

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson
23 November 2023

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on THURSDAY 1 DECEMBER 2022 at 7.30 pm
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor K M H Lagan
VICE-CHAIRMAN	Councillor B B Heubner
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 A S Fluker M S Heard M W Helm A L Hull J V Keyes C Mayes S J N Morgan C P Morley S P Nunn N G F Shaughnessy R H Siddall N J Skeens P L Spenceley W Stamp, CC E L Stephens Mrs J C Stilts C Swain Mrs M E Thompson S White



Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.



AGENDA DISTRICT PLANNING COMMITTEE

THURSDAY 1 DECEMBER 2022

1. **Chairman's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the District Planning Committee held on 27 October 2022 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

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

5. **22/00523/RESM Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex** (Pages 19 - 80)

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

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) 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 there is a step up when you enter the Council Chamber.

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
27 OCTOBER 2022**

PRESENT

Chairman Councillor K M H Lagan

Vice-Chairman Councillor B B Heubner

Councillors M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer,
M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard,
C Mayes, S J N Morgan, S P Nunn, N G F Shaughnessy,
R H Siddall, N J Skeens, P L Spenceley, C Swain,
Mrs M E Thompson and S White

1. CHAIRMAN'S NOTICES

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

The Chairman advised that the Committee was following the Council's protocol regarding public participation and personally regretted that he could not allow more public participation on applications except as detailed in the protocols agreed by the Council. He commented that in his view these protocols needed to be revisited to allow more views and expansive open dialogue.

The Chairman advised that as per the precedent of this Committee he would be suspending Procedure Rule 8(3) the requirement to stand when speaking.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, R G Boyce MBE, M W Helm, W Stamp CC and Mrs J C Stilts.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 22 September 2022 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs J L Fleming disclosed a Registrable Interest as a Member of Essex County Council who were statutory consultees.

5. 22/00523/RESM - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, HEYBRIDGE, ESSEX

Application Number	22/00523/RESM
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved 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).
Applicant	Bellway Homes (Thames Gateway)
Agent	Catherine Williams - Savills
Target Decision Date	27.10.2022
Case Officer	Anna Tastsoglou
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

It was noted from the Members' Update that an amended Garden Strategy Plan had been submitted and a consultation response received from Heybridge Parish Council. The Update also detailed a number of corrections to the Officers' report and revision to proposed conditions to reflect the latest changes incorporated into the scheme.

Following the Officers' presentation the Applicant, Mr Jamie McArthur on behalf of Bellway Homes addressed the Committee.

The Chairman moved the Officers' recommendation of approval as set out in the report and Members' Update. This proposal was duly seconded.

The Chairman asked Officers to note a request that where an application site crossed different Parish boundaries that all Parish Councils were consulted. Officers advised that this was in place.

A lengthy debate followed during which a number of questions were raised by Members and in response Officers provided the following clarifications:

- An Ecology report had been submitted with the application which set out all the biological enhancements proposed.

- If the applicant wished to make any changes to materials proposed they would have to submit a variation to what was being assessed.
- The application for the relief road had been granted as part of a previous application and this included mitigation to overcome any harm caused by noise. There was some discussion regarding additional noise mitigation relating to those houses adjacent to the relief road. Members were advised that the level of mitigation required was in accordance with building regulations, however Officers felt more was required and therefore a condition had been included relating to this.
- Officers had sought clarification from the applicant to justify that the location of the Early Years facilities within the local centre would not impact on other facilities and services or deliverability.
- The Conservation Officer had considered the impact on adjacent Listed Buildings and had suggested a change to the northern dwellings fenestration which had been incorporated into those dwellings
- The Highway impact assessment was submitted as part of the outline application and the impact of the houses on Broad Street Green Road had been considered acceptable at the time as well as being within the Local Development Plan (LDP) to delivery this amount of housing.
- A number of concerns were raised regarding the proposed three storey apartment block on Broad Street Green, it being out of keeping with and did not blend in with the residential area. In response, Members' attention was drawn to the building heights parameter plan which allowed buildings of up to three storeys in height. Officers also advised that the three-storey building would be some distance from Broad Street Green Road properties, not adjacent to any Listed Buildings and with a roundabout in between such properties. In response to a further question regarding fenestration, it was noted that if Members felt the properties fronting Broad Street Green should have traditional fenestration this could be imposed by way of a condition.
- Natural England had not provided any comments regarding the development. In response to a question regarding completion of a net biodiversity matrix it was noted that submission of this had not previously been requested and was only guidance, not a legal requirement.
- The Ecology Consultant had raised no objections and commented that there would be net biodiversity gain.

In response to concerns raised regarding the proposed three-storey development on Broad Street Green, Councillor Miss A M Beale proposed that the application be refused on the grounds of the basic structure and layout of the whole estate, particularly the development on Broad Street Green. The Chairman advised that there was already a proposal on the table that this had to be considered first, should it not be agreed alternative proposals could be considered at this point.

The Chairman then moved the motion to accept the Officers recommendation.

In accordance with Procedure Rule No. 13 (3) Councillor P L Spenceley requested a recorded vote. This was duly seconded, and the voting was as follows:

For the recommendation:

Councillors Mrs J L Fleming, A S Fluker, C Swain, Mrs M E Thompson and S White.

Against the recommendation:

Councillor M G Bassenger, Miss A M Beale, V J Bell, M S Heard, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall and P L Spenceley

Abstention:

Councillors Mrs P A Channer, M R Edwards, B B Heubner and S J N Morgan.

The Chairman advised that the Motion was lost and called for an alternative proposal.

Councillor R H Siddall referred to the height of the main block on Broad Street Green and proposed that the application be deferred to come back to this Committee with an amended plan. This proposal was duly seconded.

The Lead Specialist Place explained that Members could defer the application subject to further negotiations as concerns had been raised, however there was a risk of appeal regarding non-determination. Members could not defer the application requesting an amended plan as the developer could refuse to do this.

Councillor Siddall amended his proposal accordingly, the Chairman put this to the Committee and upon a vote being taken was agreed.

RESOLVED that this application be **DEFERRED** subject to further negotiations.

6. 22/00887/OUTM - LAND NORTH WEST OF 2 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	22/00887/OUTM
Location	Land North West of 2, Maldon Road, Burnham-On-Crouch, Essex
Proposal	Outline Application with all Matters of Detail Reserved for Future Determination (Except for Layout and Means of Access to the Site) to Extend Approved Retirement Community to North and East Including Additional Affordable Housing: Erect 203 Dwellings Comprising 143No. One, Two and Three-Bedroom Bungalows, 60No. One, Two, and Three-Bedroom Apartments in Two-Storey Buildings. Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure Including Swales and Detention Basins. Form Public Open Spaces Including Greenway, Orchards and Allotments and Lay out Hard and Soft Landscaping
Applicant	Mr Ian Holloway - Think Green Land Limited
Agent	Mr Stewart Rowe - The Planning and Design Bureau Ltd
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	BURNHAM TOWN COUNCIL
Reason for Referral to the Committee / Council	Major application

It was noted from the Members' Update that a consultation response had been received from Burnham Town Council along with a further 70 letters of objection. The Specialist: Development Management advised Members that since publication of the Members' Update a further letter of objection had been received but the only additional comments made were in relation to prejudicing the emerging Local Plan and that elderly homes should be spread out and not all in Burnham-on-Crouch. Officers had noted that could not be resolved, the application comments.

The Officer reported that a Biodiversity Net Gain Assessment had been received and it concluded that the development had the potential for over 95% area (the wider area) biodiversity net gain and 20% linear (waterways and hedgerows) biodiversity net gain. As there were a number of consultation responses that had not been received in relation to this application, Officers advised that the recommendation as set out in the report was made on the basis that no unresolvable objections were received prior to planning permission being issued. Should there be issues raised by consultees that could not be resolved, the application would be brought back to the Committee.

Following the Officers' presentation an objector Ms Coombes, Councillor Kevin Coles (on behalf of Burnham Town Council) and the Applicant Mr Rowe addressed the Committee.

The Chairman put the recommendation of approval as set out in the report to the Committee. This proposal was duly seconded.

At this point the Chairman advised Councillor N J Skeens that he was unable to debate this application due to a lack of planning training. In response, Councillor Skeens left the meeting at this point and commented that he had lost his democratic voice and requested that the Lead Specialist Place make suitable arrangements for training.

A lengthy debate followed during which Members raised a number of questions and some concern regarding the application. In response, Officers highlighted information contained in the report and provided the Committee with detailed information, including:

- Clarification that the majority of the site was in flood zone 1, the runoff rate would be no greater than currently on the site and any areas at risk had been assessed and appropriate measures proposed.
- The Local Housing Needs Assessment and Supplementary Planning Document identified the level of need in the District for this type of development. The need had been established and reference was made to a recent appeal decision on phase 2 of the overall development where the Planning Inspector had been conclusive on this matter.
- In response to a question whether Burnham-on-Crouch was the right place for this development as the area had taken more than a fair share of retirement properties, the Committee were advised that Officers were of the view that there were no defensible planning reasons to refuse on this basis.
- No consultation response had been received from Essex County Council (ECC) Highways, however Members were advised that the developer had offered to make further financial contribution towards improvements to the junction onto the main road in Burnham-on-Crouch to address any issues regarding capacity.
- The affordable housing proposed was also for elderly persons not general needs and priority would be given to those on the Maldon District Council Affordable Housing Needs Register.
- In respect of parking provision, the reserved matters application would need to include details of parking provision that accords with the adopted parking standards.
- Officers clarified that the density of the site was lower than the densities for phases one and two. There was a proposed relaxation to the minimum amount of private amenity space to be provided for each dwelling as the groups of bungalows were to be provided with areas of shared amenity space to give a communal feel. Members were advised by Officers that if they felt the application could only be accepted with full provision of private amenity, a

condition could be imposed requiring compliance with the Maldon District Design Guide, although this was unusual.

- Members were reminded that phase one included the provision of a medical centre and it was confirmed that it was to be a private facility, not NHS.

At this point the Chairman advised the Committee that he would be suspending Procedure 1(6)i regarding the time limits of meetings, referring to the important debate and need to extend the meeting past 10:30pm. This was duly noted.

Councillor A S Fluker commented on the application and then proposed that it be approved, as per Officers recommendation, but subject to consultation response from ECC Highways any other bodies (as Members may wish to include). This proposal was duly seconded.

The Chairman reminded the Committee that there was already a proposal on the table and asked if Members were seeking an amendment to this.

The Lead Specialist Place advised that he had heard Members' concerns regarding consultation responses and suggested that Members amend the recommendation to delegate approval to the Director of Service Delivery subject to there being no objections from ECC Highways, ECC Sustainable Drainage Strategy team and the Environment Agency. The inclusion of Ward Members was also mentioned at this point. The Chairman advised the revised wording would be to delegate approval of the application to the Director of Service Delivery in consultation with the Chairman of this Committee and Ward Members and subject to their being no objections from ECC Highways, ECC Sustainable Drainage Strategy team and the Environment Agency.

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

Councillor M S Heard requested that an additional condition regarding the gardens conforming with the minimum amenity space being included. This was duly noted.

At this point the Chairman removed his earlier proposal and put the revised proposal of approval as he had detailed earlier with an additional condition regarding amenity space provision. This was duly seconded and the voting was as follows:

For the recommendation:

Councillors M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, B B Heubner, C Mayes, S J Morgan, S P Nunn, N G F Shaughnessy, R H Siddall, P L Spenceley, Mrs M E Thompson and S White.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, V J Bell and K M H Lagan,

Abstention:

Councillor C Swain

RESOLVED that **APPROVAL** this application be **DELEGATED** to the Director of Service Delivery in consultation with the Chairman on this Committee and Ward Members subject to no objections being received from Statutory Consultees (Essex County Council (ECC) Highways, ECC Sustainable Drainage Systems and Environment Agency), all relevant parties first entering into a Section 106 Agreement and the imposition of the conditions recommended plus an additional condition requiring private amenity space provision to accord with minimum standards.

7. 22/00934/VAR - HALL FARM LAND AT 583941 203977, HAZELEIGH HALL LANE, HAZELEIGH

Application Number	22/00934/VAR
Location	Hall Farm Land at 583941 203977, Hazeleigh Hall Lane, Hazeleigh
Proposal	Variation of condition 4 on approved planning permission 22/00261/FUL (The construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.)
Applicant	Mr James Hartley-Bond – Low Carbon Solar Park 1 Limited
Agent	Mr Jordan Martin – DWD Property and Planning
Target Decision Date	16.11.2022
Case Officer	Devan Hearnah
Parish	HAZELEIGH
Reason for Referral to the Committee / Council	Proposal is a 'development of strategic interest' as defined under the Scheme of Delegation

Following the Officers' presentation the Applicant, Mr Hartley-Bond addressed the Committee.

The Chairman moved the Officers' recommendation of approval and this was duly seconded.

Councillor A S Fluker provided some further information regarding this application and the previous one and then proposed that the application be approved.

Following some further discussion the Chairman put the proposed approval to the Committee and this was duly agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The solar panels / solar array hereby permitted shall not exceed the limits contained within the approved Development Zone Plan Reference LCS033- DZ-01 rev 10
- 3 No development shall commence until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated June 2022 Ref 15115 and completed by DWD Property & Planning) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). The development shall only be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.
- 4 Full details of the provision and subsequent retention of both hard and soft landscape works, including the boundary planting, on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. The details of the proposed landscaping shall include a vegetative screen. These details shall include:
 1. Details of the proposed vegetative screen and soft boundary treatments (including schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities) shall demonstrate that the species of trees and shrubs shall be capable of

- growing to a size, and density to provide the necessary screening of the site by the fifth year of the development. The agreed vegetative screen shall be retained for the lifetime of the development. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
2. Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 3. Details of the aftercare and maintenance programme. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the first operation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
 4. Hard landscape works: Details of hard surfacing, with materials finishing and edgings. The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.
- 5 If use of the hereby approved development should cease for the purposes of energy generation for a concurrent period exceeding six months or more, all the equipment and structures hereby approved shall be removed from the land and the site reinstated to its former condition. In any case, the Panels, associated structures, and infrastructure shall be removed at the latest by the 31 December 2065. Prior to the removal of any panels and equipment a scheme (to include timescales) for the reinstatement of the site to agricultural land alongside any retained ecological habitat areas shall be submitted to and approved in writing by the LPA. The site shall be reinstated in accordance with the approved details.
 - 6 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
 - 7 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.
 - 8 A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the Local Planning Authority following the completion of the archaeological evaluation.
 - 9 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.
 - 10 The applicant will submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a

- full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 11 No development shall commence until a Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority to include the following:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. construction traffic routing
 - f. construction signage and traffic management measures. The development shall be carried out in accordance with the approved Plan.
 - 12 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 102 metres west and 2.4 metres by 122 metres west as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
 - 13 Prior to the commencement of any work on the site a joint inspection of the local road (A414) and the public right of way network which is to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.
 - 14 The public's rights and ease of passage over public footpath's No.23 (Woodham Mortimer), No.41 (Maldon) and No's. 2, 3, 7, 8 (Hazeleigh) shall be maintained free and unobstructed at all times.
 - 15 Prior to the commencement of the development a minimum 2.5m wide unobstructed buffer strip shall be left on both sides of the adopted routes of public footpaths No.2 and No.3 (Hazeleigh) to allow for grow of vegetation without obstructing the footpaths. The applicant or any successor in title will be responsible for the maintenance of the buffer strips.
 - 16 During the construction phase of the development, banksman shall be present whilst vehicle cross public footpaths No.7, No.8 (Hazeleigh), No.23 (Woodham Mortimer), No.41 (Maldon).
 - 17 As detailed within TN01, during the construction phase of the development banksman shall be present when vehicles route along public footpath No.23 (Woodham Mortimer). The banksmen shall be located at either end of footpath No.23's shared alignment with the access track. The banksman shall ensure no construction vehicles use the footpath when PROW users are present.
 - 18 No works shall take place until a scheme to provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition has been submitted to, and approved in writing by, the LPA. The scheme shall subsequently be implemented as approved.
 - 19 Prior to the first operation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the LPA. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
 - 20 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the LPA.

- 21 The development hereby approved shall be carried out in accordance with the details set out in the submitted Flood Risk Assessment and Drainage Strategy, April 2022, and shall be fully implemented and in place prior to the first operation of the development hereby approved and retained for the lifetime of the development.
- 22 Prior to the commencement of development a detailed Arboricultural Method Statement providing specific detail on how the trees in and around the site will be protected during the construction of the development shall be submitted to and approved in writing by the LPA.
- 23 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Reptile survey report (Cherryfield Ecology, June 2022), the Ecological Assessment Revision A (Landscape Science Consultancy, January 2022) and Addendum Report (Cherryfield Ecology, June 2022), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 24 Any works which will impact the breeding / resting place of Great Crested Newts, shall not in any circumstances commence unless the LPA has been provided with a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.
- 25 Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include retained trees and Priority habitat (River Pant)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority."
- 26 Prior to first operation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the LPA. 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 scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the LPA.

- 27 "A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the first operation of the development hereby permitted. This should detail management measures to achieve the objectives of the BNG calculations outlined within the Biological Impact Assessment (BIA) (Cherryfield Ecology, February 2022). The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and biodiversity implemented so that the development still delivers the fully functioning objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

- 28 No development shall commence until a Skylark Mitigation Strategy, to secure 8 skylark mitigation plots to compensate for the losses or displaced territories arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:
- a. Purpose and conservation objectives for the proposed Skylark nest plots;
 - b. Detailed methodology for the Skylark nest plots following Agri Environment Scheme option: 'AB4 Skylark Plots';
 - c. Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
 - d. Persons responsible for implementing the compensation measure.
- No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years."
- 29 The Solar Panels hereby approved shall be of an anti-glare design.

There being no other items of business the Chairman closed the meeting at 10.39 pm.

K M H LAGAN
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
1 DECEMBER 2022**

Application Number	22/00523/RESM
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved 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).
Applicant	Bellway Homes (Thames Gateway)
Agent	Catherine Williams - Savills
Target Decision Date	27.10.2022 (EoT agreed: 05.12.2022)
Case Officer	Anna Tastsoglou
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

1. RECOMMENDATION

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

2. BACKGROUND

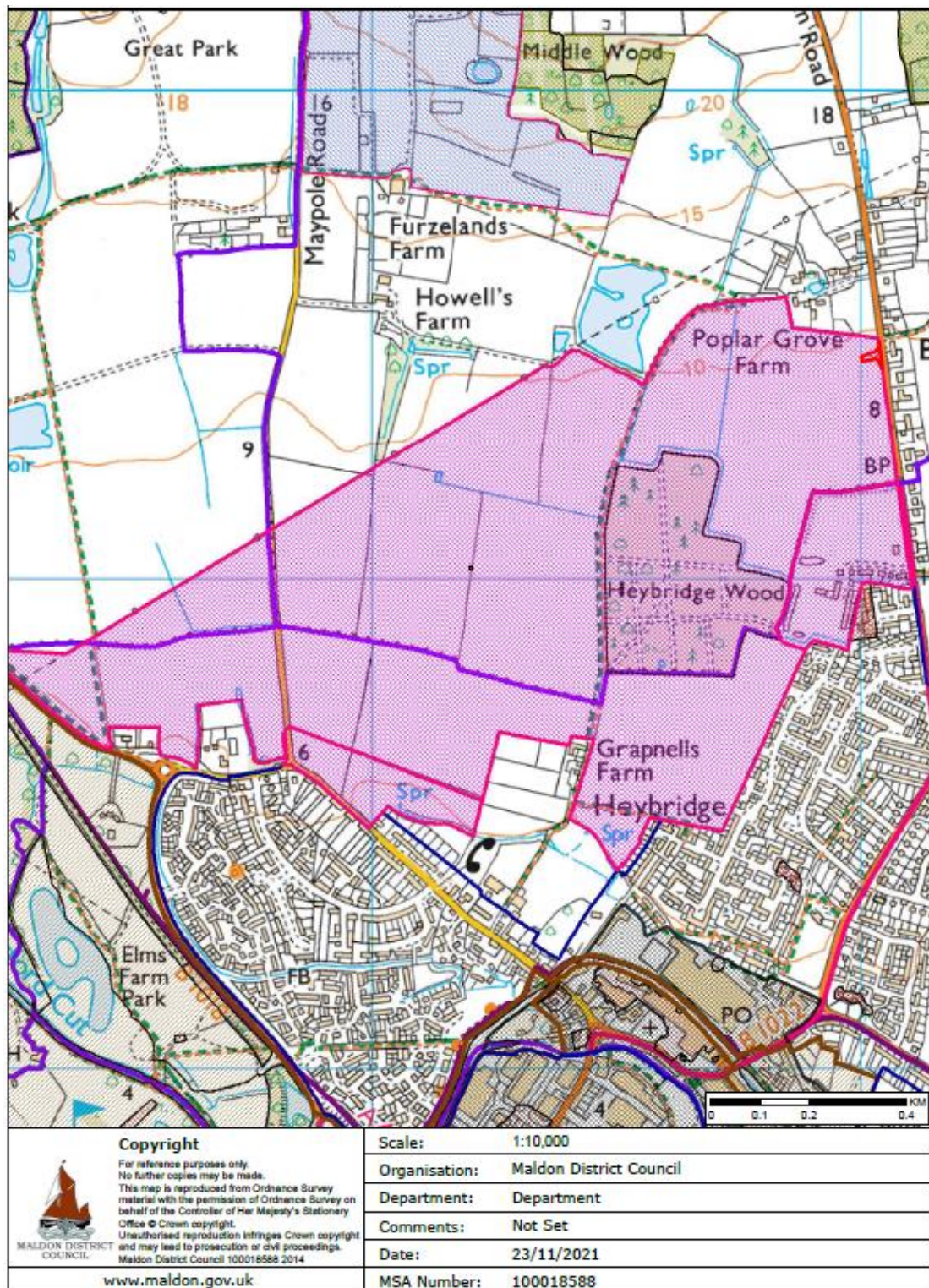
- 2.1 The planning application was originally presented to the District Planning Committee meeting on 27 October 2022. The application was deferred by the Committee in order for the applicant to consider revising the scale, height and design of the north-eastern block of flats proposed within parcel 12.

2.2 Following discussions with the Applicant amendments have been incorporated to the development as previously proposed and these are detailed in the Updated Report below.

2.3 The report previously presented at the District Planning Committee is attached in **APPENDIX A.**

3. **SITE MAP**

Please see below.



4. UPDATE FOLLOWING DEFERRAL OF THE APPLICATION

- 4.1 As noted above amendments have been incorporated to the previously proposed development following deferral of the application by the District Planning Committee on 27 October 2022. The revised elements of the development, as well as the main material planning considerations that need re-assessment are discussed below.

5. SUMMARY

5.1 Proposal / brief overview, including any relevant background information

- 5.1.1 Planning permission is sought for the construction of 262 residential units with associated access, parking, servicing and landscaping. It is noted that the number of units proposed on site has not been amended under the revisions. Furthermore, no changes are proposed in relation to the number or tenure of the proposed affordable or market housing. The changes incorporated to the development relate to the layout, scale, appearance and landscaping of the north-eastmost block within parcel 12. The main changes incorporated to the scheme previously presented at the District Planning Committee meeting are addressed below:

- The previously proposed part two-storey, part three storey block of flats has been replaced with two smaller two-storey blocks of flats.
- The layout of the north-easternmost part of parcel 12 has been revised to accommodate two blocks of flats primarily along the spine road and two-storey dwellings on the southern part of this block.
- The types of the dwellings proposed within this section of parcel 12 is the same; however, some of them have been repositioned within the block. The pair of semi-detached dwellings on plots 146-147 and 143 -144 are now proposed on plots 161-162 and 163-164. The detached unit on plot 145 is not proposed on plot 165 and the pair of semi-detached properties on plots 161 and 162 are now proposed on plots 143-144.
- The parking area for the flats is proposed centrally and to the rear of the proposed apartment blocks, together with two parking spaces for the dwellings on plots 143 and 144, unlike the previously proposed parking arrangement which was proposed to the southwest of the apartment block and was split into two areas. A total of 13 parking spaces are proposed and one visitor space for the proposed 13 flats; one per flat. Three instead of two visitor parking spaces are proposed to the northeast of apartment block 3. An additional visitor parking space is proposed south of plot 165 and the two visitor spaces of the previously proposed apartment block have been removed. Overall, the parking spaces have been reduced by four.
- Apartment block 3 would be located on the northwest corner of the north-easternmost block of parcel 12 block and it would measure a maximum of 27.3 metres wide, 23 metres deep, 5.4 metres high to the eaves, with a maximum height of 10.3 metres. The building would be two-storeys in height, it would have gabled roofs and it would incorporate balconies. In terms of detailing, soldier course brick lintels are proposed over the windows, as well as different finishing materials, including brick and weatherboarding. The block would accommodate two one-bedroom and a two-bedroom flat at ground floor, as well as refuse and cycle parking facilities, and three one-bedroom and one, two-bedroom flats at first floor. A 219.4sqm area of outdoor amenity area is proposed to the rear of the building to serve future occupiers.

- Apartment block 4 would be located on the northeast corner of the north-easternmost block of parcel 12 block and it would measure a maximum of 24.3 metres wide, 14 metres deep, 5.2 meters high to the eaves, with a maximum height of 11.7 metres. The building would be two-storeys in height, it would have two main gabled projecting features and a lower roof link in between them and a single storey projection to the side of the main building. Balconies are also included on the north and east elevations and similar window detailing to the neighbouring block of flats. Internally the apartment block would accommodate two one-bedroom flats and a two-bedroom flat at ground floor, as well as refuse and cycle parking facilities and two one-bedroom and one, two-bedroom flats at first floor. A 144.2sqm of outdoor amenity area is proposed to the rear of the building to serve future occupiers.

5.2 Conclusion

- 5.2.1 The principle of the development of this site has been accepted as the site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The details of the residential element of phase 2 of the development are considered to accord with the North Heybridge Strategic Masterplan Framework, the North Heybridge Strategic Design Code, the approved parameter plans and the outline planning permission to which it relates (15/00419/OUT). Overall, it is considered that the revised layout, mass, height, form, design, appearance and landscaping of the development would be acceptable and would be a good representation of the character areas that are aimed for this section of the North Heybridge Garden Suburb and will deliver the high quality, vibrant and distinctive neighbourhoods that is the aim for garden suburbs. It is also considered that the scheme, as revised, would overcome the concerns raised by Members, in relation to the scale, mass and height of the previously proposed apartment block. On the basis of the above, this reserved matter application is considered acceptable and in accordance with the aims of the development plan.

6. MAIN CONSIDERATIONS

6.1 Design and Impact on the Character of the Area

- 6.1.1 As noted above, the scheme has been revised following deferral at the last District Planning Committee meeting to overcome the concerns raised by Members in relation to scale, mass and height of the block of flats on the northeast corner of parcel 12, that was the apartment block closer to Broad Street Road. The development has been amended to replace the part three-storey, part-two-storey apartment block with two smaller, two-storey blocks of flats. This has also resulted in rearranging adjacent dwellings in the north-easternmost block of parcel 12; however, it is noted that the same number and type of units are proposed although parking has been reduced by four spaces. Further details in relation to the changes incorporated into the scheme are discussed in section 5.1 above.
- 6.1.2 The revised development would still comply with the residential density and building heights parameter plans. The layout of the development on this part of parcel 12 has been amended to incorporate two blocks of flats following concerns raised by Members, with parking provided centrally to the rear of the blocks, and the build form has been pushed forward closer to the spine road, as compared to the previously proposed single block. However, it is noted that the front building line of the buildings follows the built pattern of the adjacent units maintaining a formal linear arrangement, in accordance with the guidance contained in the North Heybridge Garden Suburb (NHGS) Strategic Design Code.

- 6.1.3 As noted above, the proposed apartment blocks would be two-storey in height, albeit higher than the neighbouring two-storey dwellings. This is because of the overall bulk and depth of the buildings, which effectively results in the need for higher ridge heights. However, consideration has also been given in maintaining the building height hierarchy. Although the proposed blocks of flats would be taller than the neighbouring dwellings, the eaves height would stay almost consistent, maintaining a level or uniformity in the built form. Furthermore, it is noted that by splitting the previously proposed single apartment block to two smaller blocks, accommodating the same amount and size of units, the overall scale and mass of the buildings has been reduced, creating a more consistent relationship to the adjacent residential units. As a result, it is considered that the revised scheme has responded to and overcome the concerns raised by Members, in all respects, including the height, mass and scale of the apartment block adjacent to the existing development along Broad Street Green Road.
- 6.1.4 In relation to the detailed design of the buildings, it is considered that an appropriate level of articulation has been achieved through fenestration details such as recessed areas, solid to void ratios (windows to brickwork / cladding) and the inclusion of a variety of finishing materials. Overall, it is considered that although of fairly simple design, the proposed apartment blocks would maintain the architectural and design ethos of the garden suburb and as such would integrate well with the rest of the development and the adjacent previously developed areas.
- 6.1.5 The revised development would involve courtyard parking centrally and to the rear of the proposed apartment blocks. The guidance contained in the NHGS Strategic Design Code suggests that courtyard parking should only be used occasionally, where there are flats and should be kept small in size, not exceeding six to eight spaces. It should be noted that following amendments to the parking proposals, the amount of parking spaces provided within the courtyard has been reduced by four parking spaces and this has enabled the development to provide larger areas of private amenity space. Furthermore, although a high number of parking spaces are proposed to serve the two blocks, this element of the development would not be highly visible from the streetscene and also the layout of the parking court is such that, no more than eight parking spaces would be located in a row. Furthermore, landscaping is to be introduced within the parking court to soften the appearance of the development.
- 6.1.6 The revised development would also provide a good level of soft landscaping to soften the appearance of the development.
- 6.1.7 In light of the above assessment, it is considered that the development, as revised, would maintain accordance with the approved parameter plans and the guidance contained within the NHGS Strategic Design Code regarding character areas, and it addresses the concerns raised by the Members at the District Planning Committee meeting on 27 October 2022. The development would also follow the design principles set out in the Maldon District design Supplementary Planning Document (SPD). Overall, it is considered that the layout, mass, height, form, design and appearance of the revised development would be acceptable and would be a good representation of the Village Edge character that is aimed for this section of the NHGS.

6.2 Access, Parking and Highway Safety

6.2.1 Parking

6.2.1.1 The revised development would provide one parking space per residential unit for the two blocks of flats. The blocks would provide accommodation to 9 one-bedroom flats and 4 two-bedroom flats. Whilst the proposed two-bedroom flats will be served by one rather than two parking spaces, it is noted that the Vehicle Parking Standards SPD states that “*lower parking provision may be acceptable within town centre locations or the Garden Suburbs depending on access to alternative means of transport, subject to a minimum provision of 1 car parking space per dwelling*”. This has also been accepted within residential development in other Phases of the NHGS. It is noted that bus stops are proposed to the south of parcel 10, an approximate 320metres distance away from the proposed apartment blocks. Furthermore, the development has immediate access to public open space, and it is in close proximity to Heybridge Wood. The proposed local centre within the Garden Suburb is located to the southwest of the woods and it would be easily accessible via the pedestrian / cyclist network proposed within the scheme. Services, such as schools and early years facilities are proposed within, and next to the local centre. Therefore, it is considered that the development, as proposed would comply with the Vehicle Parking Standards for Garden Suburbs, as one parking space is provided per unit, and also those units will be located within a short walking distance of local amenities and public transportation, as well as having access to other alternative modes of transport, including cycling and walking routes. It is therefore considered that the development would provide sufficient parking spaces for each individual residential unit, that meet the parking requirements set out in the Vehicle Parking Standards SPD.

6.2.1.2 In terms of cycle parking, sufficient cycle parking will be provided for the apartment blocks, in safe, easily accessible and weatherproof locations at ground floor within the blocks. For the dwellings, cycle parking would be provided within sheds. It is considered that the revised development would provide sufficient cycle parking and it would promote alternative and sustainable modes of transport alternative to private vehicles.

6.3 Private Amenity Space and Living Conditions

6.3.1 With regard to the size of amenity spaces, the Council has adopted the Maldon District Design Guide (MDDG) as supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that dwellings that have three or more bedrooms should be served with a minimum of 100sqm outdoor amenity area, whilst smaller one- and two-bedroom units could be served by 50sqm. For flats, the requirement would be a minimum of 25sqm. Policy D1 of the Local Development Plan (LDP) indicates the need for amenity space in new development and that the spaces provided must be useable.

6.3.2 The proposed revised scheme will provide 144.2sqm and 219.4sqm of amenity space for the proposed nine flats. Each flat would also be served by a minimum of 5sqm metres of amenity space in form of a balcony. Furthermore, all three-bedroom properties would have gardens larger than 100sqm and one- and two-bedroom dwellings would have gardens larger than 50sqm. The revised development would therefore comply with the requirements set out in the MDDG SPD.

6.3.3 The residential units will be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. Furthermore, a good level of accommodation would be provided for the future occupiers. For those occupiers of

the ground floor units within the blocks of flats adjacent to the communal amenity space, particular attention would need to be applied to ensure an acceptable level of protection against loss of amenity, in terms of loss of privacy and to ensure adequate security, is in place. It is considered that a proposed combination of hard and/or soft landscaping could be introduced around those ground floor units to separate them from the rest of the communal area. This can be secured by the imposition of an appropriately worded condition. Subject to the imposition of this condition, it is considered that the development would provide an acceptable quality of living environment for future occupiers.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

7.1.1 No consultation responses have been received at the time of writing the report.

7.2 Statutory Consultees and Other Organisations

7.2.1 No consultation responses have been received at the time of writing the report.

7.3 Internal Consultees

7.3.1 No consultation responses have been received at the time of writing the report.

7.4 Representations received from Interested Parties

7.4.1 No representations have been received at the time of writing the report.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
BHHEYBRIDGENORTH.1/99 Rev P1
9029/HT5b-01
9029/HT4b-01
BHHEYBRIDGENORTH.1/98 Rev P1
9029/HT4-01 Rev B
BHHEYBRIDGENORTH.1/97 Rev P1
BHHEYBRIDGENORTH.1/103 Rev P1
BHHEYBRIDGENORTH.1/102 Rev P1
BHHEYBRIDGENORTH.1/101 Rev P1
BHHEYBRIDGENORTH.1/100 Rev P1
9029-HT5-01
9029-HT23-02
9029-HT23-01
9029-HT22-01
9029-HT15-16
9029-HT11-01
9029/HT9b-01
9029/HT9-01 Rev A

9029/HT8-01
9029/HT7-01 Rev C
9029/HT6-01 Rev B
9029/HT3b-01
9029/HT3-01
9029/HT2b-01
9029/HT28-01 Rev A
9029/HT25-01
9029/HT24-01
9029/HT21-01 Rev B
9029/HT20-01 Rev B
9029/HT2-01 Rev B
9029/HT19-01 Rev A
9029/HT18-01 Rev B
9029/HT17-01 Rev B
9029/HT14-01
9029/HT13-01
9029/HT12-01
9029/HT10b-01
9029/HT10-01 Rev A
9029/HT-27S
9029/HT-27B
9029/HT-27 Rev B
9029/HT-01 Rev B
9029/APT-10 Rev A
9029/APT-09 Rev A
9029/APT-08 Rev A
9033/APT-18
9033/APT-17
9033/APT-16
9033/APT-15
9033/APT-14 Rev C
9032/APT-13 Rev B
9031/APT-12 Rev C
9030/APT-11 Rev B
9029/55 Rev B
9029/54 Rev B
9029/53 Rev C
9029/52 Rev B
9029/51 Rev B
9029/50 Rev C
9029/34 Rev A
9029/33 Rev D
9029/32 Rev E
9029/31 Rev D
9029/30 Rev D
9029/29 Rev D
9029/28 Rev D
9029/27 Rev D
9029/26 Rev D
9029/25 Rev D
9029/24 Rev A
9029/23 Rev D
9029/22 Rev D
9029/21 Rev G
9029/04 Rev D

9029/03 Rev N
 9029/02 Rev D
 9029/01
 9029/HT5-01
 9029-SG
 9029 20 Rev I
 61596-C-011 Rev P1
 9029-DSG
 9029-DG
 61596-C-012 Rev P1
 61596-C-010 Rev P2
 61596-C-009 Rev P2
 61596-C-008 Rev P2
 61596-C-007 Rev P3
 61596-C-004 Rev P5
 61596-C-003 Rev P6
 61596-C-003 Rev P6
 61569-C-006 Rev P3
 3231.MA.4002 Rev B
 3231.MA.4001 Rev A
 3231.MA.4000 Rev A
 3231.MA.2007
 3231.MA.2006
 3231.MA.2005
 3231.MA.2004 Rev C
 3231.MA.2003 Rev C
 3231.MA.2002 Rev C
 3231.MA.2001 Rev C
 3231.MA.2000
 3231.MA.1006
 3231.MA.1005
 3231.MA.1004 Rev D
 3231.MA.1003 Rev D
 3231.MA.1002 Rev D
 3231.MA.1001 Rev D
 3231.MA.1000
 3231.MA.900
 104
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REASON To ensure that the development is carried out in accordance with the details as approved.

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

- Market housing
 - 61 no. two-bedroom units
 - 74 no. three-bedroom units
 - 48 no. four-bedroom units
- Affordable housing
 - 33 no. one-bedroom units

- 38 no. two-bedroom houses
- 8 no. three-bedroom houses

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

- No development works above ground level shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- The boundary treatments for the development hereby permitted shall be carried out in accordance with the details and with materials as shown on plans 9029/23 Rev D, 9029/24 Rev A, 3231.MA.1000 and 3231.MA.4002 Rev B prior to the occupation of any of the dwellings.
REASON In the interest of the character and appearance of the area and to protect the amenity of the neighbouring residential properties in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan.
- Notwithstanding condition 5 regarding the development being carried out in accordance with the submitted boundary treatments, details of the hard and/or soft landscaped boundary treatment within the communal gardens adjacent to the ground floor flats shall be submitted to and approved in writing by local planning authority, prior to the occupation of the development hereby approved. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.
REASON To protect residential amenity and quality of life of the future residential occupiers of the ground floor flats in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan.
- Within the first available planting season (October to March inclusive) following the occupation of each deliverable section of the development hereby approved the landscaping works as shown on plan no's 3231.MA.4002 Rev B, 3231.MA.4001 Rev A, 3231.MA.4000 Rev A, 3231.MA.2007, 3231.MA.2006, 3231.MA.2005, 3231.MA.2004 Rev C, 3231.MA.2003 Rev C, 3231.MA.2002 Rev C, 3231.MA.2001 Rev C, 3231.MA.2000, 3231.MA.1006, 3231.MA.1005, 3231.MA.1004 Rev D, 3231.MA.1003 Rev D, 3231.MA.1002 Rev D, 3231.MA.1001 Rev D, 3231.MA.1000, 3231.MA.900 and specifications included in the Landscape Design Access (3231.MA.RP001) and Landscape Maintenance Plan (3231.MA.RP002) forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
REASON To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.
- Prior to the occupation of the development the vehicle parking shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and details hereby approved. The vehicle parking area and associated turning area shall be retained in this

- form in perpetuity. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
- 9 Electric car charging points in accordance shall be implemented in accordance with the details included in plan no. 9029/31 Rev D 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.
- 10 The dwellings not provided with a garage hereby permitted shall not be occupied until secure and weather protected storage for bicycles as shown on plan no 9029/22 RevD has been provided for the occupiers of these dwellings. The bicycle storage shall be retained as approved in perpetuity.
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.
- 11 The development shall be completed in accordance with the approved Construction Ecological Management Plan in Respect of Condition 7(g): Phase 2, 15 January 2022, Ref No.: 20/01-6B, by Ecological Expertise Evolved, Ecological Conservation Management Plan in Respect of Condition 13 – Phase 1 (dated 14th January 2021, ref 20/01-3C), Technical Survey Note: Bat Tree Survey 2021, by Ecological Planning and Research Ltd, Bat Technical Note: Survey Results and Recommendations, by Ecological Planning submitted under the terms of application 22/05005/DET and Research Ltd and Landscape Design Access (3231.MA.RP001). The proposed ecological enhancements shall be retained as approved in perpetuity.
REASON To ensure that the approved measures are fully implemented in the interests of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Approved Local Development Plan and the NPPF.
- 12 The development shall be completed in accordance with the approved Noise Assessment, September 2021 for Phase 2 and part of Phase 4 submitted with the approved application 21/00961/RES. The proposed acoustic mitigation recommended on section 7 of the Noise Mitigation for Phase 1 shall be implemented prior to the relevant dwellings, which are to include these mitigation measures, are occupied. These acoustic mitigation measures shall be retained as approved in perpetuity.
REASON To protect residential amenity and quality of life of the future residential occupiers in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan.
- 13 Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 14 The first floor windows on the side elevations of those properties that have a flank to back wall relationship with the neighbouring sites shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework (2018) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 15 The trees and hedges identified for retention on the approved plan drawing number SJA TPP 22032-041 – Tree Protection Plan which is attached to and forms part of this permission shall be protected in accordance with the Arboricultural Implications Report, March 2022, Ref. SJA air 22032-01 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 secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.
- 16 The site drainage shall be constructed in accordance with the Drainage Strategy Report by Richard Jackson Engineering consultants, dated March 2022, Project no: 61596 and shall be retained as such in perpetuity.
REASON To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 17 The sales suite as shown on plan no. 9029 - DSG hereby approved shall be constructed as approved. The use of the proposed sales suite shall permanently cease on or before the end of the sales period, which shall be agreed in writing by the local planning authority prior to the first use of the sales suite, and the building shall be converted into two single garages to serve units 70 and 71 within six months from the end of the sales period.
REASON To ensure the removal of the temporary development, to ensure that the development is carried out as approved and to ensure there is sufficient off street car parking in the interests of the character and appearance of the area and highway safety in accordance with policies S1, D1 and T2 of the LDP.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
27 OCTOBER 2022**

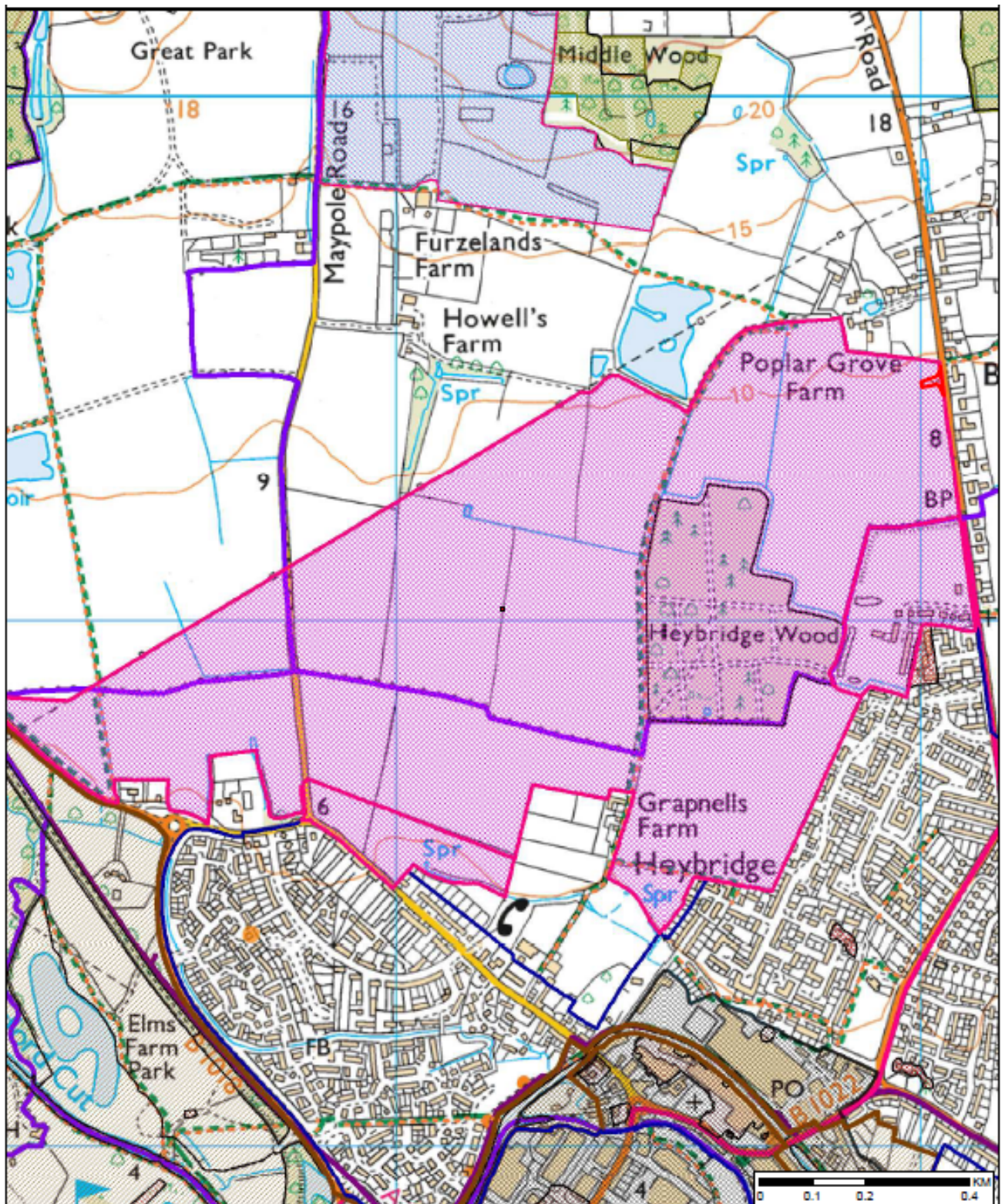
Application Number	22/00523/RESM
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved 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).
Applicant	Bellway Homes (Thames Gateway)
Agent	Catherine Williams - Savills
Target Decision Date	27.10.2022
Case Officer	Anna Tastsoglou
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan


1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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	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 mixed-use 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 Phase 2 of the approved development and in particular the land that is reserved for the delivery of residential parcels 10, 11 and 12, which constitute Phase 2. The three parcels are located adjacent to, and to the west of Broad Street Green Road, northeast of Heybridge Wood.
- 3.1.4 The northern residential parcels (parcels 10 and 11) are located between the approved relief road and the spine road, to the north and south, respectively. To the northeast of parcel 11 there is a landscaped area and open space, which would include a large attenuation basin. The northern boundary of the parcels would be demarcated by the acoustic bund and associated landscaping providing a gap between the residential development and the relief road (approved under landscaping reserved matters application 21/00961/RES). To the east of parcel 10 is parcel 6, which forms part of final phase of the development.
- 3.1.5 The southern parcel (parcel 12) is located to the south of the spine road, to the northeast of Heybridge Wood and northwest of the approved development at the S2(f) allocated site. This parcel is also bordered by landscaping to all boundaries with attenuation basins to the south, northeast and northwest.
- 3.1.6 It should be noted that the development does not include the land that is necessary to provide the strategic landscaping and infrastructure elements, such as roads, paths, open space and Sustainable Drainage Systems (SuDS) features, for this Phase. This element of Phase 2 was previously assessed and approved at the District Planning Committee meeting on 3 March 2022 under the terms of application 21/00961/RES.

3.1.7 Condition 11 of 15/00419/OUT required that before or concurrent with the first reserved matters application(s) for the site, a strategic phasing plan, for the site was to be submitted to and approved in writing by the Local Planning Authority. A revised Strategic Phasing Plan was approved on 14 January 2022, under the terms of application 21/05187/DET. This application covers the residential element of Phase 2 area of the development. Following consideration of this application, all elements of phase 2 (including the strategic landscaping and infrastructure and residential elements) would have been determined. However, it is noted that the residential and non-residential elements of Phase 2a would be determined under a separate application.

3.1.8 The map below shows the agreed Phase 2 area in Red.



Phase 2 and Phase 2A - Red

3.1.9 Planning permission is sought for the construction of 262 residential units with associated access, parking, servicing and landscaping.

3.1.10 The proposal would provide the following housing mix:

- Market units:
 - 61 two-bedroom units
 - 74 three-bedroom units
 - 48 four-bedroom units
- Affordable units:
 - 33 one-bedroom units
 - 38 two-bedroom units
 - 8 three-bedroom units

- 3.1.11 Parcel 10 (northeastern parcel) would accommodate 35 residential units. Access to this parcel would be taken from the spine road that runs along the southern boundary of this parcel, heading north creating a T-shape junction providing access to the dwellings within the proposed two blocks. This is the smaller parcel of this phase and it would accommodate detached, semi-detached and terraced two storey dwellings and a couple of bungalows.
- 3.1.12 Parcel 11 (northwestern parcel) would accommodate 56 residential units. There will be one access to this parcel, on the western part of the parcel taken from the spine road that runs along the southern boundary of this parcel, heading north creating a T-shape junction. Two more service accesses are proposed splitting the parcel into four different plots. The residential units proposed in this parcel would include a mixture of detached and semi-detached dwellings with maisonettes and flats on the north-eastern block, facing the spine road.
- 3.1.13 Parcel 12 (southern parcel) would accommodate 171 units. There will be one access to the site taken off the spine road along the northern boundary of the parcel, heading south and dividing the parcel into two sections. There will be ten residential blocks within this parcel. This parcel would accommodate three part three, part two-storey blocks of flats, detached, semi-detached and terraced two storey dwellings and semi-detached bungalows.
- 3.1.14 The development would provide 28 different types of dwellings and apartment blocks, which details are set out below:

Dwelling type	Number of bedrooms	Number of units	Plots	Description
Affordable housing				
Apartment Block 1	1 and 2 - beds	8	92-99	This is a part two, part three-storey apartment block. The block would be of an almost L-shape and it would feature primarily gabled roofs. The block would be located on the northwestern corner of parcel 12 and it would measure 25.2 metres wide, 22.7 metres deep, 5.4 metres high to the eaves, with a maximum height of 9.4 metres to the top of the two -storey element and 12.3 metres to the top of the three storey element. Balconies, including Juliet balconies are proposed to be incorporated to the design of the building. Parking for this block is proposed to the southeast, together with the parking area for apartment block 2. Communal amenity space would be provided immediately adjacent to the southeast corner of the building.
Apartment Block 2	1 and 2 - beds	6	100-106	This is a part two storey, part three-storey block of flats, located to the east of the Apartment Block 1. The building would be curved following the boundary line of parcel 12. The building would feature gable roof and would incorporate balconies to the north elevation. It would measure a maximum of 11.4 metres deep and approximately 30.3 metre wide, 5.4 metres

Dwelling type	Number of bedrooms	Number of units	Plots	Description
				high to the eaves, with a maximum height of 12.3 metres to the top of the tree storey element. Amenity space for the future occupiers would be provided to the south of the building and the parking would be provided in a shared parking area to the south serving both apartment blocks 1 and 2.
Apartment block 3	1 and 2 - beds	13	148-160	This is an L-shaped, part three, part two-storey, gabled roof building. A flat roof single storey projection accommodating a bike store is proposed to the rear elevation of the building and a three storey, flat roof, squared projection providing landing facilities. Balconies are proposed to the north and east elevations. In terms of dimensions, the building would measure 29.8 metres wide, 31.7 metres deep, 5.4 metres high to the eaves, 9.4 metres high to the top of the two-storey element and 12.3 to the top of the three-storey element. Communal amenity space would be provided to the southwest of the building and parking would be split into two areas to the west and south of the building.
Housetype 17	1 bed	4	198, 199, 200, 201	These semi-detached bungalows would have a hipped roof with a central gable feature to the front. The bungalows would measure 9.3 metres deep, 6.5 metres wide, 2.3 meters high to the eaves, with a maximum height of 5.4 meters.
Housetype 18	1 bed	2	172, 173	This pair of semi-detached bungalows would be M4(3) wheelchair user building regulations compliant and it would measure 10.2 metres deep, 7 metres wide, 2.3 meters high to the eaves, with a maximum height of 5.6 meters. This pair of semi-detached bungalows would be of similar design to housetype 17, apart from the central front gable feature, which in these units is of larger width.
Housetype 19	1 bed	8	161, 162, 213, 214, 215, 229, 230, 231,	These semi-detached and terraced, one bedroom dwellings would be of a rectangular shape and of a simple design. The dwellings would measure 7.6 metres deep, 4.7 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.5 meters.
Housetype 20	2 bed	23	20, 21, 24, 25, 39,	These semi-detached two storey, two-bedroom dwellings would have a gable roof and be rectangular in shape. Fenestration would follow ques from other dwellings proposed within the scheme,

Dwelling type	Number of bedrooms	Number of units	Plots	Description
			40, 41, 47, 48, 49, 50, 57, 58, 70, 130, 131, 140, 141, 174, 175, 208, 232, 233	providing casement windows and detailing, in a form of panels being positioned between the windows and the ground. The dwellings would measure 10.5 metres deep, 4.6 metres wide, 4.9 meters high to the eaves, with a maximum height of 9 meters.
Housetype 21	2 bed	2	68, 69	These semi-detached, two -bedroom bungalows would have gabled roofs with a central gable projecting feature to the front. The bungalows would measure 10.7 metres deep, 7.9 metres wide, 2.3 meters high to the eaves, with a maximum height of 5.8 meters.
Housetype 24	3 bed	5	202, 203, 205, 206, 207	These two storey, three-bedroom dwellings would have a gable roof and be rectangular in shape. Fenestration would follow ques from other dwellings proposed within the scheme, providing large casement windows and detailing, in a form of panels being positioned between the windows and the ground. The dwellings would measure 10.5 metres deep, 5.3 metres wide, 4.9 meters high to the eaves, with a maximum height of 9 meters.
Housetype 25	3 bed	3	71, 204, 209	These are two-storey dwellings with a part hipped, part gabled roof, almost full-height glazed windows at both first and ground floor and additional panel detailing. The dwellings would measure 10.5 metres deep, 5.3 metres wide, 4.9 meters high to the eaves, with a maximum height of 9 meters.
Housetype 28	2 bed	1	166	This is bungalows would have a gabled roof with a gabled front projecting feature. The bungalow would measure 10.7 metres deep, 7.9 metres wide, 2.3 meters high to the eaves, with a maximum height of 5.8 meters.

Dwelling type	Number of bedrooms	Number of units	Plots	Description
Market housing				
Housetype 1	2 bed	14	76-77, 84-85, 109-111, 163-165, 168-169, 217-218, 243-246,	These are two-storey, terraced or semi-detached, two-bedroom dwellings. The dwellings would have gabled roof and represent a simple design with flat frontages. The dwelling would measure 4.7 metres wide, 9 metres deep. 4.9 metres high to the eaves, with a maximum height of 8.5 metres.
Housetype 2	2 bed with study	8	87-88, 116-117, 122-123, 137-138,	These are gabled roof, two storey semi-detached dwellings. Although the dwellings would have a simple design, window detailing and alternative to the main external finishing materials panels. Externally the dwellings would measure 5.5 metres wide, 8.2 metres deep, 4.8 metres high to the eaves, with a maximum height of 8.3 metres.
Housetype 2B	2bed with study	7	8-9, 62-64, 79-80,	These are a gabled roof, two storey semi-detached and terraced dwellings. The dwellings would have simple design and rectangular shape. Externally the dwellings would measure 5.5 metres wide, 8.2 metres deep, 4.8 metres high to the eaves, with a maximum height of 8.3 metres.
Housetype 3B	3bed	2	13-142	This is a pair of semi-detached dwellings with gable roofs and simple design. The dwelling would measure 5.3 metres wide, 10.5 metres deep, 4.8 metres high to the eaves, with a maximum height of 9 metres.
Housetype 4	3 bed	19	6, 56, 86, 91, 121, 124, 127, 132, 139, 142, 145, 167, 176, 182, 190, 197, 219, 247, 253	These are detached, two storey dwellings, with gable roofs, gable projecting features to the principal elevation and flat roof bay windows on the flank elevation, incorporating large scaled casement windows. They are dwellings located on corner plots, measuring 8.9 metres wide, 6.4 metres deep, 4.9 metres high to the eaves, with a maximum height of 8.2 meters.

Dwelling type	Number of bedrooms	Number of units	Plots	Description
Housetype 4B	3 bed	6	15, 26, 30, 59, 78, 81	These detached, two storey dwellings are of the same dimensions and overall design as housetype 4. This is with the exception of the proposed fenestration, which is of more traditional character.
Housetype 5	3 bed	30	2, 3, 4, 5, 10, 11, 89, 90, 107, 112, 113, 114, 115, 119, 120, 177, 185, 186, 191, 192, 193, 194, 195, 196, 220, 221, 240, 248, 255, 256	These are semi- detached dwellings, with gabled roofs, single storey projecting bay windows to the front and large scaled windows. The properties would measure 9.2 metres deep, 6 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.4 meters.
Housetype 5B	3 bed	5	28, 29, 44, 60, 61	These semi-detached, two storey dwellings are of the same dimensions and overall design as housetype 5. This is with the exception of the proposed fenestration, which is of more traditional character.
Housetype 6	3 bed with study	1	262	This detached, two-storey, three bedroom, dwelling would measure 7.6 metres deep, 9.1 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.1 meters. The property would have an L-shaped gabled roof, with a two-storey front gable projecting feature of different finishing material from the rest of the dwelling.
Housetype 7	3 bed	8	18, 19, 20, 21, 35, 36, 37, 38	These semi-detached, two-and-a-half dwellings would accommodate three bedrooms and would measure 9.4 metres deep, 4.5 metres wide, 5.4 meters high to the eaves, with a maximum height of 10.7meters. The properties would be of a

Dwelling type	Number of bedrooms	Number of units	Plots	Description
				rectangular shape with a gabled roof dormer in the roof.
Housetype 8	3 bed	1	254	This detached dwelling would have a gabled roof and a single storey mono-pitched roof rearward projection. The property would measure 10.6 metres deep, 6.3 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.5 meters.
Housetype 9	4 bed	20	54, 55, 72, 73, 123, 123, 129, 133, 170, 171, 183, 216, 223, 266, 228, 235, 236, 237, 239, 241	These detached dwellings would have a gabled roof, with a double storey front projecting feature and large scaled fenestration. The properties would measure 10.2 metres deep, 6.7 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.7 meters.
Housetype 9B	4 bed	2	27, 43	These properties would be of the same size and overall design with housetype 9, except for the fenestration, which would feature a more traditional design.
Housetype 10	4 bed	11	1, 51, 108, 118, 128, 136, 184, 189, 222, 234, 242	These detached dwellings would feature an L-shaped gabled roof with a two-storey front projection. The dwellings would have large sized casement windows and varying finishing materials. In terms of external dimensions, the dwellings would measure 9.4 metres deep (with an additional 1.8 metres depth of the projecting feature), 8.5 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.3 meters.
Housetype 10B	4 bed	5	7, 12, 42, 46, 67	With the exception of the windows, this property would be the same in size and form as housetype 10.
Housetype 12	4 bed	3	188, 251, 252	These dwellings would have a main gabled roof with a two-storey front projecting feature. The dwellings would have large sized casement windows and varying finishing materials. In terms of external dimensions, the dwellings would measure 7.6 metres deep, 9.9 metres wide, 4.9

Dwelling type	Number of bedrooms	Number of units	Plots	Description
				meters high to the eaves, with a maximum height of 8.3 meters.
Housetype 13	4 bed	3	13, 227, 249	These are two-storey rectangular dwellings, incorporating a flat roof bay window on the flank elevation. The dwellings would feature large fenestration with detailed panels between the ground and first floor windows. In terms of external dimensions, the dwellings would measure 7.1 metres deep, 10 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.5 meters.
Housetype 14	4 bed	2	74, 250	These are two-storey almost squared shaped, gabled roof dwellings, incorporating large fenestration. In terms of external dimensions, the dwellings would measure 8.7 metres deep, 9.2 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.5 meters.
Housetype 27	2 bed	21	52, 53, 82, 83, 134, 135, 143, 144, 146, 147, 178, 179, 180, 181, 224, 225, 257, 258, 259, 260, 261	These are two-storey dwellings with gabled roofs, full-height glazed windows at both first and ground floor. The dwellings would measure 8.3 metres deep, 4.6 metres wide, 4.9 meters high to the eaves, with a maximum height of 8.3 meters.
Housetype 27B	2 bed	2	65, 66	This pair of semi-detached dwellings would be of the same size and form as housetypes 27, with the exception of the proposed fenestration, which is proposed to have a more traditional finish.
Housetype 27S	2 bed	1	45	There is only one difference between this housetype and that of housetype 27B. This is the provision of a ground floor bay window to the front elevation.

3.1.16 It is noted that all affordable units would meet Nationally Described Space Standards. The development would also include two, one-bedroom and two, two-bedroom M4(3b) wheelchair user houses.

- 3.1.17 With regard to amenity space provision, it is noted that all three and four bedroom properties would have gardens larger than 100sqm. One and two bedroom dwellings would have gardens larger than 50sqm. This is with the exception of the two bedroom dwellings on plot numbers 9 and 163, which gardens are marginally under 50 sqm (49.6sqm and 49.2sqm respectively). Apartment block 1 would be served by 213.4sqm of amenity space and an additional 197.2sqm of landscaped area to the west next to the woodland area. Apartment block 2 would have access to amenity area measuring 193sqm and the apartment block on the northeast part of parcel 12 would be served by a private amenity area of 282.7sqm and an additional landscaped area to the front measuring 126.2sqm.
- 3.1.18 In terms of off-street parking provision, a total of 604 car parking spaces are proposed to be provided, of which 66 are visitor parking spaces and 6 are parking spaces provided for disabled people. The majority of the dwellings would benefit from on-plot parking; however, communal parking is proposed for the apartment blocks, as well as some on street parking for a number of the dwellings. The proposed detached garages would measure 3m x 7m internally, perpendicular parking bays (at right angles to the kerb) would measure 2.9m x 5.5m and parallel parking bays would be 2.5m wide x 6.6m deep.
- 3.1.19 Cycle parking would be provided either with the proposed garages, in communal cycle parking spaces or sheds that are proposed to be installed to all dwellings.
- 3.1.20 The details of the proposed detached vehicle garages are as follows:
- Double garages are would have gabled roofs and they would measure 6.4 metres wide, 7.3 metres deep, 2.3 metres high to the eaves, with a maximum height of 5.2 metres.
 - One of the proposed double garages would initially be used as a sales suite for the new housing. The garage would have two sets of glazed doors to the front elevation to provide access to the suite. Following cessation of the use of the garage as a sales suite, the building would be converted to its intended design as a double garage.
 - Single garages would measure 7.3 metres deep, 3.2 metres wide, 2.3 metres high to the eaves with a maximum height of 3.7 metres.
- 3.1.21 Electric Vehicle Charging Points (EVCP), either wall mounted or as bollards would be installed to all dwellings and in several location on the communal car parking provided for the apartment blocks. There would also be passive EVCP near visitor parking bays for future installation of EVCP if needed.
- 3.1.22 Finishing materials to be used to the external elevations of the proposed dwellings would include red and cream brick light grey and black Marley cedar weatherboarding, slate effect, and clay effect roof tiles, black UPVC rainwater goods, white UPVC fascias and soffits and anthracite grey UPVC windows and doors. Boundary walls would be finished in red and buff brick.
- 3.1.23 Further plans and documents have been submitted with the application, including the following:
- Landscape Illustrative Masterplan
 - Landscape Design Access
 - Landscape Management Plan
 - Details of hardworks, softworks and boundary treatment
 - Planting Plan

- General Arrangement plan
- SUDS Maintenance Strategy
- SUDS Catchment Area Plans
- Drainage Layout
- Drainage Details
- Flood Flow Route
- Highway Dimensions Plan
- Swept Path Analysis
- Affordable Housing Scheme
- Design and Access Statement
- Arboricultural Impact Assessment
- Heritage Statement
- Phase 2 of the Heybridge Garden Suburb Ecology
- Planning Statement

3.1.24 These further documents are part of the ongoing discussion which has been taking place with the applicant with regard to the scheme through Planning Performance Agreement (PPA) meetings. Amendments have been incorporated into the scheme to address matters in relation to layout, density, design and quality of life considerations.

3.2 **Conclusion**

3.2.1 The principle of the development of this site has been accepted as the site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The details of the residential element of phase 2 of the development are considered to accord with the North Heybridge Strategic Masterplan Framework, the North Heybridge Strategic Design Code, the approved parameter plans and the outline planning permission to which it relates (15/00419/OUT). Overall, it is considered that the layout, mass, height, form, design, appearance and landscaping of the development would be acceptable and would be a good representation of the character areas that are aimed for this section of the North Heybridge Garden Suburb and will deliver the high quality, vibrant and distinctive neighbourhoods that is the aim for garden suburbs. It is also considered that the proposal would provide a level of affordable housing that is policy compliant and would encourage mixed and diverse communities. The housing mix proposed would be acceptable, without prejudicing the deliverability of the approved development. The proposal, as a whole, would provide an acceptable quality of life for existing and future residents, and a level of parking that accords with the guidance contained within the Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD). No objection is raised in terms of the impact of the development on highway safety or the highway network. The impact on existing vegetation would be acceptable and the proposal would be able to deliver net biodiversity. On the basis of the above, this reserved matter application is considered acceptable and in accordance with the aims of the development plan.

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
- 54 – 57 Planning conditions and obligations
- 60-67 Delivering a sufficient supply of homes
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-169 Meeting the challenge of climate change, flooding and coastal change
- 174-182 Conserving and enhancing the natural environment
- 189-193 Conserving and enhancing the historic environment

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

- S1 - Sustainable Development
- S2 - Strategic Growth
- S3 - Place Shaping
- S4 - Maldon and Heybridge Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- H1 - Affordable Housing
- H2 - Housing Mix
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment and Biodiversity
- N3 - Open Space, Sport and Leisure
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- 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)

- Green Infrastructure Strategy
- Approved Design Parameter plans

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1 of the report.
- 5.1.2 The granting of 15/00419/OUT therefore establishes that the principle of the development of the site is acceptable. These reserved matters application relates to the delivery of the residential element of Phase 2 on the westernmost part of the site, but does not relate with the delivery of the strategic landscaping and infrastructure for this phase, which was previously approved under the terms of application 21/00961/RES.
- 5.1.3 Therefore, the material consideration for this development would be whether the details submitted accord with the details set out in the approved parameter plans, the North Heybridge Garden Suburb Strategic Masterplan Framework, the North Heybridge Garden Suburb Strategic Design Code, and relevant Local Development Plan (LDP) policies.
- 5.1.4 According to the Land Use Parameter Plan (map extract below), approved as part of the hybrid application 15/00419/OUT, two alternative locations have been indicated for the provision of a pre-school facility. One within phase 1 of the development and the second within phase 2. Phase 1 was previously determined and approved (21/00752/RES) without the provision of a pre-school facility. This application, which relates to the residential element of Phase 2, similarly does not propose the provision of a pre-school facility. However, note 1 of the land uses parameter plan states that *“the predominant land use parameter shall not preclude the incorporation of pre-school facility within residential and neighbourhood hub areas”* (figure 1 below). Furthermore, the Masterplan Framework for the North Heybridge Garden Suburb (2014) states that *“The education requirement includes two early years facilities – it is proposed that at least one of the early years/childcare facilities would be accommodated at the local centre, one as part of the primary school site. The co-location is designed to encourage activity at the local centre. The other facility may be provided at the local centre, or it may be located closer to the initial phases of the development, to facilitate early delivery, subject to further detailed consideration of the phasing of the development at the planning application stage”*. It is therefore considered that both the parameter plan and the Masterplan allow some flexibility around the location of the second early years facility. As a result and given that the second early years facility would not be located within Phase 1 or Phase 2, the only alternative location, is to be positioned in the local centre, which forms part of Phase 2a, and to be subject of a separate application for Members’ consideration. However, to ensure that the proposed position of the second early years facility within the local centre would not prejudice the deliverability of the local centre as envisaged and approved at outline stage, an assessment has been carried out to consider the impact on the other early years facility (within the school), the commercial floorspace within the local centre, and the catchment area itself..



Figure 1: Land Use Parameter Plan

- 5.1.5 In terms of accessibility, it is noted that 95% of all the residential properties within the whole of the wider North Heybridge will be within 800m walking distance from the preschool facilities and therefore, the early years facilities in the local centre would be able to adequately serve the residents of the Garden Suburb, as well as other existing residents to the south of the Garden Suburb. Consideration has also been given to the provision of both early years facilities in close proximity one another. During pre-application discussions no objection was raised by Essex County Council (ECC) Education in that respect or in relation to how the catchment area would be served by the two facilities.
- 5.1.6 Although the details of the local centre are not part of this application, given that the delivery of Phase 2 (the subject application) would impact on the deliverability and the proposed uses of Phase 2a (the local centre), it was considered pertinent to ensure that the provision of the early years facility within the local centre would not adversely impact on the retail element of the local centre. Justification has been submitted by the applicant demonstrating that the position of the early years facility within the local centre would not result in an unacceptable impact on the vitality and viability of the retail element of the local centre, given that sufficient space would be retained to provide a quantum of retail floorspace that would be proportionate to local demand. Furthermore, the activity generated from an educational facility within a local centre (footfall, comings and goings to and from school and educational facilities), is itself a positive driver for local businesses. On that basis, it is considered that the provision of the early years facility within the local centre and not within the residential element of Phase 2, currently being assessed under the terms of this application, would not have a demonstrable harm on the deliverability, viability or vibrancy of the local centre.

5.1.7 Therefore, due to the aforementioned reasons, no objection is raised to the principle of a fully residential development within Phase 2 of the approved development within the North Heybridge Garden Suburb.

5.2 Housing Mix and Affordable housing

5.2.1 The housing mix requirements were set through the imposition of planning conditions and obligations in the Section 106 (S106) agreement of the approved hybrid application 15/00419/OUT.

5.2.2 In accordance with the recently approved Strategic Phasing Plan (under the terms of application 21/05187/DET) an approximate 265 dwellings are expected to be delivered within Phase 2. The current proposal seeks to provide 262 dwellings within parcels 10, 11 and 12, which form the residential element of Phase 2 and therefore, no objection is raised in terms of the number of units proposed within this Phase.

5.2.3 Condition 37 of 15/00419/OUT requires the development to accord with the following housing mix:

- Minimum of 50% of 1 or 2 bedrooms;
- Minimum of 30% of 3 bedrooms; and
- No more than 20% of 4 bedrooms.

5.2.4 Furthermore, a requirement for a minimum of 4% of the overall development to be smaller (one- or two-bedrooms) dwellings that are single storey was set by the imposition of condition 38.

5.2.5 In accordance with the description of the proposed development, 30% of the overall number of dwellings to be provided within the North Heybridge Garden Suburb, should be affordable units. Further requirements in relation to the affordable housing mix and tenure have been agreed through the S106 agreement and the Affordable Housing Delivery Plan. These are further discussed below.

5.2.6 The proposal would provide the following housing mix:

Unit type	Number of bedrooms	Number	Total	Percentage
Market units	One-bedroom	0	33	50.4%
Affordable units	One-bedroom	33		
Market units	Two-bedroom	61	99	
Affordable units	Two-bedroom	38		
Market units	Three-bedroom	74	82	31.3%
Affordable units	Three-bedroom	8		
Market units	Four-bedroom	48	48	18.3%
Affordable units	Four-bedroom	0		

5.2.7 Although the proposed housing mix would not fully accord with the percentage requirement set in condition 37 (set out in paragraph 5.2.3 above), it is noted that the condition applies to the entirety of the development and not to each phase independently. It is noted that weight should be had to the requirements set in condition 37 and although a level of flexibility is afforded to the housing mix provision within each phase, the mix should not materially deviate from those percentages. This is to ensure that the delivery of the first phase would not prejudice the deliverability and quality of development in the following phases. Furthermore, this is to ensure that the development as a whole would accord with the requirements set in the conditions of the original permission (15/00419/OUT).

- 5.2.8 The proposed development would provide a mix that does not materially depart from the percentages set in condition 37. Although the number of smaller (one- and two-bedroom) units would be higher than 50% (required by condition 37), the deviation would be minimal (0.4%). Taking into account that the recently approved Phase 1 (21/00752/RES) included a lower percentage of one- and two-bedroom dwellings, it is considered that the provision of smaller units as part of Phase 2 would be acceptable and it would even out the reduction. The percentage of three-bedroom dwellings would be marginally higher than required, by 1.3%, which again, is considered a minimal deviation from the housing mix requirements. There would also be a slight under provision of larger (four-bedroom) units (1.7% less than required); however, it is not considered that this reduction would be so significant to warrant refusal of the application in those grounds.
- 5.2.9 The development, as proposed, would provide 11 one- and two-bedroom bungalows. This is the 4.2% of the proposed houses. Condition 38 requires 4% of the dwellings to be delivered at the site to be bungalows. Therefore, the proposed development would marginally exceed the requirements, which is considered acceptable, taking into account the under provision of bungalows as part of Phase 1.
- 5.2.10 Pursuant to the S106 agreement, the Council agreed the Affordable Housing Delivery Plan (AHDP) on 5 March 2021, which sets the affordable housing mix criteria for the North Heybridge Garden Suburb. Furthermore, in accordance with the S106 and as agreed as part of the AHDP the tenure split for affordable housing would be 70/30.
- 5.2.11 The agreed affordable housing mix is summarised in the table below:

Table 5: Draft Affordable Housing Dwelling mix for North Heybridge Garden Suburb based on the % split in the SPD adjusted to reflect the approved tenure split and quantum of bungalows.

		Percentage (No. of units*)	% by unit size	% of Affordable Rented Units and / or Social Rented Housing (No. of units*)	% Intermediate (No. of units*)
1-bedroom	1 – Bedroom (2p)	33.26% (113)	40%	66.66% (76)	33.33% (37)
	1 Bedroom Bungalow (2p)	6.74% (23)		100% (23)	0%
2-bedroom	2-bedroom bungalow (3p)	5.86% (20)	50%	100% (20)	0%
	2-bedroom (4p)	44.28% (151)		71% (107)	29% (44)
3-bedroom	3-bedroom (5p)	10% (34)	10%	38% (13)	62% (21)
	Total	100% (341)		70% (239)	30% (102)

- 5.2.12 The S106 also includes a requirement for prior agreement of the affordable housing within each phase. The current reserved matters application is accompanied by an Affordable Housing Scheme (AHS) document providing information about the quantum, mix and distribution of affordable housing within phase 1.
- 5.2.13 The table below is an extract from the submitted AHS including all the documents submitted as part of the proposed affordable housing for this phase.

			PHASE 1 Parcels 1 & 2		PHASE 2 Parcels 10, 11 & 12	
			Affordable housing in Phase 1 (BY NUMBER)	Affordable housing in Phase 1 (BY PERCENTAGE)	Affordable housing in Phase 2 (BY NUMBER)	Affordable housing in Phase 2 (BY PERCENTAGE)
TENURE						
1 bedroom	1 bedroom (2p)	AFF Rent	11	22.9	18	22.78481013
	1 bedroom bungalow	AFF Rent	0	0.0	6	7.594936709
	1 bedroom (2p)	AFF Inter	4	8.3	9	11.39240506
2 bedroom	2 bedroom (4p)	AFF Rent	19	39.6	24	30.37974684
	2 bedroom bungalow (3p)	AFF Rent	0	0.0	5	6.329113924
	2 bedroom (4p)	AFF Inter	9	18.8	9	11.39240506
3 bedroom	3 bedroom (5p)	AFF Rent	3	6.3	3	3.797468354
	3 bedroom (5p)	AFF Inter	2	4.2	5	6.329113924
AFF TOTAL			48		79	
AFF RENT			33	68.8	56	70.88607595
AFF INT			15	31.3	23	29.11392405
PD			112	70	183	
TOTAL			160		262	

5.2.14 According to the above table, the development within phase 2 would deliver 79 affordable units, which equates to 30.15% of the total amount of units to be delivered in this phase (262 units). Therefore, the development would provide a quantum of affordable units marginally exceeding the requirement of the approved permission (15/00419/OUT) and the S106 agreement.

5.2.15 In terms of tenure split, the development would marginally deviate from the 70/30 split requirement (70.9%/29.1%). Therefore, the proposed development would provide a marginally higher percentage of social rented accommodation than intermediate. Given that phase 1 was providing a marginally higher percentage of intermediate dwellings, no objection is raised regarding the proposed tenure split.

5.2.16 With regard to the provision of bungalows, it is noted that a total of 12.6% of the overall affordable units to be provided throughout the development are required to be bungalows. The current proposal would provide 11 bungalows, all affordable, which equates to 13.9% of the overall number of affordable units proposed in this phase. Given that phase 1 did not incorporate any affordable bungalows, it is considered that this increased percentage would be acceptable in this instance and it would be able to assist with the delivery of the overall number of bungalows required in the Garden Suburb, when taken as a whole.

5.2.17 In light of the above assessment, it is considered that the dwelling mix, would be, on balance, acceptable and it would not prejudice the deliverability of the future phases of the approved development.

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, 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”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.4 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon District and protect and enhance the environmental qualities of the area. The development is subject to a Strategic Masterplan Framework and Design Code. The NHGS Strategic Masterplan Framework (NHGS SMF) and the NHGS Strategic Design Code have both been endorsed by the Council as material considerations for Development Management purposes. A number of parameter plans were also approved as part of the hybrid planning application. Those relevant to the current application are Land Use Parameter Plan, the Density Parameter Plan and the Building Heights Parameter Plan.
- 5.3.5 The design codes included within the NHGS Strategic Design Code relate to the main structuring elements, whilst maintaining flexibility for each developer to decide how to bring forward individual plots. These design codes are therefore a material consideration for the assessment of the landscaping and infrastructure elements of the approved development more so than the individual parcels. Nevertheless, the NHGS Strategic Design Code includes guidance in relation to the character areas, car parking and bin storage, which are relevant to the assessment of the submitted development.
- 5.3.6 By reason of the location of parcels 10, 11 and 12, and their proximity to the northern boundary abutting the countryside and the southwestern boundary abutting the woodland edge, the area falls mainly within the village character area. The requirements of this area type is considered below:
- Village Edge: The northern part of the development (parcels 10 and 11) would have to follow the guidelines of the village edge. The built form should be planned to overlook open space positioned in peripheral areas of the site to strengthen the visual relationship between the housing and open space. The street layout should have a less consistent building line than other areas. Additional planting to enhance existing planting, with new trees and shrubs contributing to green space, particularly along pedestrian routes and within parks should be incorporated. Finishing materials would be expected to be of a natural palette, including stone, metal, slate, brick and timber. Use of hedge boundaries, with post and rail fencing and timber gates, to reinforce the rural character common in the surrounding villages are expected to define the edge of the large front gardens.
 - Garden Suburb: This relates mainly to the eastern part of parcel 12, along Broad Street Green Road. This is the part of the development that is expected to be more urban in character. The urban form is expected to be

relatively structured with a more formal linear arrangement for housing layouts. Other characteristics would include generally straight streets, tighter urban form, well defined streets enclosed by consistent building lines and strong frontages and greenways with vistas to community destinations and open spaces. In terms of planting, formal wide tree lined avenues are recommended, as well as areas of ornamental planting to reflect the more urban character. Use of a variety of building materials is supported which could include render, brick and timber.

- Woodland Edge: This character area would affect the western part of parcel 12. The urban form in those areas would have to be more natural with less formal streets and a rural influence. The development should be fronting the woodland area, have a soft edge and gradual transition to the wood itself. Natural planting and green space to reflect the woodlands is expected to these areas. Natural materials, such as stone, metal, slate, brick and timber are preferable along those areas. Open space and public realm within this area should build on the woodland character incorporating informal footpaths and timber furniture.

5.3.7 Further guidance in relation to parking and refuse storage is provided within the NHGS Strategic Design Code. The key points that need to be considered are as follows:

- The development should provide sufficient parking in accordance with Maldon VPS.
- Natural surveillance of the parking areas is deemed necessary.
- Whilst on-plot parking is preferable there is flexibility in terms of parking solutions, where this is provided in a form of on-street parking and good natural surveillance can be achieved.
- Courtyard parking should only be used occasionally, where there are flats and should be kept small in size, not exceeding 6 to 8 spaces.
- Refuse storage must be positioned in the most convenient location within the plot
- The refuse storage facility should be capable of minimising the visual intrusion of bins on the street scene
- Bins should be integrated to the front elevations or the front boundary when there is no alternative option.

5.3.8 The proposed development is split into three parcels (parcel 10 – northwestern parcel, parcel 11 – northeastern parcel and parcel 12 – southern parcel). The parcels would be boarded by landscaped areas and traversed by the main spine road. Heybridge Wood is located to the southwest and the open countryside extends to the north of the site, setting a requirement for lower densities and heights, as well as an overall character of the development that reflects the rural and woodland nature its surroundings as set through the approved parameter plans and the endorsed NHGS Strategic Design Code. The area of parcel 12 to the south that is away from Heybridge Wood should reflect a suburban character, of higher density and more structured layout.

5.3.9 According to the residential density parameter plan, the northern parcels 10 and 11 should have a density between 26 and 32 dwellings per hectare, as well as the part of parcel 12 adjacent to Heybridge Wood. The rest of parcel 12 can have a density of 30 to 36 dwellings per hectare. The application is supported by a Density Plan (9029/27 Rev C) demonstrating that the development would accord with the approved densities. In particular, parcel 10 would have a density of 30.7 units per hectare, parcel 11 would have a density of 31.3 dwellings per hectare, the

southwestern part of parcel 12 would be have density of 28.7 dwellings per hectare, whilst the rest of parcel 12 would consist of 29.23 units per hectare. Therefore, the development, as proposed, would fall within the requirements set out within the approved residential densities parameter plan.

- 5.3.10 With regard to building heights, lower heights of no more than two storeys are allowed along the northern boundary of phase 2 (parcels 10 and 11), with taller buildings of up to three storeys in height along the spine road and slightly lower dwellings of up to 2.5 storeys at the southern parcel of parcel 12. The submitted Storey Heights (9029/25 Rev C) plan, shows that the development would accord with the building heights set out in the relevant approved parameter plan. The majority of the site would be occupied by buildings not higher than two storeys. Three storey buildings (apartment blocks) are proposed within parcel 12 on its northern part adjacent to the spine road and eight 2.5 storeys high dwellings along the southern part of parcel 11, close to the spine road. The development would therefore accord with requirements of the building heights parameter plan.
- 5.3.11 As noted above, part of the site (northern part of parcels 10 and 11) is located with the Village Edge character area and the built form should be planned to overlook open space positioned in peripheral areas of the site to strengthen the visual relationship between the housing and open space. This has carefully been considered with all properties fronting the open space at the periphery of each parcel. It is also noted that following discussions the Applicant has taken on board the Conservation Officer's comments and incorporated more traditional-style fenestration on the houses along the northern edge, facing the listed buildings. Furthermore, the dwellings would follow a more organic, and less structured front building line along the northern boundary. It is considered this would enhance the character and appearance of the streetscene when viewed from public vantage points. It would also provide good surveillance of the public open space from the proposed dwellings in line with secure by design principles. The active and attractive street frontages would create a strong sense of place and a visually attractive streetscene. The primarily landscaped front gardens would also support the character of the development transitioning from open landscaped areas to the built form.
- 5.3.12 The dwellings would front the highway and green open space between parcels 10 and 11, and they would be positioned so that sufficient gaps and openness is maintained between them. Furthermore, with the exception of the dwellings fronting the spine road, where the dwellings are positioned following a strong front building line, the rest of the development has a more organic and less structured form. The residential units along the secondary streets and those fronting the footpath and open space similarly follow a less formal building line, which helps provide articulation to the streetscene. It is therefore considered that the layout and grain of the development would follow the guidelines for the Village Edge character area and respect the rural nature of the surrounding area. Furthermore, the provision of a strong front building line along the spine road would be appropriate to create sense of identity for the garden suburb. Given that the buildings would be set back from the highway, with sufficient space in front of them allowing for landscaping, it is not considered that they would appear prominent, obtrusive or cramped within the public realm.
- 5.3.13 With regard to parcel 12, it would be partially located within the woodland edge character area. The build form along the western boundary of this parcel represents a natural, less formal built form. The dwellings would maintain wide gaps between them and also present a more organic front building line, with deeper landscaped front gardens providing a gradual transition to the wood itself. The dwellings would be fronting onto the woodland and the footway / cycleway, increasing surveillance of

the public open space, the woods and the footpath. This orientation would also assist in providing a visually interesting streetscene when viewed from public vantage points, in accordance with the requirements of this character area. Although a block of flats is proposed on the northwestern part of this section of buildings, it is noted that this part of the development is primarily read as part of the streetscene fronting the spine road than the woodland. Furthermore, a visually acceptable transition has been achieved between the block of flats and the neighbouring dwellings to the south. Consideration has been given to building heights hierarchy, as well as to the overall mass, form and appearance of the building. The height of the apartment block is reduced to two-storeys adjacent to the dwellings to the south, its overall frontage width and mass are broken down due to the staggered elements, which provide articulation to the building and west elevation of the building has been treated as a principal rather than a flank elevation, incorporating several architectural features.

- 5.3.14 The rest of parcel 12 is located the garden suburb character area. The layout and built pattern of this part of parcel 12 represents a more urban character, providing a relatively structured and more formal linear arrangement of the housing layouts. The majority of the dwellings along the secondary roads within the parcel follow a strong front building line, with narrower front gardens. The proposed streets, unlike the woodland edge are more straight and well defined. Overall, it is considered that the layout of this part of parcel 12 would reflect the character of this character area.
- 5.3.15 The proposed residential units would have plot sizes and frontage widths that are of similar size with those recently constructed to the southeast of parcel 12, within the allocated site, known as S2(f). Therefore, it is not considered that the proposed development would be out of keeping with the built pattern of the adjacent residential areas.
- 5.3.16 The development would involve blocks of flats with courtyard parking. These are located on the southern parcel of the application site along the spine road. The guidance contained in the NHGS Strategic Design Code suggests that courtyard parking should only be used occasionally, where there are flats and should be kept small in size, not exceeding 6 to 8 spaces. It should be noted that following amendments to the parking proposals, the amount of parking spaces provided within the courtyards has been materially reduced. Furthermore, the parking court of the apartment on the northwestern boundary of parcel 12 has been split into two car parking areas, separated with a 1.8 metres high wall and landscaping. This has requested by officers to reduce the size of the hardsurfaced area, as well as manage the vehicle movement next to the communal amenity space. Although this element of the development would not be highly visible from the streetscene, it was considered necessary that landscaping is introduced to soften the appearance of the development.
- 5.3.17 Parking provision for two apartment blocks on the northwestern part of parcel 12 would be again in a form of a parking court. Although a high number of parking spaces are proposed to serve the two blocks, this element of the development would not be highly visible from the streetscene and also the layout of the parking court is such that, no more than 7 parking spaces would be located in a row. Furthermore, landscaping is to be introduced within the parking court to soften the appearance of the development.
- 5.3.18 For the majority of the development parking is provided on plot and adjacent to the residential units. However, there are limited exceptions where parking is proposed perpendicular with the highway. Following several revisions of the originally submitted scheme there are only four areas where perpendicular parking is

proposed. Of these parking areas, there is one that results in a larger amount of perpendicular parking spaces, serving units on plots 198 to 204. On balance however, and taking into account the hard and soft landscaping proposed in this section of the development, no objection is considered reasonable to be sustained to this arrangement.

- 5.3.19 It should be noted that during the application process concerns were raised regarding the layout, scale and position of the block of flats. Following significant amendments, the development now proposes the erection of three apartment blocks, in which the originally submitted size, mass and form, has been significantly reduced, from the original submission. The larger block of flats is located on the northeast corner of parcel 12 and this would accommodate 13 units. Although this would be a large block of flats, it is considered that careful consideration has been given to provide articulation to the building and also reduce its height adjacent to the nearby proposed two-storey dwellings to allow a more visually comfortable transition between the building forms. The higher element of the development would be located on the northeastern corner of the L-shaped building, away from the nearby two-storey units. This is to create a focal point at the entrance of the site, which is considered acceptable. By reasons of the above, it is considered that the proposed flats would not appear overly dominant or visually obtrusive and due to the proposed balconies, recessed sections of the building and variation in the finishing materials, it would not result in a continuous flank elevations that are lacking articulation and architectural merit.
- 5.3.20 The two other flats on the western part of this parcel, adjacent to the spine road, would be smaller in scale, but they would create a bookend appearance to this section of the spine road. These blocks have also been amended during the process of the application. Similar to the block of flats to the northeast, these blocks would incorporate their tallest, three-storey, elements centrally and would drop down to two-storey adjacent to the dwellings to the east and south. This would achieve a better transition to the lower and smaller residential buildings and it would avoid an unacceptable juxtapositions of the ridge heights. Furthermore, the buildings would include architectural features, such as balconies, full-height fenestration, projecting and recessed elements and different materials. This is considered appropriate providing a level of visual interest on all elevations visible from public vantage points. Therefore, no objection is raised to this element of the proposed development in design terms.
- 5.3.21 The proposed development involves 32 different types of residential units, as described in section 3.1 of the report, including detached, semi-detached and terraced dwellings, blocks of flats, bungalows, two-storey, two-and-half storey and three-storey buildings and a variety of designs and forms. Although the development would introduce a variety of dwelling types, there is a prevailing character for gable end roofs and a level of uniformity in terms of the detailing, including contemporary features, such as large sized casement fenestration, flat roof glazed canopies over the entrance doors, simple gabled projecting features and balconies in the blocks of flats. This is with the exception of the buildings along the northern boundary of parcels 10 and 12 which incorporate a more traditional style of fenestration. This design approach is considered appropriate given that these buildings are particularly visible from the listed buildings (grade II listed Poplar Grove Farmhouse, the stable to the west of Poplar Grove Farmhouse, and a cartlodge to the west of Poplar Grove Farmhouse), and the sensitivity of the relationship with the heritage assists. Having regard to these considerations, it is considered that the proposed development would demonstrate the appropriate level of architectural merit through taking design cues from the nearby residential development to the south (S2(f) allocated site) and advice from the Listed Building and Conservation Officer.

- 5.3.22 It is also positive that a variety of dwelling types have been introduced, as this would add interest to the streetscene. A good level of fenestration has been used to all dwellings and following amendments, additional detailing such as bay windows have been introduced to the side elevations of dwellings that are adjacent to and visible from the highway.
- 5.3.23 In terms of eaves and ridge heights, it is noted that overall a level of consistency throughout the scheme has been maintained. Although there are examples of buildings of different ridge and/or eaves heights that are located in close proximity, it is noted that the differences in the heights are not significant and would not be readily visible from a pedestrian perspective. Furthermore, it is noted that amendments have been incorporated in areas where the height variation was significant and considered to be resulting in an unacceptable juxtaposition in the ridge heights. Furthermore, as noted above, the building height hierarchy has been considered and a gradual transition from the taller elements of the apartment blocks to the nearest neighbouring dwellings lower in height dwellings has been achieved. Moreover, similar building relationships have been accepted previously within the garden suburbs and therefore, it is considered that it would have been unreasonable to raise an objection at this stage for this residential development.
- 5.3.24 Policy H2 of the LDP requires the design and appearance of the affordable housing to be indistinguishable from those built for the open market. Affordable housing should also be mixed with market housing to support mixed and vibrant communities. It is positive that affordable units would be located in various areas within the scheme and not clustered in one area. Furthermore, similar types of housing have been used as market and affordable units. Overall, although some of the affordable units would have slightly less articulation on some dwelling types, they would still benefit from an acceptable design of fenestration and detailing, including finishing materials being the same as the market housing. The affordable units would have outlook and aspect to public open space and therefore they would conform with the requirements of the LDP and the MDDG SPD.
- 5.3.25 The proposed garages would complement the design of the residential units and their finishing material would match those of the proposed dwellings. The proposed garage doors would have detailing that would assist in making the development visually attractive. As noted above, car barns and pergolas would be constructed in areas where perpendicular parking is proposed in order to provide architectural interest and break the continuity of hard standing.
- 5.3.26 Materials to be used on the external elevations of the residential units would include red and cream brickwork, elements of grey and black weatherboarding, slate effect and clay effect roof tiles. According to the guidance contained in the NHGS Strategic Design Code, housing within Village Edge and Woodland Edge character areas are expected to be finished in natural palette of materials, including slate, brick and timber. Use of a variety of building materials including render, brick and timber are also expected in the Garden Suburb area. Although the proposed finishing materials would not be natural, as set out in the above documents, they would be of a natural effect and, subject to submission of the proposed materials, it is considered that the appearance of the buildings would reflect the character areas and would largely accord with the requirements of the endorsed NHGS Strategic Design Code. The variety of materials would increase visual interest.
- 5.3.27 In terms of boundary treatment, the rear gardens would be boarded with traditional close boarded fence. However, any boundaries abutting the highway, or the public open space would be finished in red brick to match the finishing materials of the adjacent residential units. Knee-high timber rail would be installed to separate the

parcels and the designated open space. Sentry metal railings would be installed on the boundaries with the central spine road and timber bollards are proposed to define boundaries between the parcels and the strategic landscaping.

- 5.3.28 In light of the above, it is considered that the development, as it has been revised, would accord with the approved parameter plans and the guidance contained within the NHGS Strategic Design Code regarding character areas. The development would also follow the good design principles set out in the Maldon District design SPD. Overall, it is considered that the layout, mass, height, form, design and appearance of the development would be acceptable and would be a good representation of the Village Edge character that is aimed for this section of the North Heybridge Garden Suburb.

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 MDDG (2017).
- 5.4.2 The proposed development, by its very nature understandably, would result in a significant increase in levels of activity. However, the site forms part of the largest of the three sites allocated for development in the NHGS (S2(d) allocated site) and therefore, the resultant impact, in terms of noise, activity, position and built form, has, in principle been appraised and agreed subject to detailed design through the reserved matters applications.
- 5.4.3 The proposed development would be sited approximately a minimum of 18 metres away from the northern boundary of the recently erected residential estate to the south within allocated site S2(f). Further distances are maintained to the nearest residential properties within this estate. This separation distance is sufficient to prevent overlooking of sensitive areas, overshadowing or any overbearing impacts from the proposed development. All other residential properties are sited further away and therefore, no objection is raised in terms of the impact of the development on residential amenity.
- 5.4.4 With regard to the interrelationship of the proposed residential units, consideration has been given to the orientation of the buildings, in order to avoid overbearing and overshadowing impacts. Back-to-back distances are over 20 metres and therefore, no concerns are raised in terms of overlooking for those properties backing onto each other. There are examples where dwellings are positioned at an angle; however, it appears that a minimum of 10 metres separation distance is maintained between the rear elevation of one dwelling and the direct outdoor amenity area of the other. This separation distance is considered sufficient to prevent from direct or indirect overlooking.
- 5.4.5 With regard to the interrelationship of the blocks of flats and their neighbouring residential dwellings, it is considered that a good level of separation distance would be maintained between them to prevent from overlooking, overshadowing or overbearing impact. The minimum separation distance between a three storey element and the neighbouring rear garden would be approximately 17 metres and this is considered sufficient to prevent from direct or indirect overlooking. No objection is therefore raised in that respect.
- 5.4.6 For those properties that have a back to flank wall relationship, consideration should be had on the introduction of first floor windows on the side elevations. A condition

will be imposed for those first floor windows on the flank elevations to be glazed in obscure glass and to be fixed shut.

5.4.7 The majority of the garages are positioned back from the front building line of the dwellings. Although in some cases, due to their orientation, they would result in a level of loss of light to the adjacent dwellings, taking into consideration their single storey nature, on balance, it is not considered that this loss of light would be detrimental to warrant refusal of the application on those grounds.

5.4.8 Having regard to the above, it is not considered that the development would have a detrimental impact in terms of residential amenity and subject to conditions the interrelationship of the proposed residential dwellings would be acceptable.

5.5 Access, Parking and Highway Safety

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

5.5.2 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."*

5.5.3 Parking

5.5.3.1 In terms of off-street parking provision for new dwellings, the VPS SPD, requires the following:

- 1 parking space per one-bedroom dwelling
- 2 parking spaces per two and three-bedroom dwellings
- 3 parking spaces per four+ bedroom dwellings
- For housing developments of more than 10 units 1 visitor parking should be provided per four dwellings

5.5.3.2 The proposed development would provide a total of 604 parking spaces, including visitor parking spaces. All one-bedroom properties will be served with one parking space, two and three-bedroom properties would be served by two parking spaces and there would be provision of three parking spaces for four-bedroom properties. Furthermore, 66 visitor parking spaces are proposed to be provided throughout the scheme. The parking bays and garages would comply with the minimum parking bay and garage sizes as set out in the VPS SPD (2.9m x 5.5m and 3m x 7m respectively). For the bungalows that have been designed to accord with M4(3b) disabled used dwellings standards, parking spaces that are accessible to disabled people are provided. These include a 1.2 metres zone around the parking bays for ease access and egress from the vehicle. The development would therefore be fully compliant with the requirements of the VPS SPD and it would provide sufficient parking provision.

5.5.3.3 In accordance with the VPS SPD, an external fast charging point shall be provided adjacent to at least one parking space for each new dwelling. For communal residential parking areas, one charging point is required for every 20 spaces (5%). Where the parking spaces are allocated to individual dwellings, the charging point(s)

can be provided on unallocated visitor parking spaces within the development. The submitted 'Car Charging Strategy Plan' demonstrates that these standards will be exceeded. The development would provide more than 5% of EV charging points at parking areas served by communal parking and there would be passive EVCP near visitor parking bays for future installation of EVCP in needed. All dwellings would be served by one EVCP.

5.5.3.4 In terms of cycle parking, it is noted that it would either be provided with the proposed garages, communal cycle parking spaces or sheds that are proposed to be installed to all dwellings. For the apartment blocks, parking would be provided in save and easily accessible locations at ground floor within the blocks. For the dwellings, cycle parking would either be provided within the garages or within sheds. It is considered that the development would provide sufficient cycle parking and it would promote alternative and sustainable modes of transport alternative to private vehicles.

5.5.4 Access and highway safety

5.5.4.1 There would be one access point to the two northern parcels and two for the southern parcels, all taken off the spine road. The Highway Authority has raised no objection from a highway and transportation perspective. On that basis, no objection is raised to the proposed access in terms of highway safety or highway network.

5.5.5 Pedestrian and Cycle Access

5.5.5.1 It is noted that the main pedestrian and cycle network is provided in the periphery of the site, as required by the Access and Movement Parameter Plan. However, linkages are provided within the site to connect with the pedestrian and cycle routes of the approved development. Therefore, no objection is raised in that respect.

5.6 **Private Amenity Space and Living Conditions**

5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that dwellings that have three or more bedrooms should be served with a minimum of 100sqm outdoor amenity area, whilst smaller one- and two-bedroom units could be served by 50sqm. For flats, the requirement would be a minimum of 25sqm. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

5.6.2 With regard to amenity space provision, it is noted that all three- and four-bedroom properties would have gardens larger than 100sqm. One- and two-bedroom dwellings would have gardens larger than 50sqm. This is with the exception of the two-bedroom dwellings on plot numbers 9 and 163, where gardens are marginally under 50 sqm (49.6sqm and 49.2sqm respectively). Apartment block 1 would be served by 213.4sqm of amenity space and an additional 197.2sqm of landscaped area to the west next to the woodland area. This apartment block would provide accommodation to eight residential units. Apartment block 2, which accommodates units, would have access to amenity area measuring 193sqm and the apartment block on the northeast part of parcel 12, which accommodates 13 units, would be served by a private amenity area of 282.7sqm and an additional landscaped area to the front measuring 126.2sqm. The development would therefore largely comply with the requirements set out in the MDDG SPD. The reduced amenity space for the two two-bedroom units would be minimal to not justify refusal of the application of those grounds. Furthermore, although part of the amenity space for the northeastern block of flats would be provided to the front of the building, it is considered that by reason

of its size and proposed landscaping, it would be able to provide usable amenity space for the future occupiers.

- 5.6.3 The residential units will be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. Furthermore, a good level of accommodation would be provided for the future occupiers. For those occupiers of the ground floor units within the blocks of flats adjacent to the communal amenity space, particular attention would need to be applied to ensure an acceptable level of protection against loss of amenity, in terms of loss of privacy and to ensure adequate security, is in place. It is considered that a proposal combination of hard and/or soft landscaping could be introduced around those ground floor units to separate them from the rest of the communal area. This can be secured by the imposition of an appropriately worded condition. Subject to the imposition of this condition, it is considered that the development would provide an acceptable quality of living environment for future occupiers.
- 5.6.4 Part of the proposed development would be located in close proximity to the relief road and therefore, close to a source of noise. Although noise attenuation has been considered and found acceptable as part of the Reserved Matters application assessing the landscaping strategy and infrastructure for phase 1 (Reference number: 21/00961/RES), consideration should be had to the noise impact to the units adjacent to the relief road (units 77-82, 59-67, 42-46, 26-30, 12-15, 1-3 and 7-9). Section 7 of the Noise Assessment submitted with application 21/00961/RES relates to the residual mitigation required for the dwellings along the northern boundary of phase 1. This requires all dwellings to be provided with thermal double glazing and alternative means of ventilation (trickle vents), to ensure that a minimum sound insulation is maintained. It is recommended that sound insulation for the external fabric of the buildings, including alternative means of ventilation compliant with Approval Document F of the Building Regulations 2010(as amended) are considered. Whilst compliance with the Noise Assessment was secured through condition of the approved application 21/00961/RES, given that section 7 relates to mitigation relevant to the residential element of phase 2 and 4, it is considered reasonable that this is secured by condition under the terms of this application, to ensure quality of life of the future occupiers of those units.
- 5.7 Impact on ecology existing vegetation, biodiversity and landscaping**
- 5.7.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”*. Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.7.2 The application is supported by an Arboricultural Implications Report and Tree Protection Plan. The Tree Consultant has advised that the Arboricultural impact assessment identifies the trees that could be impacted and suitable protection measures to be implemented. No objection is raised to the Oak T41 being removed, this is effectively a large stump and it will not impact on wider public amenity. It is considered that new landscaping would be able to compensate for this. Where excavation work in the outer RPA (Root Protection Area) of T39 is required, it is agreed that this is unlikely to have any detrimental impact on the tree, as long as the protection measures outlined in the report are followed. The trees can sufficiently be protected and worked around if the tree protection method statement is adhered to.

Timings of supervision visits will need to be set as outlined in the report. It is therefore considered that, subject to the imposition of a condition securing the protection of the trees in accordance with the submitted Arboricultural Implications Report, the development would not adversely impact on existing trees and effectively on visual amenity.

- 5.7.3 The application is also supported by a Landscape illustrative Master Plan, a Landscape Design and Access Chapter, a Landscape Maintenance Plan, as well as Planting Plans and a Planting Strategy Plan, which provides details regarding the proposed landscaping. The development, as shown on the submitted plans would include a variety of trees, hedges, ornamental planting, wildflower seeds planting and grass. The details of the hardworks are also included in the submitted plans and documents.
- 5.7.4 The Landscape Design and Access Chapter identifies the soft landscaping strategy. It is stated that *“Planting to the residential areas would follow key design principles:*
- *Architectural planting to frame key entrances around the site, including transition into areas of shared surface*
 - *Defensible planting to front gardens, including hedge planting along primary road*
 - *Ornamental tree planting along secondary route*
 - *Ornamental plant species to some front gardens and along key pedestrian routes*
 - *Areas of shared surface to be softened with planting”*
- 5.7.5 To support ecological enhancement, the development would consider a planting palette and integrated ecological features, including the following:
- *Species-rich plant palette*
 - *Nectar-rich species*
 - *Bird boxes*
 - *Bug hotels*
 - *Hedgehog-friendly gravel boards*
 - *Sensory plants*
- 5.7.6 The submitted maintenance plan includes information in relation to maintenance of both soft and hard landscaping. For trees it is advised that after completion the Landscape Contractor appointed shall supply all necessary hose attachments and fittings to keep the plants watered. Replacement of failed or severely damaged trees as specified, subject to investigation and measures would be required to avoid subsequent failure / damage. Other maintenance requirements would include the following:
- Pest / Disease management
 - Carry out formative pruning, removal of deadwood and repair work as necessary.
 - The Contractor should check on a two monthly basis the condition of Tree Stakes and Guys.
 - When removing branches, remove inward growing, crossing, rubbing, dead and damaged branches.
 - Formative Pruning of young trees

- 5.7.7 Maintenance including watering, pruning and replacement applies to all soft landscaping proposed throughout the site.
- 5.7.8 It should be noted that ecological management in relation to phase 2 of the approved development, has already been considered and details have been agreed, either as part of discharge of conditions applications (conditions 7(g) – Construction Ecological Management Plan and condition 13 - Ecological conservation management plan) or as part of the approved application 21/00961/RES, relating to the approval of the strategic landscaping and infrastructure for phase 2. Therefore, these matters have been previously assessed and found acceptable. A condition to ensure that the development is implemented in accordance with the details included within the Construction and Ecological Management Plan and associated documents submitted in relation to phase 2 will be imposed.
- 5.7.9 With regard to the proposed landscaping, the application is supported by Planting Plans, specifying the type, size and position of the proposed landscaping. The proposal would incorporate native species and a good level of landscaping to soften the appearance of the proposed development. Following discussions with the applicant enhanced landscaping has been introduced along the footpath traversing the parcel 12 to improve experience of the users and visual amenity. Significant amount of landscaping is also proposed in the parking courts and apartment block, which was considered necessary in order to break down the continuity of hardstanding and also soften the appearance of the larger buildings within the scheme.
- 5.7.10 The Tree Consultant has not raised an objection in relation to the proposed landscaping scheme and therefore, it is considered that the proposed development would be acceptable in terms of its impact on existing trees, habitats and species and the submitted Landscape illustrative Master Plan, a Landscape Design and Access Chapter, a Landscape Maintenance Plan, as well as Planting Plans will ensure enhanced visual amenity and that the existing and proposed planning will be managed appropriately.
- 5.8 Other Matters**
- 5.8.1 Surface Water and Foul Drainage**
- 5.8.1.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.8.1.2 The current application relates to the approval of the reserved matters relevant to the residential parcels of phase 2. The details of the strategic landscaping and infrastructure relating to size, location and gradients of the surface water attenuation basins and drainage network within this phase of the development were approved as part of application 21/00961/RES. The technical details of the surface water drainage scheme have been dealt with through condition 9 of the original hybrid consent (22/05058/DET) and the Lead Local Flood Authority (LLFA) has found the details acceptable.
- 5.8.1.3 It is noted that the overall drainage strategy was approved as part of the hybrid application 15/00419/OUT, which was allowed on appeal. The Inspector found that the surface water drainage was in full compliance with the development plan. The agreed drainage strategy was that due to the relatively shallow ground water, infiltration drainage techniques will not be utilised on the site. However, other SuDS techniques will be used, which will follow the SuDS train submitted as part of the

Flood Risk Assessment (FRA) to 15/00419/OUT, consisting of a mixture of rainwater butts, permeable paving to private driveways, swales, ponds and detention basins. Water will be collected, treated and attenuated in a SuDS train prior to outfalling into the existing water courses at the 1 in 1 year Greenfield runoff rates up to and including the 1 in 100 plus 40% climate change rainfall storm event.

- 5.8.1.4 It is confirmed that there is a series of attenuation basins in the periphery of both parcels that form part of the measures to manage surface water on the site. Swales are also incorporated to manage surface water. The Applicant has advised that permeable paving to shared driveway and visitor parking bays would also be introduced as another surface water treatment.
- 5.8.1.5 Although initial concerns were raised by the LLFA in relation to the modelling outputs submitted with the application, following revisions the objection has been lifted and the LLFA advised that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the site drainage infrastructure be constructed in accordance with the Drainage Strategy Report by Richard Jackson, consultants, dated March 2022.
- 5.8.1.6 With regard to foul drainage, it is noted that this is secured through condition 16 of the approved hybrid application (15/00419/OUT), which requires the submission of details of the foul water drainage for all proposed buildings prior to their erection above foundation level. Although initial concerns were raised by Anglian Water regarding the foul drainage strategy submitted with the application, which was considered not adequately addressing the public foul sewerage, following revisions a new consultation response has been received by the Anglian Water they can confirm that the foul drainage strategy is acceptable to Anglian Water as it is in line with the strategic site drainage strategy.
- 5.8.1.7 In light of the above, no objection is raised in relation to surface water or foul drainage.

5.8.2 Waste Management

- 5.8.2.1 The application is supported by a Refuse Collection Plan. Although the Council's Waste Management Team has not responded in relation to the proposed refuse collection, it is noted that consideration has been given to the provision of collection points not beyond the maximum 25 metres travel distance for carrying refuse sacks to access waste collection points. For the majority of the site refuse will be collected in front of the residential units or from the designated refuse points for the proposed blocks of flats. There are a limited number of dwellings that would need to carry their refuse to a collection point; however, that would be within the maximum distance from any dwelling and therefore, is considered to be acceptable.

5.8.3 Permitted Development Rights (PDR)

- 5.8.3.1 Given the size of the plots and their interrelationship, any alterations / extensions to the dwellings as a result of exercising PDR may result in unacceptable design changes (i.e. in case of installation of large sized dormers on elevations not facing the highway, but visible from public vantage points), impact on the living conditions of the future occupiers (i.e. in case the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring occupiers (i.e. via the installation of dormer windows that result in overlooking or rear extensions that impact on light and outlook). For these reasons it is considered reasonable that PDR for the proposed dwellinghouses are removed for classes A, B, C, D and E and any

proposed changes be subject of a planning application in order for the Council to consider any potential impacts.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out 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 – Cleared – 02.09.2021.
- **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 – Cleared – 05.11.2021.

- **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 – Cleared – 18.11.2021.
- **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. – Cleared - 22.10.2021.
- **21/05135/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 15 - Broadband. – Cleared - 11.01.2022.
- **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – Cleared - 09.11.2021.
- **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. – Cleared - 29.11.2021.
- **21/05185/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications – Cleared - 13.01.2022.
- **21/05187/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan – Cleared - 14.01.2022.
- **21/00961/RES** – Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:
 - (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout;
 - (ii) The internal spine road, from Broad Street Green Road to the north-eastern corner of Heybridge Wood (including bus stops);
 - (iii) The green corridors that surround Parcels 10, 11 and 12;
 - (iv) The second phase of the acoustic barrier;
 - (v) The play area (LEAP) that lies south of Parcel 12;
 - (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre;
 - (vii) The proposed pumping station;
 - (viii) Pedestrian and cycle links falling within this phase of the development.

Together with details pursuant to Condition 18 (tree protection), Condition 19 (acoustic barrier), Condition 27 (bus stops) and Condition 28 (footpaths and cycle routes) of the approved planning application 15/00419/OUT. Approved

- **21/00752/RES** – Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping (Phase 1 only) on approved 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)
- (iv) A relief road between Broad Street Green Road and Langford Road (Detailed element)
- (v) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline)
- (vi) Construction of initial gas and electricity sub-stations (Detailed); and
- (vii) 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).

Pending consideration.

- **22/05005/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction Environmental Management Plan (Part (g) in relation to Phase 2) – Cleared – 29.06.2022.
- **22/05109/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Details of position of excavation trenches and means of installation for all services in relation to retained trees – Pending consideration.
- **22/05014/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications – cleared – 29.06.2022
- **22/05021/DET**- Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme – Cleared – 01.08.2022.
- **22/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme – Pending consideration.
- **22/05058/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Surface water drainage scheme (Revised 06/05/22) – Cleared – 14.10.2022.
- **22/05061/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeology (Addendum to the approved Written Scheme of Investigation) – Pending consideration.
- **22/05075/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details (Phases 3-5) – Pending consideration.
- **22/05076/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 16 - Foul drainage details (Phases 1,2,3 and 4 (Drainage phases 1 and 2)) – Pending consideration.
- **22/05081/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - in respect of Phases 3-5 of the approved phasing plan (and which therefore completes the discharge of Condition 13, following the

previous approvals for Phases 1 and 2) - Ecological Conservation Management Plan dated 08/08/22, Heybridge North Badger Technical Survey Note (updated 05/08/22), Heybridge North Bat Technical Survey Note (updated 05/08/22) – Pending consideration.

- **22/05082/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 6 - Hard and soft landscaping for communal gardens. Condition 7 - Provision and retention of soft landscaping – Pending consideration.
- **22/05095/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage Details – Pending consideration.
- **22/05101/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 4 – Materials – Pending consideration.
- **22/05108/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 7 - Construction Method Statement – Pending consideration.
- **22/05110/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 19 - Acoustic barrier details– Pending consideration.
- **22/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction and Environmental Management Plan – Pending consideration.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No objection. As this is a very detailed and technical application the Parish Council relies on the Planning Officers to make sure that it complies with the outline conditions and planning policy.	Noted.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority (LLFA)	Having reviewed the Landscape Strategy and the associated documents which accompanied the planning application, the LLFA do not object to the granting of this Reserve Matter application reference, subject to the site	Comments noted and addressed in section 5.8 of the report. Suggested condition has been imposed.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	drainage constructed in accordance with the Drainage Strategy Report by Richard Jackson, consultants, dated March 2022.	
Anglian Water	The foul drainage strategy is acceptable to Anglian Water.	Noted.
Natural England	No comments.	Noted.
Highway Authority	From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies.	Comments noted and addressed in section 5.5 of the report.
Sports England	The proposed development does not fall within either the statutory remit or non-statutory remit of Sports England; therefore Sport England has not provided a detailed response in this case.	Noted.
Tree Consultant	<p>The Arboricultural impact assessment identifies the trees that could be impacted and suitable protection measures to be implemented.</p> <p>There is no objection to the Oak T41 being removed, this is effectively a large stump and I agree will not impact on wider public amenity. New landscaping will compensate for this.</p> <p>Where excavation work in the outer RPA (Root Protection Area) of T39 is required, it is agreed this is unlikely to have any detrimental impact on the tree, as long as the protection measures outlined in the report are followed.</p> <p>The trees can sufficiently be protected and worked around if the tree protection method statement is adhered to. Timings of supervision visits will need to be set as outlined</p>	Comments noted and discussed in section 5.7 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	in the report, but this can be addressed at a pre commencement meeting.	
Essex County Fire and Rescue Services	No objection. The Access for Fire Service is satisfactory. Advice in relation to new roads and surfaces, building regulations, water supplies and sprinkler systems are provided within their response for the Applicant's information.	Comments noted.

7.3 Internal Consultees (*summarised*)

Name of internal Consultee	Comment	Officer Response
Environmental Health Specialist	No objection.	Comment noted.
Housing specialist	Strategic Housing Services are in agreement and support the proposal for Affordable Housing as detailed in the Officer report.	Comments noted and discussed in section 5.2 of the report.
Conservation and Heritage Specialist	Overall, it is advised that the harm caused to the setting of listed farm buildings at Poplar Grove Farm – through change to their wider arable setting – will be “less than substantial” and can fairly be described as moderately adverse. In accordance with paragraph 202 of the NPPF, such harm must be weighed against the public benefits of the proposal. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on the Council to have special regard to the desirability of preserving the settings of the listed buildings. Paragraph 199 of the NPPF requires that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation”. In this instance, the substantial public benefits will outweigh the harm to the heritage assets.	Noted and discussed in section 5.3 of the report.

Name of internal Consultee	Comment	Officer Response
	For these reasons, no objection is raised to the approval of the application. I would recommend that a condition requiring samples or details of the roof tiles and slates to be approved be attached to the approval, since the choice and quality of the roof finishes could have some impact on the setting of the nearby listed buildings.	

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations have been received at the time of writing the report.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
BHHEYBRIDGENORTH.1/99 Rev P1
9029/HT5b-01
9029/HT4b-01
BHHEYBRIDGENORTH.1/98 Rev P1
9029/HT4-01 Rev B
BHHEYBRIDGENORTH.1/97 Rev P1
BHHEYBRIDGENORTH.1/103 Rev P1
BHHEYBRIDGENORTH.1/102 Rev P1
BHHEYBRIDGENORTH.1/101 Rev P1
BHHEYBRIDGENORTH.1/100 Rev P1
9029-HT5-01
9029-HT23-02
9029-HT23-01
9029-HT22-01
9029-HT15-16
9029-HT11-01
9029/HT9b-01
9029/HT9-01 Rev A
9029/HT8-01
9029/HT7-01 Rev C
9029/HT6-01 Rev B
9029/HT3b-01
9029/HT3-01
9029/HT2b-01
9029/HT28-01 Rev A
9029/HT25-01
9029/HT24-01
9029/HT21-01 Rev B

9029/HT20-01 Rev B
9029/HT2-01 Rev B
9029/HT19-01 Rev A
9029/HT18-01 Rev B
9029/HT17-01 Rev B
9029/HT14-01
9029/HT13-01
9029/HT12-01
9029/HT10b-01
9029/HT10-01 Rev A
9029/HT-27S
9029/HT-27B
9029/HT-27 Rev B
9029/HT-01 Rev B
9029/APT-10 Rev A
9029/APT-09 Rev A
9029/APT-08 Rev A
9029/APT-14 Rev B
9029/APT-13 Rev B
9029/APT-12 Rev B
9029/APT-11 Rev B
9029/55 Rev B
9029/54 Rev B
9029/53 Rev B
9029/52 Rev B
9029/51 Rev B
9029/50 Rev B
9029/34
9029/33 Rev C
9029/32 Rev D
9029/31 Rev C
9029/30 Rev C
9029/29 Rev C
9029/28 Rev C
9029/27 Rev C
9029/26 Rev C
9029/25 Rev C
9029/24 Rev A
9029/23 Rev C
9029/22 Rev C
9029/21 Rev F
9029/04 Rev C
9029/03 Rev J
9029/02 Rev C
9029/01
9029/HT5-01
9029-SG
9029 20 Rev G
61596-C-011 Rev P1
9029-DSG
9029-DG
61596-C-012 Rev P1
61596-C-010 Rev P2
61596-C-009 Rev P2
61596-C-008 Rev P2
61596-C-007 Rev P3

61596-C-004 Rev P5
 61596-C-003 Rev P6
 61596-C-003 Rev P6
 61569-C-006 Rev P3
 3231.MA.4002 Rev B
 3231.MA.4001 Rev A
 3231.MA.4000 Rev A
 3231.MA.2006 Rev C
 3231.MA.2005 Rev C
 3231.MA.2004 Rev C
 3231.MA.2003 Rev C
 3231.MA.2002 Rev C
 3231.MA.2001 Rev C
 3231.MA.2000 Rev C
 3231.MA.1006 Rev D
 3231.MA.1005 Rev D
 3231.MA.1004 Rev D
 3231.MA.1003 Rev D
 3231.MA.1002 Rev D
 3231.MA.1001 Rev D
 3231.MA.1000 Rev D
 3231.MA.900 Rev E

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

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

- Market housing
 - 61 no. two-bedroom units
 - 74 no. three-bedroom units
 - 48 no. four-bedroom units
- Affordable housing
 - 33 no. one-bedroom units
 - 38 no. two-bedroom houses
 - 8 no. three-bedroom houses

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

- 4 No development works above ground level shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 5 The boundary treatments for the development hereby permitted shall be carried out in accordance with the details and with materials as shown on plans 9029/23 Rev C, 9029/24 Rev A, 3231.MA.1000 and 3231.MA.4002 Rev B prior to the occupation of any of the dwellings.

REASON In the interest of the character and appearance of the area and to protect the amenity of the neighbouring residential properties in accordance

- with Policy D1 of the approved Maldon District Approved Local Development Plan.
- 6 Notwithstanding condition 5 regarding the development being carried out in accordance with the submitted boundary treatments, details of the hard and/or soft landscaped boundary treatment within the communal gardens adjacent to the ground floor flats shall be submitted to and approved in writing by local planning authority, prior to the occupation of the development hereby approved. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.
REASON To protect residential amenity and quality of life of the future residential occupiers of the ground floor flats in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan.
- 7 Within the first available planting season (October to March inclusive) following the occupation of each deliverable section of the development hereby approved the landscaping works as shown on plan no's 3231.MA.4002 Rev B, 3231.MA.4001 Rev A, 3231.MA.4000 Rev A, 3231.MA.2006 Rev C, 3231.MA.2005 Rev C, 3231.MA.2004 Rev C, 3231.MA.2003 Rev C, 3231.MA.2002 Rev C, 3231.MA.2001 Rev C, 3231.MA.2000 Rev C, 3231.MA.1006 Rev D, 3231.MA.1005 Rev D, 3231.MA.1004 Rev D, 3231.MA.1003 Rev D, 3231.MA.1002 Rev D, 3231.MA.1001 Rev D, 3231.MA.1000 Rev D, 3231.MA.900 Rev E and specifications included in the Landscape Design Access (3231.MA.RP001) and Landscape Maintenance Plan (3231.MA.RP002) forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
REASON To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.
- 8 Prior to the occupation of the development the vehicle parking shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and details hereby approved. The vehicle parking area and associated turning area shall be retained in this form in perpetuity. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
- 9 Electric car charging points in accordance shall be implemented in accordance with the details included in plan no. 9029/31 RevC 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.
- 10 The dwellings not provided with a garage hereby permitted shall not be occupied until secure and weather protected storage for bicycles as shown on plan no 9029/22 RevC has been provided for the occupiers of these dwellings. The bicycle storage shall be retained as approved in perpetuity.

- 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.
- 11 The development shall be completed in accordance with the approved Construction Ecological Management Plan in Respect of Condition 7(g): Phase 2, 15 January 2022, Ref No.: 20/01-6B, by Ecological Expertise Evolved, Ecological Conservation Management Plan in Respect of Condition 13 – Phase 1 (dated 14th January 2021, ref 20/01-3C), Technical Survey Note: Bat Tree Survey 2021, by Ecological Planning and Research Ltd, Bat Technical Note: Survey Results and Recommendations, by Ecological Planning submitted under the terms of application 22/05005/DET and Research Ltd and Landscape Design Access (3231.MA.RP001). The proposed ecological enhancements shall be retained as approved in perpetuity.
- REASON To ensure that the approved measures are fully implemented in the interests of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Approved Local Development Plan and the NPPF.
- 12 The development shall be completed in accordance with the approved Noise Assessment, September 2021 for Phase 2 and part of Phase 4 submitted with the approved application 21/00961/RES. The proposed acoustic mitigation recommended on section 7 of the Noise Mitigation for Phase 1 shall be implemented prior to the relevant dwellings, which are to include these mitigation measures, are occupied. These acoustic mitigation measures shall be retained as approved in perpetuity.
- REASON To protect residential amenity and quality of life of the future residential occupiers in accordance with Policy D1 of the approved Maldon District Approved Local Development Plan.
- 13 Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.
- REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 14 The first floor windows on the side elevations of those properties that have a flank to back wall relationship with the neighbouring sites shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
- REASON To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework (2018) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 15 The trees and hedges identified for retention on the approved plan drawing number SJA TPP 22032-041 – Tree Protection Plan which is attached to and forms part of this permission shall be protected in accordance with the Arboricultural Implications Report, March 2022, Ref. SJA air 22032-01 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 secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

- 16 The site drainage shall be constructed in accordance with the Drainage Strategy Report by Richard Jackson Engineering consultants, dated March 2022, Project no: 61596 and shall be retained as such in perpetuity. REASON To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.
- 17 The sales suite as shown on plan no. 9029 - DSG hereby approved shall be constructed as approved. The use of the proposed sales suite shall permanently cease on or before the end of the sales period, which shall be agreed in writing by the local planning authority prior to the first use of the sales suite, and the building shall be converted into two single garages to serve units 70 and 71 within six months from the end of the sales period. REASON To ensure the removal of the temporary development, to ensure that the development is carried out as approved and to ensure there is sufficient off street car parking in the interests of the character and appearance of the area and highway safety in accordance with policies S1, D1 and T2 of the LDP.

INFORMATIVES

- 1 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 2 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 3 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 4 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 5 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- 6 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

CIRCULATED PRIOR
TO THE MEETING



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
DISTRICT PLANNING COMMITTEE
27 October 2022

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	22/00523/RESM
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved 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).
Applicant	Bellway Homes (Thames Gateway)
Agent	Catherine Williams - Savills
Target Decision Date	27.10.2022
Case Officer	Anna Tastsoglou
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

APPENDIX A

3. SUMMARY

3.1.17 It is noted that since the publication of the Committee Report an amended Garden Strategy Plan has been submitted. The revised plan shows that all two bedroom properties would not benefit from gardens sized 50sqm or more.

5. MAIN CONSIDERATIONS

5.6 Private Amenity Space and Living Conditions

- 5.6.2. Following the submission of the amended Garden Strategy Plan, dwellings on plots 9 and 163 would have gardens measuring over 50sqm. Therefore, all dwellings would benefit from amenity space that would meet the minimum amenity space standards.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Council

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	<p>Object to the application.</p> <p>Concerns are raised in relation to the proposed fenestration and roof types.</p> <p>Further consideration should have been given to details of the primary school, early years facility, sports pavilion or club house provided.</p>	<p>It is noted that consideration has been given to the comments raised by the conservation officer regarding fenestration. Please refer to section 5.3 of the report.</p> <p>It is noted that the primary school, early years facility and sports pavilion do not form part of the current proposal.</p>

Correction points

- Paragraph 5.1.2 – the site is located on the easternmost part of the approved allocated site.
- Paragraph 5.2.7 – given that condition 37 of the approved hybrid application was requiring minimum of 50% two-bedroom units, minimum of 30% three-bedroom units and no more than 20% of four-bedroom units, the proposed development, which proposes 50.4% two-bedroom units, 31.3% three-bedroom units and 18.3% four-bedroom units would be compliant with the requirements of policy 37.
- Paragraph 5.3.21 and 3.1.14 – there are 24 different types of dwellings proposed and three block of flats.
- Paragraph 5.3.25 – it is noted that no car barns or pergolas are proposed as part of Phase 2.
- Paragraph 3.1.20 - it is noted that the sales suite is now proposed between units 1 and 2 rather than 70 and 71.

8. **PROPOSED CONDITIONS**

The following conditions are revised to reflect the latest changes incorporated to the scheme:

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
BHHEYBRIDGENORTH.1/99 Rev P1
9029/HT5b-01
9029/HT4b-01
BHHEYBRIDGENORTH.1/98 Rev P1
9029/HT4-01 Rev B
BHHEYBRIDGENORTH.1/97 Rev P1
BHHEYBRIDGENORTH.1/103 Rev P1

BHHEYBRIDGENORTH.1/102 Rev P1
BHHEYBRIDGENORTH.1/101 Rev P1
BHHEYBRIDGENORTH.1/100 Rev P1
9029-HT5-01
9029-HT22-01 Rev B
9029/HT9b-01
9029/HT9-01 Rev A
9029/HT8-01
9029/HT7-01 Rev C
9029/HT6-01 Rev B
9029/HT3b-01
9029/HT3-01
9029/HT2b-01
9029/HT28-01 Rev A
9029/HT25-01
9029/HT24-01
9029/HT21-01 Rev B
9029/HT20-01 Rev B
9029/HT2-01 Rev B
9029/HT19-01 Rev A
9029/HT18-01 Rev B
9029/HT17-01 Rev B
9029/HT14-01
9029/HT13-01
9029/HT12-01
9029/HT10b-01
9029/HT10-01 Rev A
9029/HT-27S
9029/HT-27B
9029/HT-27 Rev B
9029/HT-01 Rev B
9029/APT-10 Rev A
9029/APT-09 Rev A
9029/APT-08 Rev A
9029/APT-14 Rev B
9029/APT-13 Rev B
9029/APT-12 Rev B
9029/APT-11 Rev B
9029/55 Rev B
9029/54 Rev B
9029/53 Rev B
9029/52 Rev B
9029/51 Rev B
9029/50 Rev B
9029/34
9029/33 Rev C
9029/32 Rev D
9029/31 Rev D
9029/30 Rev C
9029/29 Rev C
9029/28 Rev C
9029/27 Rev C
9029/26 Rev C
9029/25 Rev C
9029/24 Rev A
9029/23 Rev C

9029/22 Rev C
 9029/21 Rev F
 9029/04 Rev C
 9029/03 Rev J
 9029/02 Rev C
 9029/20 Rev H
 9029/01
 9029-SG
 61596-C-011 Rev P1
 9029-DSG
 9029-DG
 61596-C-012 Rev P1
 61596-C-010 Rev P2
 61596-C-009 Rev P2
 61596-C-008 Rev P2
 61596-C-007 Rev P3
 61596-C-004 Rev P5
 61596-C-003 Rev P6
 61569-C-006 Rev P3
 3231.MA.4002 Rev B
 3231.MA.4001 Rev A
 3231.MA.4000 Rev A
 3231.MA.2006 Rev C
 3231.MA.2005 Rev C
 3231.MA.2004 Rev C
 3231.MA.2003 Rev C
 3231.MA.2002 Rev C
 3231.MA.2001 Rev C
 3231.MA.2000 Rev C
 3231.MA.1006 Rev D
 3231.MA.1005 Rev D
 3231.MA.1004 Rev D
 3231.MA.1003 Rev D
 3231.MA.1002 Rev D
 3231.MA.1001 Rev D
 3231.MA.1000 Rev D
 3231.MA.900 Rev E

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

- 17 The sales suite as shown on plan no. 9029 - DSG hereby approved shall be constructed as approved. The use of the proposed sales suite shall permanently cease on or before the end of the sales period, which shall be agreed in writing by the local planning authority prior to the first use of the sales suite, and the building shall be converted into two single garages to serve units 1 and 2 within six months from the end of the sales period.
- REASON To ensure the removal of the temporary development, to ensure that the development is carried out as approved and to ensure there is sufficient off street car parking in the interests of the character and appearance of the area and highway safety in accordance with policies S1, D1 and T2 of the LDP.