant infrastructure of roads, buildings and infrastructure. Therefore, the resultant hard surfacing to create the access points onto the site would not be inconsistent with the approved development nor result in demonstrable harm to the character of the area, considering the amount of development that is expected to come forward on site and subsequent impact that this would have to the overall character and appearance of the area. Given that the access points are off classified roads, the works would be to highway construction standards to provide the appropriate width, alignment and visibility splays to accommodate construction traffic and ensure highway safety.
- 5.2.4 One of the access points onto Broad Street Green Road, would be opposite residential dwellings at No's 71 to 77 Broad Street Green Road. The construction of this access would involve the removal of some trees including some early mature oaks, and a mixed hedge consisting of mainly blackthorn and occasionally hawthorne (H1, T4 and T6). On Maypole Road the proposed access would be formed to the south of an existing track that traverses the site. The vegetation to be removed would include a mature oak tree and a mixed hawthorn, field maple and blackthorn boundary hedge (T95 and H19). These are identified in the submitted Arboricultural Impact Assessment Report, July 2021 (Ref: SHA 1012). It should be noted that the removal of these trees and hedgerows has been allowed under the terms of the hybrid application reference 15/00419/OUT under condition 18 imposed by the Inspector. The relevant section of the table which was included in the Arboricultural Impact Assessment, 23.04.2015 (Ref: DFC 1247) includes all tree works affected and is reproduced overleaf:

Tree surgery recommendations

All tree works to be undertaken in accordance with *BS 3998:2010 Recommendations for tree works*, or industry best practice.

Where appropriate, arisings from tree works should be retained on site as ecological habitat features.

Tree no.	Species	Proposed works	Reason
T1 - T21	Oak and field maple	Fell section	To facilitate the development
T52	Oak	Fell tree	To facilitate the development
T56 - T60	Oak and alder	Fell section	To facilitate the development
T64, T66, T67, T68	Ash and oak	Fell section	To facilitate the development
T73	Field maple	Fell tree	To facilitate the development
T91	Oak	Fell tree	To facilitate the development
T95	Oak	Fell tree	To facilitate the development
T123-T130	Ash	Fell tree	To facilitate the development
T132-T137	Oak and field maple	Fell section	To facilitate the development
T149	Oak	Fell tree	To facilitate the development
H1-H5	Hawthorn, blackthorn, field maple	Fell sections	To facilitate the development
H19	Hawthorn, blackthorn, field maple	Fell sections	To facilitate the development

5.2.5 On the basis of the above, although it is undesirable that a number of trees and hedges will have to be removed to facilitate the development proposed, in terms of their impact on the visual amenity, it is considered that it would have been unreasonable for an objection to be raised by officers in that respect, given that consent for those works was allowed under the terms of the approved hybrid application (15/00419/OUT).

5.2.6 It is also noted that the submitted Arboricultural Impact Assessment Report, July 2021 (Ref: SHA 1012) confirms that the trees to the north of the Broad Street Green

Road access will be protected during works and any roots found along the curvature of the access will be pruned under arboricultural supervision. Furthermore, the approved development will provide a wide range of new planting, enriching the tree numbers, structure and species diversity. This will be secured at the assessment of the relevant reserved matters applications. Furthermore, the impact of the development would be temporary and once no longer required for construction purposes, it will have to revert to its original condition. A condition to secure the submission of landscaping details is imposed to secure that the areas are treated appropriately after the cessation of these temporary works.

- 5.2.7 The Council's Tree Consultant in his response suggested that details of the trees to be retained are in accordance with BS5837:2012. Arboricultural supervision would also be required during the works. This is confirmed within the submitted Arboricultural Impact Assessment Report. It is also advised that the planting scheme, referred to in the Arboricultural Impact Assessment Report, should be focused on native planting and provide space where trees can develop unhindered to become future landscape features. Landscaping to enhance the seasonal amenity and ecological net gain will also need to be considered. This will be secured by the imposed of an appropriately worded condition.
- 5.2.8 In light of the above assessment, it is considered that the impacts of the development on the visual amenity of the area would be temporary and localised. Whilst the loss of some existing trees and hedgerows is undesirable, their removal has already been approved under the terms of the hybrid application (15/00419/OUT) allowed on appeal. Furthermore, subject to the imposition of appropriate conditions, the existing trees that are proposed to be retained will be protected during construction and the replacement planting would be such that the visual amenity of the area will be enhanced following the cessation of the temporary development. On that basis, it is considered that the development would not result in a materially harmful impact on the character and appearance of the area.

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 Maldon District Design Guide (2017).
- 5.3.2 The proposed development seeks permission for the formation of two vehicular access points onto Maypole Road and Broad Street Green Road, where crossovers would have to be constructed. One of the access points to allow construction traffic would be onto Broad Street Green, opposite residential units (No's 71 to 77 Broad Street Green Road). On Maypole Road the proposed access would be formed to the south of an existing track that traverses the site.
- 5.3.3 As noted above, although the site is currently open, it has been designated for development within the LDP and permission was allowed on appeal for the erection of a mixed use development, with a large residential element. Whilst there will be some noise disturbance resulting from construction vehicles entering and exiting the site, consideration must be had to the fact that high levels of activity and movement, pedestrian and vehicular, are expected on the site during the wider development of the site and when the homes and businesses are occupied. In this instance the levels of activity and noise disturbance from construction traffic would be localised and temporary for two years in this position, and the applicant has confirmed that the use of the access points towards the latter part of this period would be substantially reduced before cessation of use.

- 5.3.4 Notwithstanding the above, it is considered reasonable that limitations are put in place for the working hours to avoid undue disturbance on nearby residents and other sensitive receptors. Whilst no response from the Council's Environmental Health Team has been received at the time of writing this report, it is considered reasonable that the same working hours as those proposed in the submitted Framework Construction Environmental Management Plan, October 2021, submitted as part of the discharge of condition 7 (application reference: 21/05134/DET) of the approved development 15/00419/OUT are included in this permission, given that they were found acceptable by the Environmental Health Team. The working hours proposed for the construction and delivery times are Monday to Friday between 8.00 hours and 18.00 hours, Saturdays between 8.00 hours and 13.00 hours and no work on Sundays and Bank Holidays. These working hours are typical for construction sites and have been considered acceptable by the Council's Environmental Health Team to control disturbance during the construction on site.
- 5.3.5 Subject to the imposition of a condition restricting working hours it is considered that the impact of the development on residential amenity outside of the typical working day, would be minimal and the proposal is supported in this respect.

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. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.4.2 The proposed development would result in the formation of two temporary access points, one onto Broad Street Green Road, opposite residential units (No's 71 to 77 Broad Street Green Road) and one on Maypole Road to the south of an existing farm track. The Highway Authority has been consulted and found that the impact of the development would be acceptable from a highway and transportation perspective. Conditions however have been suggested to be imposed. The condition would, amongst others, secure that sufficient visibility splays are provided prior to the use of the temporary access points. It is also required that the existing farm access on Maypole road to the north of the proposed access point is closed off, to avoid unnecessary points of traffic conflict in the highway. Finally, complete removal of the temporary construction accesses and reinstatement of the area in accordance with details to be approved by the local planning authority is considered necessary following the cessation of the construction works.
- 5.4.3 It is considered that the abovementioned conditions suggested by the Highway Authority would be sufficient to mitigate any adverse impacts of the proposed temporary construction access points, in terms of highway safety and impact on the existing highway network.
- 5.4.4 Having regard to the above and subject to conditions, it is considered that the development would be in accordance with policy T2 of the LDP and the guidance contained in the NPPF.

5.5 Ecology and biodiversity

- 5.5.1 The proposed development would result in loss of some trees and hedges. As discussed in section 5.2 of the report the removal of these trees and hedgerows was previously considered by the Inspector in determining the hybrid application for the

erection of the mixed use development on the largest allocated site in the Heybridge garden Suburb and found to be acceptable. In particular, in relation to ecology and biodiversity, at paragraph 42 of the appeal decision dated 25 October 2019, the Inspector stated that *“some negative significant impacts at a local level during the construction stage are expected but mitigation measures included in the proposals, including new planting and enhancement of retained habitats, mean that there will be no significant impacts as a result of the completed development”*. On that basis and taking into account these mitigation measures would apply to the currently proposed development, as it is the same application site, proposing the same works to vegetation that was previously consented under the terms of application 15/00419/OUT, it would have been unreasonable an objection in terms of ecological impacts to be raised.

- 5.5.2 Furthermore, given the temporary nature of the development and subject to the imposition of an appropriately worded condition requiring the submission of details for a landscaping scheme following the cessation of the development, which would focus on native planting in order to enhance seasonal amenity and ecological net gain, it is considered that the ecological and biodiversity impacts of the development would be limited and not significant to warrant refusal of the application on those grounds.

6. **ANY RELEVANT SITE HISTORY**

- 6.1.1 The relevant planning history is set out in the table below:

- **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
- **21/00384/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;
 - (a) landscaping for the approved Relief Road,
 - (b) phase 1 entrance green,
 - (c) phase 1 spine road,
 - (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)
 - (e) acoustic bund for phase 1

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:

- (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 - 08.10.2021
- **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
 - **21/05134/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction management plan. – pending consideration
 - **21/05135/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 15 - Broadband. – pending consideration
 - **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – pending consideration
 - **21/05162/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - Ecological Conservation Management Plan ECMP in relation to Phase 2 of the development only. – pending consideration

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No comment	

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.	Noted and discussed in section 5.4 of the report. Conditions are imposed as suggested by the Highway Authority.
Tree Consultant	<p>The arb impact assessment identifies trees they intend to remove to create the temporary access routes, in line with previous consent for the whole scheme.</p> <p>It mentions about protective barriers in the report and that they 'Should' be in place to protect retained trees. I suggest we ask for details of how the retained trees 'Will' be protected in accordance with BS5837:2012. I believe this is achievable but requires documentation to demonstrate this, along with arboricultural supervision visits to ensure the protection measures are in place and maintained.</p> <p>The report also mentions about the scheme having replanting, this should focus on native planting and providing space where trees can develop unhindered to become future landscape features.</p>	Noted and discussed in sections 5.2 and 5.5 of the report. Conditions are imposed as suggested.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Landscaping to enhance the seasonal amenity and ecological net gain will also need to be considered.	

7.3 Internal Consultees (*summarised*)

Name of internal Consultee	Comment	Officer Response
Environmental Health Specialist	No objection. The applicant has submitted a formal consent to do works to the watercourses in Maypole and Broad Street Green Roads and flood risk has been considered. On this basis, no objections is raised.	Noted.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Impact on highway network due to large amounts of construction traffic along narrow and already congested roads.	Comment noted. The Highway Authority was consulted and raised no objection to the proposed development in terms of its impact on the highway network.
Risk at damaging listed buildings during construction.	The proposed development is located in close proximity to listed buildings. It is not considered that the development would result in additional construction traffic from this expected from the development allowed on appeal under the terms of application 15/00419/OUT which was considered acceptable by the Inspector.
Increased noise levels.	Comment noted and addressed in section 5.3 of the report.
Removal of an oak tree which was retained as part of application 15/00419/OUT.	Comment noted and discussed in section 5.2 of the report. An extract from the agreed works to trees under application 15/00419/OUT is included in this section of the report.
Permission 15/00419/OUT intended to use the relief road for construction traffic. No justification for the currently proposed temporary access points.	The application is supported by a cover letter explaining the reasons for the proposed temporary construction accesses. This is also discussed in section 3.1 of the report.
The access on Broad Street Green	Comment noted; however, the Highway

Objection Comment	Officer Response
Road would result in highway and pedestrian safety issues.	Authority, subject to conditions which are imposed to this permission, are satisfied that the development would not result in unacceptable impacts in terms of highway safety.
High accident rates along Broad Street Green Road.	
Maypole Road would be a much better central access for the whole site.	Noted.

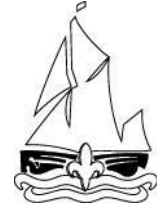
8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The temporary access points for construction traffic hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority on or before 4 November 2023. The submitted scheme of works shall include, but not limited to, a landscaping scheme focusing on native planting which would enhance seasonal amenity and ecological net gain.
REASON It is not considered that the grant of a permanent planning permission would be appropriate or in line with the approved development, and a temporary permission would enable the local planning authority to reassess the impact of the development on the character and appearance of the area, the impact on residential amenity and highway safety, to avoid traffic conflict in the highway.
- 3 The development hereby permitted shall be carried out in complete accordance with approved drawings: F00134 RJL NA NA DR C 0906; F00134 RJL NA DR C 0907; F00134 RJL NA DR C 0908; F00134 RJL NA DR C 0909; F00134 RJL NA DR C 0910; F00134 RJL NA DR C 0911; F00134 RJL NA DR C 0912 and F00134 RJL NA DR C 0913.
REASON To ensure the development is carried out in accordance with the details as approved.
- 4 Prior to the first use of the accesses the visibility splays of 2.4m x 120m, as shown on Richard Jackson drawings no. 0906 & 0907, shall be provided clear to ground level, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be maintained for the duration of the construction accesses.
REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 5 Prior to the first use of the new construction access on Maypole Road, the existing farm access to the north of the proposal, shall be permanently closed off, with the highway verge being fully reinstated. All details to be agreed with the Highway Authority.
REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 6 The development hereby approved shall be implemented in accordance with the Arboricultural Impact Assessment Report, dated July 2021 (Ref no.: SHA 1012), which is attached to and forms part of this permission.

- REASON** In order to preserve the natural environment and in the interests of the character and appearance of the area in accordance with Policies S1 and D1 of the Local Development Plan.
- 7 Notwithstanding condition 6, the trees and hedges identified for retention within the Arboricultural Impact Assessment Report, dated July 2021 (Ref no.: SHA 1012) which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit, and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.
- REASON** To preserve the natural environment and in the interests of the character and appearance of the area in accordance with Policies S1 and D1 of the Local Development Plan.
- 8 The construction and use of the temporary construction access points hereby permitted shall only be undertaken between 8.00 hours and 18.00 hours on weekdays and between 8.00 hours and 13.00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- REASON** To protect residential amenity in compliance with policy D1 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.

INFORMATIVES

- 1 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.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 3 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



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 DECEMBER 2021**

Application Number	21/00889/RES
Location	Land South Of Wycke Hill And Limebrook Way (Western) Maldon Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking. (Description of most recent outline planning permission 20/00074/FUL: <i>Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))</i>)
Applicant	Crest Nicholson (Eastern)
Agent	Mr Taylar Vernon – Savills
Target Decision Date	13.12.2021
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

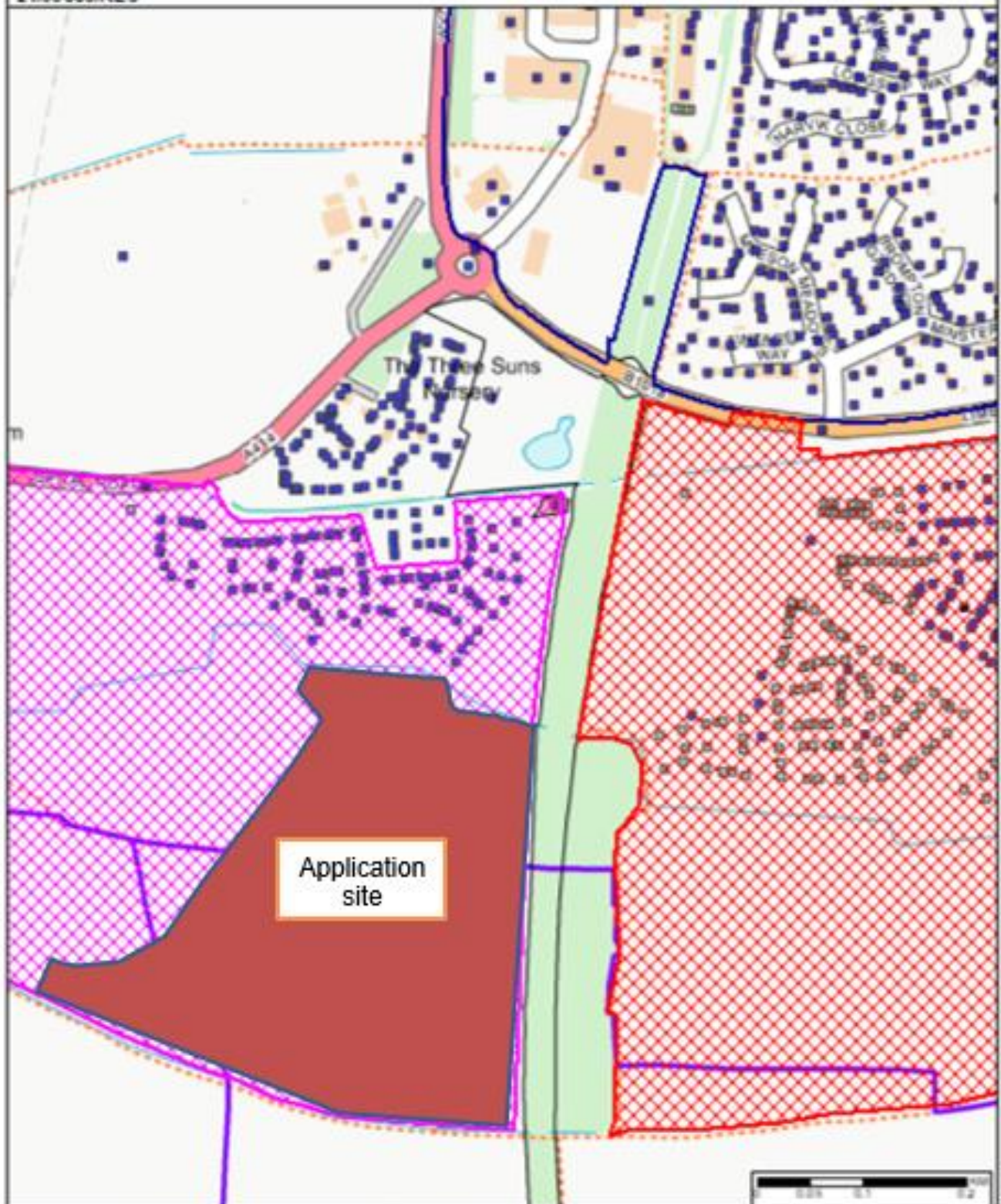
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Land South of Wycke Hill and Limebrook Way, Maldon
21/00889/RES



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Planning Committee
	Date:	10/11/2021
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference 14/01103/OUT) in December 2016, following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the Site consists of two vehicular accesses off the A414 on the western side, an access (roundabout) off Limebrook Way and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 3.1.2 The LDP sets out the housing and infrastructure requirements for strategic sites at Policies S2 Strategic Growth; S3 Place Shaping and S4 Maldon and Heybridge Strategic Growth. The western parcel of Site S2(a) is within the South Maldon Garden Suburb strategic allocation delivering 394 dwellings and infrastructure; to be developed by Crest Nicholson. The current application relates to Phase 2 of the Western Parcel. Phase 1 of the Western Parcel is currently under construction by Crest Nicholson for 106 dwellings. Taylor Wimpey is currently building-out the Eastern Parcel of Site S2(a) in the South Maldon Garden Suburb delivering 606 dwellings and infrastructure in two phases.
- 3.1.3 Policy S3 Place Shaping required a Masterplan to be prepared collaboratively with developers, land promoters and infrastructure providers. The South Maldon Garden Suburb Strategic Masterplan Framework was endorsed by the Council in 2014 and adopted as a Supplementary Planning Document (SPD) in March 2018. The Masterplan sets out the strategic framework for primary streets, public open space, walking and cycling routes, SuDs management and bus routes set around residential land parcels.
- 3.1.4 To ensure the South Maldon Garden Suburb is developed in a consistent manner across all development sites, Strategic Design Codes (endorsed March 2016) were prepared by the Council based on submitted outline applications and approved Design Parameter Plans for:
- Land Use;
 - Access and Movement;
 - Green and Blue Infrastructure;
 - Density;
 - Building Heights.
- 3.1.4.1 The Strategic Design Codes are summarised in the Structuring Plan in the South Maldon Garden Suburb Strategic Design Codes document.

- 3.1.5 The original outline planning permission was subsequently varied most recently by permission reference 20/00074/FUL which was approved on 19 June 2020. The current application site forms Phase 2 of the Western Parcel which is located in the south-eastern corner of the Western Parcel, immediately to the south of Phase 1. To the south is agricultural land, to the west is further land allocated for residential use as part of the Western Parcel and to the east is part of the disused railway line referred to below and which forms part of the Maldon Wycke Nature Reserve. Phase 2 has the Lime Brook as its northern boundary. Public Right of Way 253 crosses the site (the formal process of diverting this footpath is in progress).
- 3.1.6 An application for approval of reserved matters of Phase 1 of the Eastern Parcel (for 200 dwellings) was granted in 2018 (reference 18/00531/RES) and approval of reserved matters for Phase 2 of the Eastern Parcel (reference 19/00411/RES) was granted in 2019 for 406 dwellings. Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Western and Eastern Parcels have also already been approved (references 19/01093/FUL and 18/00494/FUL, respectively). The application for approval of reserved matters of Phase 1 of the Western Parcel was granted in 2020 (reference 19/01097/RES).
- 3.1.7 The Eastern and Western Parcels are separated by a disused railway line known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction.
- 3.1.8 A watercourse, known as the Lime Brook, runs west-east adjacent to the northern boundary of the Western Parcel. A second watercourse, the 'Lime Brook South Arm', flows through the northern part of the Western Parcel from the western boundary to the eastern boundary where it is culverted through the former railway embankment.
- 3.1.9 The topographical survey data indicates that the Western Parcel slopes from north-west to south-east with elevations in the northwest corner on Maldon Road in the order of 16.5 m Above Ordnance Datum (AOD) falling to approximately 10.0 m AOD in the south-east corner of the site. This represents a slope of approximately 1 in 130.
- 3.1.10 Two new access points are to be created off Maldon Road towards the north-western corner of the Western Parcel which were approved as part of the outline planning permission (original reference 14/01103/OUT). These access points would provide access to the Phase 2 development the subject of this current application one of which would be via Phase 1.
- 3.1.11 The current application seeks approval of those matters which were reserved as part of the outline planning permission referred to above, namely scale, layout, appearance and landscaping, for Phase 2 of the Western Parcel which covers an area of approximately 7ha. The site would accommodate 210 dwellings (a mixture of 40no. one- and two-bedroom apartments and 170no. two-, three-, four- and five-bedroom houses) along with new public open space and parking. 62 (29.5%) of the residential units proposed would be affordable housing. The public open space would include elements of the SuDS including a swale parallel to Lime Brook and an attenuation basin against the Maldon Wycke nature reserve extension. A Local Area of Play is proposed adjacent to the site's north-western boundary, adjacent to which, a trail of exercise equipment for a youth facility is proposed.
- 3.1.12 The buildings would be a mix of mainly two storey buildings with a number of 2.5 storey buildings around the spine road and in the northern part of the site.

3.1.13 A total of 541 car parking spaces are proposed including carports and garages and would include 53 parking spaces for visitors spread across the site. There would be no bus stops through Phase 2 but the bus route planned would cross the north-western corner of the site and all residents would be within 400m (5 minute walk) of a bus stop. Secure cycle storage for all properties would be provided within back gardens or within the garages proposed.

3.1.14 The Parameter Plans identify Phase 2 as mainly medium density (30-35dph (density per hectare)) with low density (20-30dph) across the southern border of the site. It is stated that the current proposal has a gross density of 15.8dph and a net density of 26.3dph. The following Design Codes are relevant to the proposal: Primary Street; Green Edge Streets; Green Space Streets.

3.1.15 Native planting to proposed to the site's eastern and southern site boundaries.

3.1.16 The housing mix proposed is as follows:

Market Housing

Beds	Type	Number	% Phase 2
1	Apartment	6	4%
2	House	6	4%
3	House	62	42%
4	House	46	31%
5	House	28	19%
Total		148	100%

Affordable Housing

Beds	Type	Phase 1 (approved)	Phase 2 (proposed)	% Phase 2	Total
		Number	Number		
1	Apartment	10	26	42%	36 38%
2	Apartment	2	8	13%	10 11%
2	House	16	22	35%	38 40%
3	House	4	6	10%	10 11%
1	Elderly flats	0	0		
1	Elderly bungalows	0	0		
2	Elderly flats	0	0		
2	Elderly bungalows	0	0		
Total		32	62	100%	94 100%

The tenure split for Phase 2 would be 44 affordable rent (71%) and 18 shared ownership (29%).

3.1.17 The application is subject to a Planning Performance Agreement.

3.1.18 The application is supported by the following documents:

- Planning Statement;
- Design Statement;

- Landscape Design and Access Statement August 2021;
- Energy and Sustainability Strategy August 2021 (as required by condition 80 of the outline planning permission);
- Air Quality Assessment August 2021 (as required by condition 71 of the outline planning permission);
- Noise Assessment 10799/01 August 2021 (as required by condition 72 of the outline planning permission);
- Arboricultural Impact Assessment September 2021 (as required by condition 45 of the outline planning permission);
- Flood Risk Assessment August 2021 (as required by condition 62 of the outline planning permission);
- Ecological Conservation Management Plan and Statement August 2021 (as required by condition 70 of the outline planning permission).

3.1.19 There are a number of conditions attached to the outline planning permission (reference 20/00074/FUL) which the current reserved matters application would need to comply with:

- Condition 6 requires the reserved matters to be carried out substantially in accordance with the Design and Access Statement and in accordance with the principles of the Design Parameter Plans relating to Land Use, Building Height, Residential Density, Green Infrastructure and Movement and Access.
- Condition 8 requires the reserved matters applications to accord with the Design Codes which take full account of the Maldon Garden Suburb Strategic Masterplan Framework – refer to section 5.3 below.
- Condition 19 requires any reserved matters application detailing the layout of the development to include details of the bus stop infrastructure – but no bus stops are proposed as part of Phase 2.
- Condition 23 requires any reserved matters application detailing the layout of the development to include a scheme to show the provision of a network of off carriageway pedestrian and cycle routes linking all areas within the development – these details have been submitted as part of the current application.
- Condition 26 sets out the private market housing mix – the proposed mix has been submitted.
- Condition 27 requires any reserved matters application detailing the layout of the development to include a layout plan showing the distribution of market and affordable housing, including a schedule of dwelling size (by number of bedrooms) – these details have been submitted.
- Condition 44 requires the submission of details of soft and hard landscaping with any reserved matters application – these have been submitted.
- Condition 56 requires samples or details of external materials to be submitted prior to or concurrently with reserved matters application – a material palette for the development and External Materials Plan have been submitted.
- Condition 57 requires submission of siting, height, design and materials of the treatment of all boundaries with any reserved matters application – these details have been submitted.
- Condition 58 requires the submission of existing and proposed site levels, including finished floor levels, with any reserved matters application – these details have been submitted.
- Condition 59 requires any reserved matters application to be designed to accord with Essex Design Guide (1997 version) for minimum building to

building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings – this matter is discussed below (Section 5.5).

- Condition 60 requires details of hydraulic flood modelling taking into account climate change to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted; a hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/1097/RES). The Flood Risk Assessment (FRA) includes the output from the modelling work undertaken and Ardent has prepared a brief modelling report to provide further clarification.
- Condition 62 requires an up-to-date flood risk assessment to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted.
- Conditions 63 and 64 – surface water and foul drainage - surface water and foul drainage details have been submitted but have been approved as part of application reference 19/01093/FUL.
- Condition 65 requires vehicle parking details with any reserved matters application to accord with adopted vehicle parking standards (including the provision of 5% for visitors), the Design Codes and the Design and Access Statement – this matter is discussed below (Section 5.6).
- Condition 66 requires details of cycle parking with any reserved matters application to accord with adopted parking standards and the Design Codes – this matter is discussed below (Section 5.6).
- Condition 70 - requires any reserved matters application to be accompanied by an Ecological Conservation Management Plan Statement which demonstrates how it accords with the aims and objectives of the approved Ecological Conservation Management Plan – this document has been submitted.
- Condition 71 - requires the layout of any reserved matters application to take into account measures aimed at mitigating or offsetting the impacts on local air quality. An Air Quality Assessment has been submitted.
- Condition 72 - requires any reserved matters application to include a noise assessment detailing the noise environment across the site, in relation to BS8233:2014, and mitigation measures where relevant. A Noise Assessment has been submitted.
- Condition 78 - requires that any reserved matters application for layout includes details of a lighting strategy. The applicant states that a lighting strategy is included in the landscape drawings submitted.
- Condition 80 - requires that any reserved matters application includes a renewable energy statement which demonstrates that the total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. An Energy and Sustainability Strategy has been submitted.
- Condition 82 - requires any reserved matters application to include details of temporary and permanent recycling facilities in accordance with the Design Codes and Design and Access Statement. A Refuse Strategy has been submitted.

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

- Highway and public transport obligations;

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

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

3.2 Conclusion

3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (most recently granted under reference 20/00074/FUL), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing.

3.2.2 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the outline planning permission which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, would be provided. The details of the recreational facilities proposed would be satisfactory.

3.2.3 Based on the above, it is recommended that the application is approved.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities

- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide (where it cross references the MDDG and the garden suburb principles set out in the adopted Masterplan SPD and endorsed Strategic Design Codes)
- Maldon District Design Guide (December 2017) (MDDG)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are: the principle of the development and the housing mix, the impact of the development on the character and appearance of the area, any impact on the

amenity of the occupiers of existing residential properties, the quality of life for the occupiers of the proposed dwellings, highways / access / parking, flood risk, nature conservation, and the acceptability of the details of the public open space proposed.

5.2 Principle of Development and Housing Mix

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.2 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 20/00074/FUL), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing. Therefore, no objection is raised to the principle of the development proposed.

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

Beds	Type	Percentage	Percentage for Phase 2 proposed
1	Flats	Minimum 3.4%	4%
2	Houses, bungalows, flats	Maximum 26.6%	%
3	Houses	No less than 35%	44%
4+	Houses	No more than 35%	50%

5.2.4 The market housing mix proposed and that approved as part of Phase 1 is set out below:

		Phase 1 (approved)		Phase 2 (proposed)		Total
Beds	Type	Number	% Phase 1	Number	% Phase 2	
1	Apartment	62	4%	6	4%	8 4%
2	House	17	4%	6	4%	23 10%
3	House	33	42%	62	42%	95 43%
4	House	22	50%	46	31%	68 31%
5	House	0		28	19%	28 13%
Total		74	100%	148	100%	222 100%

5.2.5 The applicant advises that, whilst the percentages proposed do not completely align with those required by the outline planning permission (the percentage of 4+ bedroom houses is above the maximum 35% required), the percentages required will be achieved over the Western Parcel as a whole. The applicant states that the location of Phase 2 lends itself to providing larger detached family housing.

5.2.6 The proposed proportion of two-bedroom units as part of the current application (only 4%) would be significantly less than the 25-35% and the proposed proportion of 4+ bedroom units (at 50%) would be significantly more than the 15-25% required to comply with the Local Housing Needs Assessment (LHNA) (May 2021). However, no objection is raised to the proposed market housing mix as, across the Western Parcel as a whole, it will only need to comply with the requirements of the outline planning permission which was granted when the Council was unable to demonstrate a five-year housing land supply, before the adoption of the LDP and before the LHNA was published in May 2021. The housing mix has been accepted at outline application stage and so is not something that can be revisited through this reserved matters application.

5.2.7 The Section 106 Agreement requires the following affordable housing provision:

Unit type	Proportion of total affordable housing units	Proportion proposed for Phase 2 – 62 in total
1 bed flats	32% +/- 2.5%	42%
2 bed flats	8% +/- 0.5%	13%
2 bed houses	32% +/- 2.5%	35%
3 bed houses	8% +/- 0.5%	10%
1 bed elderly flats	5%	0%
1 bed elderly bungalows	5%	0%
2 bed elderly flats	5%	0%
2 bed elderly bungalows	5%	0%

5.2.8 With respect to the affordable housing proposed and that approved as part of Phase 1, the housing mix would be as follows:

		Phase 1 (approved)	Phase 2 (proposed)		Total
Beds	Type	Number	Number	% Phase 2	
1	Apartment	10	26	42%	36 38%
2	Apartment	2	8	13%	10 11%
2	House	16	22	35%	38 40%
3	House	4	6	10%	10 11%
1	Elderly flats	0	0		
1	Elderly bungalows	0	0		
2	Elderly flats	0	0		
2	Elderly bungalows	0	0		
Total		32	62	100%	94 100%

5.2.9 The applicant states that the mix broadly accords with the requirements of the S106 and that the elderly person units will be provided in the subsequent phase. The affordable housing mix proposed does not comply with the housing mix requirements of the Section 106 Agreement. The Section 106 Agreement also requires the tenure split of the affordable housing to be 70:30 rented:shared ownership. The current proposal is now for 18 shared ownership units and 44 rented units which is a ratio of 71:29 rented:shared ownership. However, as was the case with the Eastern Parcel, the overall housing mix across all of the phases of residential development within the

Western Parcel will need to comply and the Senior Specialist Co-ordinator - Housing has confirmed that they have no objection to the affordable housing mix proposed.

5.2.10 Strategic Housing Services note that the two-bedroom affordable rented flats in this Phase do not meet minimum sizes recommended in the National Described Space Standards (NDSS) for four-person units and so will need to be advertised as 2 bed 3 person units. However, there is no requirement as part of the outline planning permission for the affordable units to comply with NDSS.

5.2.11 Based on the above, it is considered that the principle of the development is acceptable, and no objection is raised to the housing mix proposed.

5.3 Design and Impact on the Character of the Area

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

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

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

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

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (2017) (MDDG) and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 5.3.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.
- 5.3.7 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission: 'Design Parameter Plan – Land Use', 'Building Height', 'Residential Density', 'Green Infrastructure' and 'Movement and Access'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.
- 5.3.8 The application is supported by a Planning Statement, a Design Statement, an Arboricultural Impact Assessment, a Landscape Design and Access Statement and hard and soft landscape details.
- 5.3.9 The current application site essentially forms the majority of the Woodland View character area as identified in the Masterplan. The following Design Codes relate to the development currently proposed: Primary Street (PS01 PS03) Green Edge Streets (GE01) Green Space Streets (GS01 GS02 GS03) and Built Edge Streets (BS06 BS07).
- 5.3.10 In terms of density, the 'Residential Density Parameter Plan', approved as part of the outline planning permission, identifies the application site as being mainly an area of medium density (30-35dph) with low density (20-30dph) along the southern and most of the eastern boundary. The net density for Phase 2 is stated as net density of 26.3dph. This is below the densities set out in the 'Parameter Plan'. It is also important to note that granting permission for the development proposed would not increase the total number of dwellings permitted within the development as a whole which is limited to a maximum of 1000 dwellings by the outline planning permission (14/01103/OUT) i.e. the last phase of the Western Parcel could only deliver a maximum of 78 residential units under the existing planning permission.
- 5.3.11 The details of the layout, scale, appearance and landscaping which have been submitted have been developed as part of a pre-application process.
- 5.3.12 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. The dwellings proposed along the site's external boundaries would be set back from these boundaries with intervening landscaping which would soften the visual impact of the development.
- 5.3.13 The dwellings would consist of a mixture of buildings, all two or two and half storeys in height, and a mixture of around 21 different house-types across the site, all with

pitched roofs and using traditional external materials. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual clues such as pitched roofs, dormer windows, gabled projections and chimneys and a cohesive mix of external materials. It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. It is considered that the character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site and consistent in relation to the schemes approved for previous phases within both the Eastern and Western Parcels.

- 5.3.14 Affordable housing is spread across the site. The affordable housing layout is considered to be a good design approach being comparable to that proposed for the market housing element of the scheme and responds to the type of affordable housing needed. The approach also satisfies the Maldon District Design Guide requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance 'to encourage social inclusion and community cohesion.'
- 5.3.15 The Arboricultural Impact Assessment submitted concludes that no trees require removal as part of the design layout, no Root Protection Areas (RPAs) of any trees will be impacted by the design layout and, provided precautions to protect the retained trees are specified and implemented through the measures included in the Assessment, the development proposal will have minimal impact on the retained trees or their wider contribution to amenity and character. Therefore, if the recommendations made within this report are followed, the development will be achievable in arboricultural terms.
- 5.3.16 The Strategy Theme Lead – Place has advised that the scheme pays regard to the Strategic Design Codes, the overarching Strategic Masterplan Framework and the approved Design Parameter Plans i.e. Density and Building Heights. A query has been raised regarding lighting in shared space streets (as Essex County Council will not adopt street lighting within these streets). It has been suggested to the applicant that lighting could be placed in Public Open Space adjacent to the shared space street instead to ensure that those walking and cycling could access their streets safely from the Public Open Space and that the management company would maintain lighting at these points. This lighting could be provided as part of the lighting strategy for the development. No objections are raised, in principle, to the external materials proposed.
- 5.3.17 The Tree Consultant has advised that the arboricultural information provided satisfactorily identifies the constraints of the trees and how they will be protected from construction pressures. Comments on the planting details submitted as part of the current application are awaited.
- 5.3.18 Subject to these comments, having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the approved Parameter Plans which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb would be provided. There is a variety in materials palette, architectural features and articulation / brick detailing to each unit type. The hard landscape materials palette is complimentary to the elevation materials palette and the means of enclosure is appropriate. No objection is raised to the external materials for the buildings proposed, which are considered to be appropriate for the development proposed.

- 5.3.19 In the context of the existing outline planning permission and allocation of the site for development, it is considered that the development proposed would not have an adverse visual impact and, therefore, comply with Policy D1 of the LDP, the adopted Masterplan, the MDDG, the South Maldon Garden Suburb Design Code and the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.4.2 The application site abuts Phase 1 of the Western Parcel along its northern boundary which is in the process of being built-out. There are no existing dwellings to the east, south or west whose occupiers would be affected by the development proposed.
- 5.4.3 The proposed dwellings would be a maximum of two and a half storeys in height and positioned to create a distance of a minimum of 18.5m from the northern site boundary. As a result of this separation distance, along with the residential nature of the development proposed, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of Phase 1 by reason of overlooking, loss of outlook, visual impact, daylight and sunlight. Due to the residential nature of the development proposed, the proposal would not give rise any issues in relation to smell, light or pollution. There is the potential for noise and disturbance etc. to adversely affect existing residents within the vicinity of the site during the construction period, but this impact would be minimised through the approved Construction Code of Conduct Method Statement as required by condition 81 of the outline planning permission (reference 19/05165/DET). In any event, the construction works would be temporary.
- 5.4.4 The Air Quality Assessment submitted advises that a review of local air quality monitoring data indicates that existing concentrations of NO₂ (Nitrogen Dioxide), PM (Particulate Matter) 10 and PM_{2.5} in the area are well below the air quality objectives set for the protection of health and future increases in traffic associated with the wider development or other consented schemes in Maldon and are unlikely to significantly affect air quality at the proposed development. The Assessment concludes that air quality is not considered a constraint to the development of the site. The Specialist – Environmental Health has not raised any concerns in relation to air quality.
- 5.4.5 Based on the above, no objection to the proposal is raised in relation to the impact on residential amenity.

5.5 Quality of Life for the Occupiers of the Proposed Dwellings

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 All of the private amenity spaces proposed comply with the recommended minimum sizes. There would also be areas of public open space in close proximity to all of the

dwelling proposed. Direct 'back-to-back' distances would generally be at least 25m as recommended in the Essex Design Guide.

- 5.5.3 The Noise Assessment submitted assesses the impact of traffic noise on the occupiers of the proposed dwellings and concludes that with either open or closed windows the BS8233 internal noise levels will be met in all properties using standard double glazing.
- 5.5.4 The Specialist - Environmental Health has raised no objections to the proposal.
- 5.5.5 Therefore, the quality of life for the occupiers of the proposed dwellings would be satisfactory.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 Condition 8 of the outline planning permission requires the development to be carried out in accordance with the Design Codes which, in relation to off-street parking provision, requires compliance with the Essex County Council (ECC) parking standards. These standards are a minimum of one space for one-bedroom dwellings and two spaces for dwellings with two bedrooms or more. Visitor parking is required at a rate of at least 0.25 spaces per dwelling. With respect to cycle parking, the standard required is one secure covered space per dwelling unless the dwelling has a garage, or a secure area is provided within the dwelling's curtilage. Cycle parking for visitors is required at a rate of 1 per 8 dwellings. Garages are required to have internal dimensions of 3m x 7m
- 5.6.3 A total of 541 car parking spaces are proposed including carports and garages and would include 53 parking spaces for visitors spread across the site. Secure cycle storage for all properties would be provided within back gardens or within the garages.
- 5.6.4 One parking space per one bedroom dwelling and two spaces per dwelling with two or more dwellings is included as part of the proposal. This complies with the standard referred to above and the visitor spaces are suitably located across the site with a mixture of on-street spaces and within shared space streets and parking courts. The garages / car ports proposed comply with the minimum dimensions required. Adequate cycle parking for dwellings has been included as part of the current application. The number and location of the electric charging points have not been included within the application, but this detail could be required by condition if the application were to be approved.
- 5.6.5 Access to Limebrook Park West is proposed to be taken from the external highway network in accordance with the outline consent i.e. via two new priority 'T' junctions with dedicated right-turn lanes on Maldon Road. The approved Movement and Access Parameter Plan shows the main vehicle and cycle / pedestrian routes. Details of the spine roads within the Western Parcel has already been approved as part of application 19/01093/FUL.

5.6.6 Essex County Council Highways have yet to formally respond to the consultation but have made the following comments:

- there could be better/additional pedestrian / cycle tie-ins into the cycleway/footpath around the perimeter of the site – these links are crucial for improving sustainable access choices;
- The ramped feature adjacent to plots 167 & 168 should be replicated to the north of the site where the cycleway intersects the road;
- The proposed bridge/culvert structure spanning the Environment Agency Registered watercourse to the north west of the site adjacent to the boundaries between Phase 1 and 2; this will, under the Third Party Structures AiP procedure, require an access area/bay to adequately cover proposed arrangements for future maintenance and inspection. This was deferred from Phase 1 and consequently has to be part of the Phase 2 layout;
- Trees/Sightlines visibility splays at junctions should not be obstructed by trees – although exceptions are permitted where the trees have slender trunks and a high canopy;
- The developer needs to ensure that proper procedures are followed to close and divert Public Footpaths no.41 Maldon and no.14 Hazeleigh, currently running through the middle of the Phase 2 layout and that the footbridge connection between footpath no.14 Hazeleigh and footpath no.1 Hazeleigh, in the south-east corner of the site, is retained if at all possible on the original alignment;
- A Street Lighting brief will be required for adoptable areas only – the Street Lighting will not be assessed by ECC until the detail design stage;
- A 20 mph speed limit zone to cover full area of phase including private roads;
- It is noted that the intention is just for the main Type E road to be offered for adoption.

5.6.7 Essex County Fire and Rescue Services have also made comments on the proposal (unable to determine from the plans provided what the ‘fire access vehicular emergency links’ are by plots 10 and 25, and the road width and construction is between plots 22-29).

5.6.8 Drawings revised to address the issues raised by ECC Highways and Fire and Rescue have been received and further comments from these consultees have been sought. The process of diverting the public rights of way referred to above is in progress.

5.6.9 Means of access to the site was approved as part of the existing outline and infrastructure planning permissions (references 20/0074/FUL and 19/01093/FUL). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission. The layout has taken account of Design Parameter Plans approved at outline stage and the location of residential land parcels within the highway and green infrastructure networks. The access arrangements for pedestrian and cycle movement is functional and practical for the residential parcels and would provide access to play areas and direct routes to services and facilities off road.

5.6.10 The proposal would provide adequate pedestrian and cycleway links with the Eastern Parcel to facilitate access to the facilities to be provided within the Eastern Parcel (local centre, school, allotments, sports facilities etc.) by the Western Parcel residents. The pedestrian and cycle routes and surface treatments are considered

appropriate where adjacent to the primary street network and within public open space.

- 5.6.11 Condition 18 of the outline planning permission requires a bus service through the site prior to occupation. Condition 19 of the same permission requires applications for approval of reserved matters to include details of bus stop infrastructure including bus stop locations. There would be no bus stops within Phase 2 but the bus route through the Western Parcel would cross the north-western corner of the site and all residents would be within 400m (5-minute walk) of a bus stop which is considered to be a reasonable walking distance.
- 5.6.12 Essex County Council Highways has yet to formally comment on the proposals but, in the absence of an objection and taking into account the Urban Design Officer's comments received, no objection is raised to the development proposed on the grounds of highway safety or access, and the proposal follows the parameters agreed as part of the outline planning permission including the vehicular access points to the site. Provision for a bus route through the Western Parcel and any off-site highway works required as part of the development of the Western Parcel have been secured through the existing Section 106 Agreement for the site.
- 5.6.13 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking issues.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.7.2 The application is supported by a Flood Risk Assessment.
- 5.7.3 Condition 60 of the outline planning permission requires hydraulic flood modelling with applications seeking approval of reserved matters. Condition 61 of the same permission requires that no development commences until details of who responsible for management and maintenance of watercourses is approved (which has already been approved as part of the reserved matters approval for Phase 1). Condition 62 of the same permission requires that an up-to-date Flood Risk Assessment is submitted with applications seeking approval of reserved matters. A Flood Risk Assessment has been submitted as part of the current application. A hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/01097/RES).
- 5.7.4 The site has outline planning permission for development and is allocated in the LDP for development, so the development is deemed to have passed the Sequential and Exceptions Tests.
- 5.7.5 As part of the Flood Risk Assessment (FRA) submitted, the following conclusions are reached:
- Fluvial - All of the site is within Flood Zone 1 except for the north-eastern corner of the site but measures are proposed to mitigate this flood risk i.e. raising finished floor levels by 300mm above the 1 in 100 AEP event central climate change allowance (+25%) maximum flood level which would include raising ground levels by up to a maximum of 1m.
 - Ground water; sewer flooding, flooding from artificial sources – all low risk

- Surface Water – mainly ‘very low’ or ‘low’ risk. There are three small areas of ponding at ‘high’ risk which mitigation would address.
- 5.7.6 The flood risk assessment aims to establish that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.7.7 Condition 63 of the outline planning permission requires that, with the first application for approval of reserved matters, a detailed surface water drainage scheme for the entire site based on SuDS principles and an assessment of the hydrological and hydro geological context of the development is provided. Condition 64 of the outline planning permission requires that any application for approval of reserved matters includes details of foul water drainage for that phase. The drainage details for the whole of the Western Parcel were approved as part of 19/01093/FUL.
- 5.7.8 Surface water discharge will be restricted to greenfield runoff rates into the existing watercourses with surface water attenuation provided up to the 1 in 100 year climate change event through the use of swales, attenuation basins and ponds in public places as part of the greenways and public open space which will be provided prior to the construction of buildings and roads to ensure surface water runoff does not increase temporarily during construction.
- 5.7.9 Foul drainage will be conveyed through the Eastern Parcel to an adoptable foul pumping station where flows will be pumped to the existing Anglian Water foul sewer in Farnbridge Road. The system has been designed to accommodate flows from the whole of the Western Parcel.
- 5.7.10 Anglian Water Services has not commented on the proposal but did not raise objection to the previous application seeking approval of reserved matters for Phase 1 (reference 19/01097/RES) or the infrastructure proposed for the Western Parcel (reference 19/01093/FUL).
- 5.7.11 Essex County Council SuDS Team and the Environment Agency have raised no objections and have not recommended that any conditions are attached if permission were to be granted. However, the development would need to be completed in accordance with the recommendations of the FRA submitted.
- 5.7.12 Based on the specialist advice received, it is concluded that the development would not cause adverse issues with respect to flooding and drainage.

5.8 Nature Conservation

- 5.8.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.8.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.8.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.8.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development

which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.8.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.6 The application is supported by Ecological Conservation Management Plan and Statement August 2021 (as required by condition 70 of the outline planning permission) which includes during construction and post construction protection measures and mitigation measures which would include the provision of integrated bat boxes, Manthorpe swift boxes and hedgehog highways.
- 5.8.7 Essex Wildlife Trust has not commented on the proposal but ECC Ecology have advised that, having reviewed the Ecological Conservation Management Plan - Ecological Conservation Management Plan and Statement Phase 2 of Limebrook Park West, Maldon (SES, August 2021), they are satisfied that:
- the boundary habitats of Lime Brook corridor and Maldon Wick Local Wildlife Site (LWS) is to be retained and enhanced and linked-in with the area of public open space. Enhancements include creating wildflower meadows adjacent to the brook and new planting within the public open space, including amenity grassland and fruiting trees.
 - the hedgerows within the site will be retained and none will be removed to allow access into this land parcel. They note all retained hedgerows are to be enhanced and maintained.
 - the details contained within Appendix 3: 5-year management plan of the Ecological Conservation Management Plan (SES, August 2021) are acceptable.
 - the suggested locations of the Hedgehog Highway, Integrated Bat boxes, Integrated Swift Bricks and reptile hibernacula as shown in Appendix 4 of the Ecological Conservation Management Plan (SESs, August 2021) are acceptable. Furthermore, the general arrangement plan legend - prepared by Macfarlane Associates also shows 1.8m high larch lap fencing with hedgehog hole at corner.
- 5.8.8 ECC Ecology notes that, based on the Highways General Arrangement prepared by Arden, the street lighting is shown positioned away from trees identified as having Low to High Bat Roosting potential on the boundaries of this land parcel. Furthermore, the Landscape Drawing Pack prepared by Macfarlane Associates identifies suitable native species planting within the areas of public open space.
- 5.8.9 Based on the above, ECC Ecology raise no objection to this application subject to a proportionate financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured as required by Habitats Regulations Assessment (HRA) Appropriate Assessment, and the ecological mitigation and enhancement measures identified being undertaken. Natural England has also advised that permission should not be granted until a Habitats Regulation Assessment has been carried out.
- 5.8.10 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within

Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones Of Influence' (ZOI) of these sites cover the whole of the Maldon District.

- 5.8.11 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. The application site falls within the ZOI for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is currently £127.30 per dwelling and would be used to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.12 However, the current application is seeking approval of matters reserved as part of the outline planning permission and the principle of the acceptability of the development has already been established as part of that extant outline planning permission which specified the maximum number of residential units. The development, the subject of the current application would result in no greater impact than the development the subject of the outline planning permission and therefore, it is not necessary or reasonable for the Local Planning Authority to seek mitigation as part of the current application.
- 5.8.13 To accord with Natural England's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

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

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

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

- 5.8.14 Based on the above, in the absence of any objection from consultees and based on the contents of the Ecological Conservation Management Plan submitted, no objection to the proposal is raised on the grounds of its impact on nature conservation.

5.9 Other Material Considerations

- 5.9.1 Energy Efficiency: The Energy and Sustainability Strategy submitted sets out the measures planned by the applicant to achieve sustainable design and CO2 reductions at the development site. The report describes the specifications adopted by the applicant to address all aspects of energy efficiency including, fabric insulation standards; thermal bridging minimisation; construction detailing to reduce unwanted ventilation losses; efficient heating and hot water plant; controls for managing behavioural aspects of demand; recovery of waste heat; and efficient plant. Solar PV would be provided to 10% of the affordable dwellings and electric car charging facilities would be provided. The level of energy saving would be above Building Regulation requirements.
- 5.9.2 Archaeology: Essex County Council Archaeology have raised no objections and advised that the area in question has been previously archaeologically trial-trenched and no significant archaeological remains have been identified. On this basis, no objection to the proposal is raised on the basis of impact on archaeology.
- 5.9.3 Contaminated Land: The Specialist - Environmental Health raises no objections and this matter has been dealt with by conditions attached to the outline planning permission.

6. ANY RELEVANT SITE HISTORY

- **Outline Application Site:**
 - **13/01169/SCR**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
 - **14/01103/OUT** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.
 - **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.

- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of 0110/OUT as amended by permissions 16/01454/FUL and 16/01458/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.
- **17/00396/FUL** - Variation of condition 27 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **18/00070/FUL** - Variation of condition 7 on approved application 17/00396/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.

- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL –Deed of Variation completed.
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 27.03.2020
- **20/00074/FUL** - Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 19.06.2020
- **Western Parcel Only:**
 - **19/01093/FUL** - Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071. Approved 04.02.2020
 - **19/01097/RES** - Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. Approved 19.03.2020
 - **20/00294/FUL** - Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of

highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.) Approved 09.06.2020

- **20/00697/FUL** - Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.) Approved 07.10.2020
- **20/00856/PROW** - Diversion of a public footpath 41 (PROW 253) & 14 (PROW 248). Undetermined

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval.	Noted.
Woodham Mortimer with Hazeleigh Parish Council	No response.	

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SuDS Team at Essex County Council	No objections.	Noted – refer to section 5.7 of report.
Environment Agency	No adverse comments.	Noted – refer to section 5.7 of report.
Natural England	Advise that planning permission should not be granted until such time as a HRA has been carried out and the conclusions confirmed in line with guidance.	Noted – refer to section 5.8 of report.
Essex County Council Highways Authority	No formal response but comments made.	Noted – refer to section 5.6 of report. Formal response following receipt of amended drawings awaited.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Archaeology	The area in question has been previously archaeologically trial-trenched and no significant archaeological remains have been identified. There will be no requirement for any further archaeological fieldwork within Phase 2.	Noted – refer to section 5.9 of report.
Anglian Water Services	No response.	
Essex and Suffolk Water	No response.	
Essex Wildlife Trust	No response.	
Essex County Fire and Rescue	<p>Access for Fire Service - most access roads within the development do meet the minimum required standard, but a single vehicle parked on the access roadway, may prevent entry by emergency services. They recommend the inclusion of parking restrictions in the vulnerable areas.</p> <p>Unable to determine from the plans provided what the 'fire access vehicular emergency links' are by plots 10 and 25, and the road width and construction is between plots 22-29. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>	Noted – a requirement for parking restrictions would be a matter to be address by ECC Highways. A further response is awaited following the receipt of amended drawings. Refer to section 5.6 of report.
North East Essex Badger Group	No response.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	Having reviewed the supporting information, both noise and air quality impacts have been suitable considered and according to the detail appear satisfactory. On this basis, they raise no adverse comments or objections to the application.	Noted – refer to sections 5.4 and 5.5 of report.
Strategy Theme Lead - Place	No adverse comments.	Noted – refer to section 5.3 of report.
Tree Consultant	The arboricultural information provided satisfactorily identifies the constraints of the trees and how they will be protected from construction pressures. I have no objection.	Noted – refer to section 5.3 of report. Comments on planting details are awaited.
Lead Countryside and Coast Co-ordinator	No response.	
Senior Specialist Co-ordinator - Housing	No adverse comments.	Noted – refer to section 5.2 of report.
ECC Ecology	No objection to this application subject to securing a proportionate financial contribution towards the Essex Coast RAMS as required by HRA Appropriate Assessment, and the ecological mitigation and enhancement measures identified being undertaken in full.	Noted – refer to section 5.8 of report.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be completed and maintained in accordance with the following approved plans and documents:
 - Landscape Design and Access Statement 3210.MA.RP001 August 2021

- Energy and Sustainability Strategy August 2021
- Air Quality Assessment August 2021
- Noise Assessment 10799/01 August 2021
- Arboricultural Impact Assessment September 2021
- Flood Risk Assessment ref. 181872-01 August 2021
- Ecological Conservation Management Plan and Statement August 2021
- PH2-PL-001 Location plan
- PH2-PL-002 Rev.B Development layout
- PH2-PL-003 Rev.A Detailed layout
- PH2-PL-004 Rev.A Parking Layout
- PH2-PL-005 Rev.A Garden Areas Layout
- PH2-PL-006 Rev.A Storey Heights Layout
- PH2-PL-007 Rev.A Refuse layout
- PH2-PL-008 Rev.A Colour of materials layout
- PH2-PL-009 Rev.A HA location plan
- PH2-WI-002 Working layout Phase 2
- HA-CR-O1 rev.A Cromer
- HA-CR-02 rev.B Cromer A
- HA-HA2B-01 rev.A HA2B
- HA-HA2B-02 rev.A HA2B A
- HA-HA3B-01 rev.A HA3B
- HA-HA3B-02 rev.B HA3B A
- HA-HA52-01 rev.A HA52
- HA-HA52-02 rev.B HA52 A
- HA-HA61-01 rev.A HA61
- HA-HA61-02 rev.B HA61 A
- HA-HA61-03 rev.B HA61 B
- HA-RE-01 rev.A Redgrave
- HA-RE-02 rev.B Redgrave A
- HT-AP1-01 rev.A AP1
- HT-AP1-02 rev.B AP1 A
- HT-AS-01 rev.A Ashstead
- HT-AS-02 rev.A Ashstead A
- HT-AS-03 rev.B Ashstead B
- HT-BU-01 rev.A Buckingham
- HT-BU-02 rev.A Buckingham A
- HT-CH-01 rev.A Chesham
- HT-CH-02 rev.A Chesham A
- HT-CH-03 rev.B Chesham B
- HT-CH-04 rev.A Chesham C
- HT-DO-01 rev.A Dorking
- HT-DO-02 rev.A Dorking A

- HT-FI-01 rev.A Filey
- HT-FI-03 rev.B Filey B
- HT-HA-01 rev.A Hatfield
- HT-HA-02 rev.B Hatfield A
- HT-HA-03 rev.B Hatfield B
- HT-KE-01 rev.A Keswick
- HT-KE-02 rev.B Keswick A
- HT-KE-03 rev.A Keswick B
- HT-MA-01 rev.A Marlborough
- HT-MA-02 rev.A Marlborough A
- HT-MA-04 rev.A Marlborough C
- HT-RO-01 rev.A Romsey
- HT-RO-02 rev.A Romsey A
- HT-RO-03 rev.B Romsey B
- HT-SA-01 rev.A Salcombe
- HT-SA-02 rev.A Salcombe A
- HT-SE-01 rev.A Seaton
- HT-SE-02 rev.A Seaton A
- HT-SE-03 rev.B Seaton B
- HT-ST-01 rev.A Stamford
- HT-ST-02 rev.A Stamford A
- HT-WA-01 rev.A Walton
- HT-WA-02 rev.A Walton A
- HT-WI-01 rev.A Winkfield
- HT-WI-02 rev.B Winkfield A
- HT-WI-03 rev.A Winkfield B
- HT-WN-01 rev.A Windsor
- HT-WN-02 rev.A Windsor A
- GR-01 SG1 & SG2
- GR-02 SG3
- GR-03 DG1
- GR-04 Cycle store
- 3210.900 Landscape Illustrative Masterplan
- 3210.1000 -1011 General Arrangement Plans: Legend, Master and Sheets 1-10
- 3210.2000 Planting Schedule
- 3210.2002-2011 Planting Plans Sheets 1-10
- 3210.7001 Typical Details Edging and Boundaries
- 181872-007 rev.B Highways General Arrangement
- 181872-003 Proposed Levels Strategy

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

2. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced 181872-01 August 2021. The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.
REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policy D5 of the Maldon District Approved Local Development Plan.
3. The development shall be carried out in accordance with the approved Ecological Conservation Management Plan and Statement August 2021. The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.
REASON In the interests of nature conservation, in accordance with the NPPF and Policies N1, N2 and N3 of the Maldon District Approved Local Development Plan.
4. No dwelling hereby permitted shall be occupied until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
REASON To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.