

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson
25 January 2023

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on THURSDAY 2 FEBRUARY 2023 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

J V Keyes

Miss A M Beale

C Mayes

B S Beale MBE

S J N Morgan

V J Bell

C P Morley

R G Boyce MBE

S P Nunn

Mrs P A Channer

N G F Shaughnessy

R P F Dewick

R H Siddall

M F L Durham, CC

N J Skeens

M R Edwards

P L Spenceley

Mrs J L Fleming, CC

W Stamp, CC

A S Fluker

E L Stephens

M S Heard

Mrs J C Stilts

M W Helm

C Swain

A L Hull

Mrs M E Thompson

S White





**AGENDA
DISTRICT PLANNING COMMITTEE**

THURSDAY 2 FEBRUARY 2023

1. **Chairman's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the District Planning Committee held on 1 December 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. **22/00289/RESM - Land at Broad Street Green Road, Maypole Road and Langford Road, Heybridge, Essex** (Pages 15 - 48)

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

6. **22/01024/OUTM - Land North of Mangapps Railway Museum, Southminster Road, Burnham-on-Crouch, Essex** (Pages 49 - 100)

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

7. **Any other items of business that the Chairman of the Committee decides are urgent**
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Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5-6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

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

Health and Safety

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

Closed-Circuit Televisions (CCTV)

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

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of
DISTRICT PLANNING COMMITTEE
1 DECEMBER 2022**

PRESENT

Chairman Councillor K M H Lagan

Councillors M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer,
M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC,
A S Fluker, M S Heard, J V Keyes, S P Nunn,
N G F Shaughnessy, R H Siddall, P L Spenceley,
W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain and
Mrs M E Thompson

422. CHAIRMAN'S NOTICES

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

423. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, R G Boyce MBE, M W Helm, B B Heubner, A L Hull, C Mayes, S J N Morgan and C P Morley.

424. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 27 October 2022 be approved and confirmed.

425. DISCLOSURE OF INTEREST

There were none.

426. 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 (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

It was noted from the Members' Update that some further consultation responses had been received from Statutory and Internal Consultees and Officers proposed amendments to conditions 2 and 17. The Officer advised that condition 7 would also require revision to update the plan numbers detailed to reflect the latest revisions. This was noted.

Members were reminded that this application had been deferred from the last meeting of 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. It was noted that following discussions with the Applicant amendments had been incorporated into the development and were set out in the Officers' report.

During the Officer's presentation Members were advised that since publication of the Members' Update a consultation response had been received from Sports England raising no comments. Following the presentation, Mr MacArthur from Bellway Homes, Applicant addressed the Committee.

Councillor M F L Durham proposed that the application be approved subject to the conditions set out in the report and Members' Update. This proposal was duly seconded.

Members discussed the application and a number commented on the amendments made following the last meeting of this Committee by the applicant. In response to a question the Officer advised that play areas were included within the strategic landscape and infrastructure areas that are outside the residential parcels which were the subject of separate applications that had been considered by the Committee in the past. It was confirmed that the proposed amenity space was compliant with the Council's policies.

The Chairman then put the proposal in the name of Councillor Durham to the Committee and this was duly agreed by assent.

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

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
- 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 D
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

- 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
- 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.
- 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 D, 9029/24 Rev A, 3231.MA.1000 and 3231.MA.4002 Rev B prior to the occupation of any of the dwellings.
- 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.
- 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 Rec 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.
- 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.
- 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.

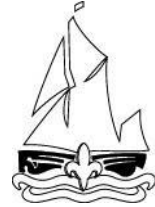
- 10 The dwellings not provided with a garage hereby permitted shall not be occupied until secure and weather protected storage for bicycles as shown on plan no 9029/22 RevD has been provided for the occupiers of these dwellings. The bicycle storage shall be retained as approved in perpetuity.
- 11 The 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 Rev D). The proposed ecological enhancements shall be retained as approved in perpetuity.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

There being no other items of business, the Chairman closed the meeting at 7.55 pm.

K M H LAGAN
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 FEBRUARY 2023**

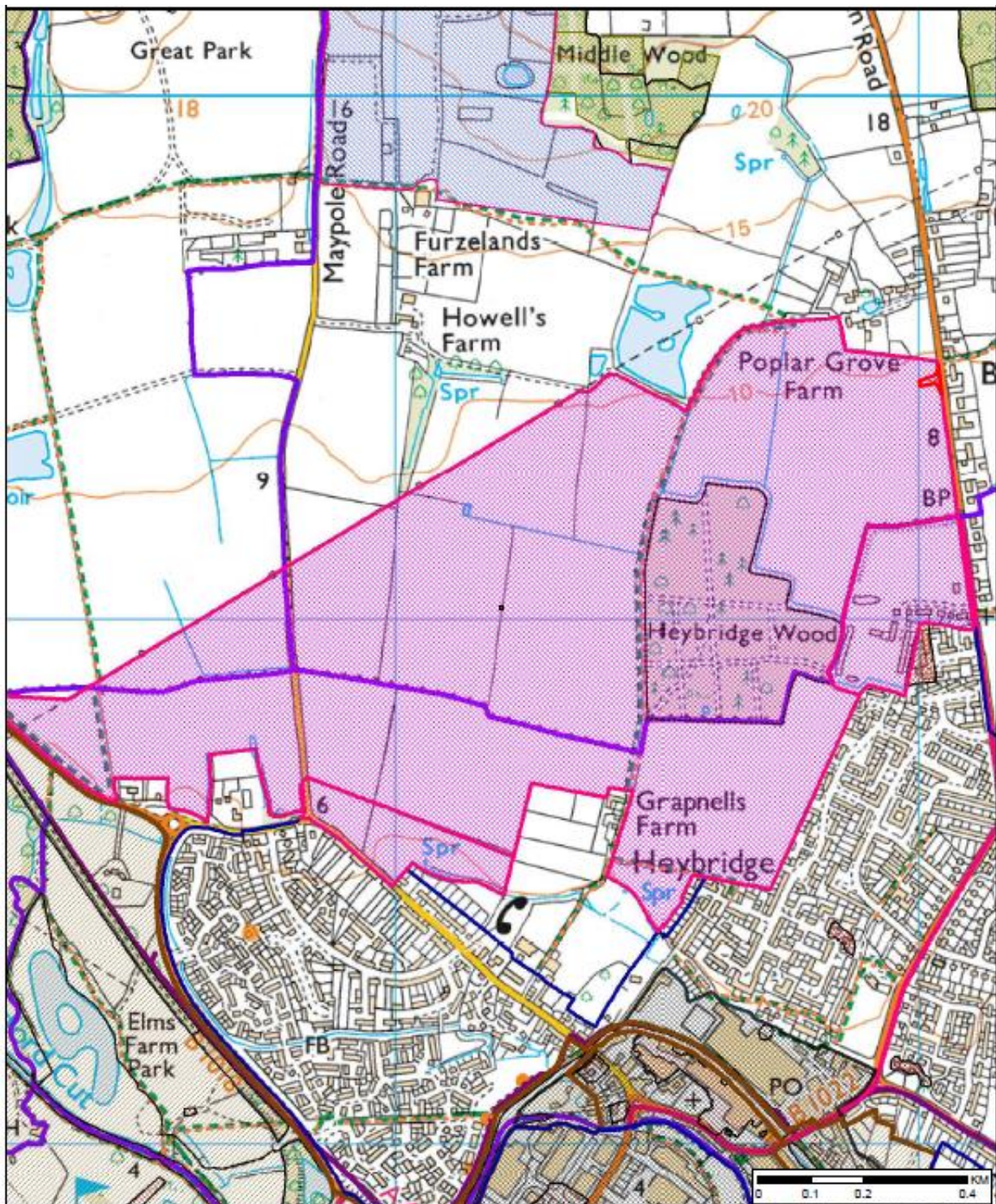
Application Number	22/00289/RESM
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phases 3, 4 and 5 of the approved planning application (15/00419/OUT) comprising: (i) The green corridors, open space, and attenuation features within Phases 3, 4 and 5 including those surrounding Parcels 3, 4, 5, 6, 7 and 9; (ii) Formal play areas, including Local Equipped Areas of Play to the north of Parcel 4 and to the east of Parcel 8 and a Neighbourhood Equipped Area of Play to the east of Parcel 7; (iii) The section of the internal spine road which connects to both the spine road previously approved under the Reserved Matters applications of Phase 1 and 2 and to the approved Relief Road, including details of bus stops; (iv) The internal road to serve Parcel 9, allotments and playing field; (v) Pedestrian and cycle links falling within these phases of the development including Public Rights of Way; (vi) The location and layout of the playing fields south of Parcel 9; (vii) The location and layout of the allotments together with the associated parking, means of access and enclosure; (viii) Proposed pumping station south of parcel 9. Together with details pursuant to Condition 18 (tree protection), Condition 27 (bus stops), Condition 28 (footpaths and cycle routes), Condition 29 (Vehicular Parking) and Condition 31 (Landscaping) of the approved planning application 15/00419/OUT.
Applicant	Mr D Moseley - Countryside Properties (UK) Ltd
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	13.12.2022 (Extension of time agreed:)
Case Officer	Michael Johnson
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 Phases 3, 4 and 5 of the approved development and in particular the land that is necessary to provide the strategic landscaping and infrastructure elements, such as roads, paths, open space, sports facilities and Sustainable Drainage System (SuDS) features, for these Phases. The application site is split into two parts, the largest part extends centrally to the approved site under the terms of the hybrid application (15/00419/OUT) and a smaller area is proposed to the south of parcel 5, southwest of the primary school.

3.1.4 It should be noted that the details of the relief road do not form part of the assessment of the current Reserved Matters application, as these were granted detailed consent under the terms of application 15/00419/OUT.

3.1.5 Furthermore, a revised Strategic Phasing Plan was approved on 14 January 2022 under the terms of application 21/05187/DET. The main revision to the previously approved Strategic Phasing Plan was the inclusion of parcel 10 and an area to the north of the proposed Local Centre to allow access to the Local Centre. A subsequent application would have to be submitted to cover the residential parcels within phases 3, 4 and 5. Applications pertaining to the development of the strategic landscaping and infrastructure elements of phases 1 and 2 were previously approved under the terms of applications 21/00384/RES and 21/00961/RES by the District Planning Committee on 30 September 2021 and 3 March 2022, respectively.

3.1.6 The map below shows the agreed Phases 3, 4 and 5 areas in Yellow, Green and Purple, respectively.



3.1.7 The key elements of the strategic landscaping and infrastructure covered in this submission are, as follows:

- The green corridors, open space, and attenuation features within Phases 3, 4 and 5 including those surrounding Parcels 3, 4, 5, 6, 7 and 9;
- Formal play areas, including Local Equipped Areas of Play (LEAP) to the north of Parcel 4 and to the east of Parcel 8 and a Neighbourhood Equipped Area of Play (NEAP) to the east of Parcel 7;
- The section of the internal spine road which connects to both the spine road previously approved under the Reserved Matters applications of Phases 1 and 2 and to the approved Relief Road, including details of bus stops;
- The internal road to serve Parcel 9, allotments and playing field;
- Pedestrian and cycle links falling within these phases of the development including Public Rights of Way (footpaths 17 and 19);
- The layout of the playing fields south of Parcel 9;
- The layout of the allotments to the southeast of Parcel 9 together with the associated parking, means of access and enclosure;
- Proposed pumping station south of parcel 9.
- The proposed pumping station to the north of the playing fields. This would cover an area measuring 13.2 metres deep and 11 metres wide. The area would be enclosed with 1.8 metres high brick walls with galvanised steel gates of the same height;
- A substation to the north of the playing fields. This would measure approximately 3.1 metres site and 3.1 metres deep, with a maximum height of 2.5 metres.
- The LEAP to the east of Parcel 8. This would measure 21.2 metres x 15.6 metres and it would accommodate three types of paying equipment. Benches and litter bins are also proposed to be installed.

- The LEAP to the north of Parcel 4. This would measure a maximum of 25.8 metres x 20.1 metres, it would incorporate six different types of playing equipment, as well as seating area and litter bins.
- The combined NEAP and LEAP to the east of Parcel 7. Following revisions this would include 12 types of playing equipment and a basketball court. Several seating areas are proposed and litter bins throughout the site.
- The proposed bus stops along the spine road between Residential Parcels 4 and 7 would be sheltered. The shelter would measure 2.9 metres wide, 2 metres deep with a maximum height of 2.9 metres

3.1.8 The hybrid planning permission (15/00419/OUT) contains a number of conditions requiring either adherence to matters agreed as part of the outline permission or the submission of further details to be agreed as part of Reserved Matters or Discharge of Conditions applications. This application is seeking permission for the details required by the following conditions imposed on application 15/00419/OUT and requiring approval through subsequent Reserved Matters applications:

- **Condition 18 (Trees and hedgerows)** – This condition requires the protection of all existing trees and hedgerows, with the exception of those already identified for removal as part of the detailed consent for the Relief Road. The current application is accompanied by an updated Arboricultural Impact Assessment Report in relation to condition 18 and in particular in relation to the land included in this Reserved Matters application. It is noted that there are no new impacts to trees from those previously assessed as part of the outline permission 15/00419/OUT. This report provides details of how the trees to be retained will be protected during works by tree protection fencing. Site supervision will take place to inspect tree protection fencing.
- **Condition 27 (Bus stop details)** – The condition requires details where a highway within that phase includes a Bus Stop. This Reserved Matters application for phases 3, 4 and 5 contains two bus stops located on the spine road between parcels 4 and 7, the detail of which is included within the accompanying engineering drawings. Furthermore, detailed drawings of the proposed sheltered bus stops have been submitted with the application. A real time travel time notification board will be included.
- **Condition 28 (Pedestrian and cycle routes)** – This condition requires the submission of a scheme to show the provision of a network of pedestrian and cycle routes in accordance with the Access and Movement design parameter plan. This application includes details of all footpaths and cycle routes within the application area. The application includes details of the position and finishing materials of the Public Rights of Way (PROW) (footpaths 17 and 19). However, it is noted that the details for the completion of the order relating to the footpath diversion would be dealt with separately under the terms of application 22/00324/PROW.
- **Condition 29 (Vehicular Parking)** – This condition requires the submission of the details of all types of vehicle parking proposed, including the number and location. This Reserved Matters application includes the land that is proposed to be used as allotments and the parking areas associated with this use. 17 parking bays are proposed to be provided at the entrance of the allotment area, as well as spaces for cycle parking. The provision of a grasscrete layby is also proposed near the sub-station to the northwest of the sports facilities.
- **Condition 31 (Landscaping)** – This condition requires the submission of the landscaping details with designs and specifications for the associated

Reserved Matters site shall accord with the Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement) and the endorsed Strategic Design Codes. This application provides the details of the overall landscape strategy (Part 1) but does not seek to discharge the details of the landscape designs and specifications of this phase (Part 2). The revision of the wording of condition 31 was approved under the terms of application 21/00321/NMA. Details relating to part 2 of this condition would have to be discharged under a separate discharge of condition application.

3.1.9 As part of the planning application submission, the following documents were submitted in support of the development proposal:

- RM3 Landscape Statement;
- RM3 Arboricultural Impact Assessment Report;
- RM3 Ecological Conservation Management Plan, alongside the most recent bat and badger survey updates;
- Archaeology update letter.

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 Supplementary Planning Document (SPD)
- 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. The granting of 15/00419/OUT therefore establishes that the principle of the development of the site is acceptable.
- 5.1.2 This Reserved Matters application seeks permission for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phases 3, 4 and 5 of the development but does not seek permission for the delivery of the residential or commercial elements included within these phases. The proposal also seeks permission for the details of the playing fields and the allotments on the south-eastern part of the application site. It should be noted that the strategic landscaping and infrastructure for phase 1, was previously approved under the terms of application 21/00384/RES and for Phase 2 under the terms of application 21/00961/RES.
- 5.1.3 Therefore, the material considerations 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.

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

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

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

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

5.2.3 The 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).

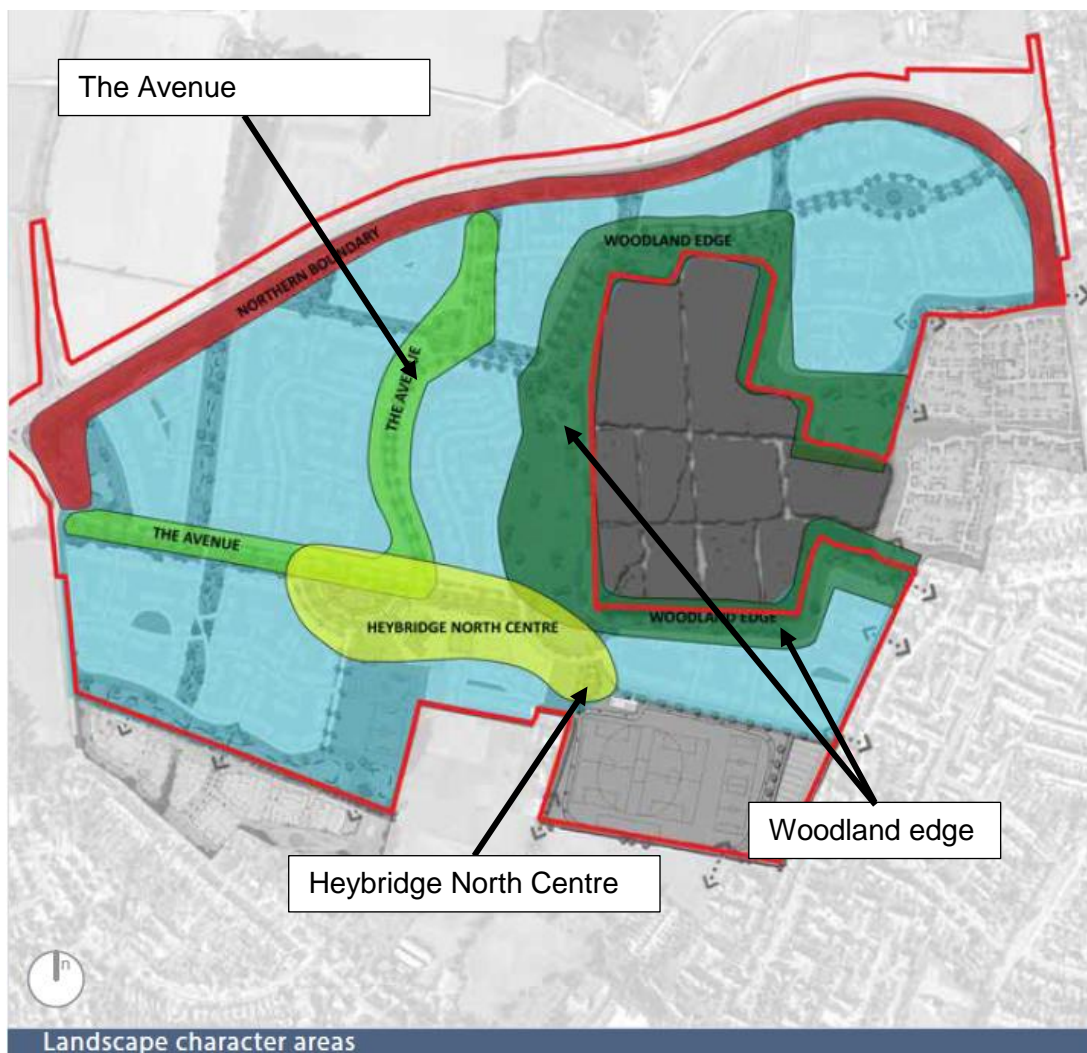
5.2.4 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The development is subject to a Strategic Masterplan Framework and Design Code. The NHGS Strategic Masterplan Framework (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 the Green Infrastructure Parameter Plan, the Land Use Parameter Plan and the Access and Movement Parameter Plan.

Compliance with the Design and Access Statement

5.2.5 Condition 31 of the approved hybrid application 15/00419/OUT states that any Reserved Matters application that seeks the approval of landscaping details, shall substantially accord with the details set out within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement (DAS)).

5.2.6 The DAS includes details of the landscape character areas. Three different character areas fall within this phase 2 strategic landscaping and infrastructure Reserved Matters application. These are the Northern Boundary Character Area along the relief road, the Woodland Edge Character Area and the Heybridge North Centre Character Area. The DAS also includes a relief road strategy on page 96.

5.2.7 The extract below shows the relevant landscape character areas taken from the approved DAS.

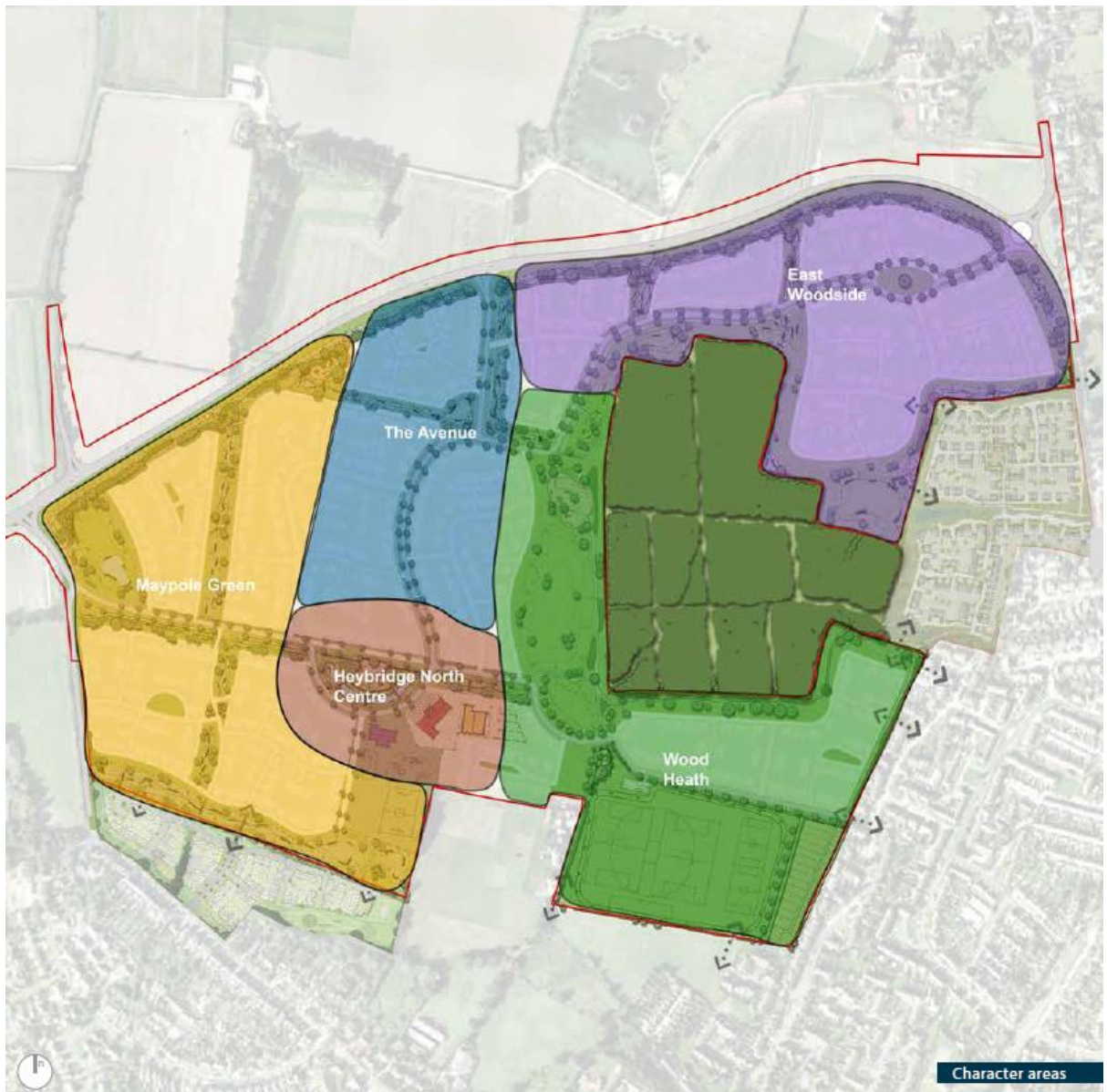


5.2.8 The following criteria are set within the DAS for the landscape character areas:

- **Woodland Edge:** The woodland edge would create a buffer (minimum of 15 metres) between Heybridge Wood and the proposed development. The density of proposed planting would reflect the transition from woodland to residential development. Predominantly native planting is expected in this area. Play areas would contain natural play equipment. Richer grassland would be included closer to the woods and shorter closer to the residential areas. A naturalistic network of drainage features would connect to the wider SuDS system.
- **Heybridge North Centre:** Heybridge North Centre forms the core of the development. A formal tree structure would be used where possible to unify the space and complement the Avenue characteristic. The open space would create a bookend. High quality public realm materials should be used.
- **The Avenue:** Essential to the proposed character of these streets is their scale. Wide verges will allow for a formal green approach, with rows of large trees and hedgerows framing views down the road and providing a sense of enclosure for road users and residents. Avenues of trees will help provide a green connection between key open spaces including the Crescent open space and Heybridge Wood.

5.2.9 The DAS also details the character areas. In terms of the area subject to this Reserved Matters application, the site falls mainly within The Avenue and Wood

Heath. Two smaller areas fall within Maypole Green The extract below shows the relevant character areas taken from the approved DAS.



- **Maypole Green:** A couple of smaller areas of the site that falls within this character area. These are an area of landscaping to the south of parcel 5 and a rectangular area to the north of parcel 4. Larger areas of landscaping exist at this character area.
- **The Avenue:** The central spine road section falls within this part of the character area. The Avenue is the main north to south connection through the site linking Heybridge North Centre with the site's northern edge and gateway. The aim for this section of the road is to have wide verges and rows of large trees and hedgerows framing views down the road and providing a sense of enclosure for the road users.
- **Wood Heath:** The part of the application site that falls within this character area is all the land to the west and south of Heybridge Wood, as well as the land reserved for playing fields. This public open space would be landscaped to provide for a range of users. The Wood Heath character area is defined through its close proximity and wrapping around the western and southern edges of Heybridge Wood. Play areas would contain natural play equipment such as play trees, boulders and grassland.

- 5.2.10 The Inspector determining the approved hybrid application 15/00419/OUT considered that the need for the Reserved Matters to be carried out substantially in accordance with the DAS is imprecise and unnecessary. Therefore, the character areas set out above are to be considered as guidance only for the assessment of the current Reserved Matters application.

Compliance with the Parameter Plans

- 5.2.11 Condition 6 attached to 15/00419/OUT requires development to be carried out in accordance with the approved parameter plans. The relevant parameter plans for this submission are:
- PRM-01 Rev R – Design Parameter Plan – Land Use;
 - PRM-02 Rev W – Green and Blue Infrastructure; and
 - PRM-03 Rev P – Access and Movement
- 5.2.12 In relation to the land use parameter plan, the submission conforms with all areas shown for green infrastructure, as well as for primary vehicular route corridors, including the central section of the spine road.
- 5.2.13 The Green and Blue Infrastructure parameter plan details all of the open space, SuDS features, primary vehicular routes through the development, noise attenuation bunds, buffer zone around the woodland area and the indicative location of LEAPS and the NEAP. A 15 metres buffer area is proposed around Heybridge Wood, comprised of species rich grass (special general-purpose meadow). The submission conforms with this parameter plan in terms of the location and extent of open space. This is with the exception of the position of the LEAP of Parcel 8, which instead of being positioned adjacent to the sports facilities and to the east of the ditch that runs north to south parallel to the western boundaries of Heybridge Wood, it would be located to the west of the ditch. The other two LEAPs and the NEAP within this section of the strategic landscaping and infrastructure are positioned in the location agreed in the parameter plan. It is considered that the slight variation in the position of the LEAP to the east of the ditch would not materially impact upon the landscape character of the area or the accessibility of the play area. The LEAP would still be located in an area that was secured for landscaping only; thus, it would not impact upon the provision of flood attenuation infrastructure, it would be adjacent to the residential Parcel 8 and the public footpath and it would be linked with the playing fields to the east via a bridge for pedestrians. Therefore, the details submitted for phases 3, 4 and 5 of the landscaping strategy and infrastructure accord with the requirements set out in the Green Infrastructure parameter plan.
- 5.2.14 A number of requirements are set in the Access and Movement parameter plan that are relevant for the phases currently being assessed under this Reserved Matters application. The development would comply with all primary vehicular and pedestrian / cycle routes as indicated in the Access and Movement parameter plan. Pedestrian links connecting the application site with S2(e) allocated site to the east are proposed as required in the Access and Movement Parameter plan. It is noted that the site shows a diversion of footpaths 17 and 19 in accordance with the approved parameter plan. However, it should be noted that the PROW diversion order will be assessed separately. An application in that respect has been received and the reference number is 22/00324/PROW.
- 5.2.15 In light of the above, it is clear that the proposed development would conform with the details included in the approved parameter plans.

Compliance with the NHGS Strategic Masterplan Framework (SMF) and the NHGS Strategic Design Code

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

- Primary Street Code;
- Green Edge Code;
- Green Space Code;
- Built Edge Code.

5.2.17 Each design code includes specific criteria, including street dimensions, design criteria and materials and landscaping to be used. In accordance with condition 31 of the 15/00419/OUT the detailed landscaping strategy and infrastructure should broadly accord with those criteria with a level of relaxation, wherever necessary (para 53 of the appeal decision refers).

Primary Street Code – PS01, PS02 and PS03

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

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

5.2.19 This Reserved Matters application includes a section of the spine road. This section falls within codes PS01, PS02 and PS03 of the NHGS Strategic Design Code. The submitted details show that a tree lined spine road will be formed, with a carriageway 6.75m wide, linking the already approved section of the spine road onto Board Street Green Road with Maypole Road, running in a northeast southwest direction. A formal 3.5 metres wide footway / cycleway runs along one side of the spine road, connecting to the wider network of pedestrian, cycle routes and the formal Public Rights of Way. A 2 metre wide footpath is proposed to be formed along the other side of the road. A small section of the spine road between parcels 3 and 7 will be served by 3.5 metres wide footway /cycleway on either side of the road. Grass verges are proposed on either side of the highway and an additional 1 metre reinforced grass on either side of the footpaths has been introduced to accord with the Highways Authority requirements. Although the latter was not envisaged at outline stage, no objection is raised to the provision of a wider landscaped section.

5.2.20 This was also considered acceptable along the spine road falling within Phases 1 and 2 previously approved. Therefore, appropriate pedestrian and cycle access is

shown, which are separated from the main carriageway by a landscape strip. The landscaping along the street would be more formal with even tree spacing, to accord with the Primary Street Code requirements. This will also assist in establishing the garden suburb identity and sense of enclosure. Appropriate crossing points are shown to allow for linkages north and south into the residential parcels and public open space.

- 5.2.21 With regard to the section of the spine road falling within PS03 code, it is noted that a minimum of 15 metres landscaped gap would be maintained between the road and Heybridge wood. A landscaped attenuation basin intervenes between the woodland and the spine road, and additional planting including shrubs and trees has been incorporated. This would further enhance the landscape character of the garden suburb and assist in the transition between the woodland and the infrastructure associated with the approved development. Whilst the section of the Primary Road between parcels 3 and 6 does not include formal tree planting evenly spaced out as proposed along the spine road, it is noted that landscaping is proposed, as well as trees in groups. Overall, the proposed primary streets within this phase would accord with the NHGS strategic design code.
- 5.2.22 Two sheltered bus stops are proposed to be positioned in this section of the spine road between parcels 4 and 7, of which the design and appearance are considered appropriate and would not detract from the character of this primary street. The design and appearance of the bus shelters would be the same as those approved in the previous phases and therefore, it is considered that maintaining consistency throughout the site would be acceptable in design terms.

Green Edge Code – GE02 and GE03

- 5.2.23 This section of the code is to be applied to all areas where development meets the woodland buffer or the transition with open countryside and Heybridge Wood. Phases 3, 4 and 5 fall within codes GE02 and GE03 of the NHGS Strategic Design Code.
- 5.2.24 Code GE02 relates mainly to the 15 metres buffer around the ancient woods. No footpaths or cycle paths should be created within this zone. As noted above, a 15 metres buffer would be retained around the ancient woodland. All attenuation basins and footpaths are outside this 15 metres buffer, which purpose is to protect the ancient woodland and it will comprise of species rich grass. It is noted that minimal intervention is proposed along the buffer. This is to encourage the creation of a natural woodland edge and provide a varied mosaic of habitats. It is therefore, considered that the proposal would accord with design code GE02.
- 5.2.25 Code GE03 requires overlooking of the sports pitches and allotments through the provision of a shared access way alongside the green edge. The submitted plans show that a road would be formed with a footway / cycleway along the southern boundary separated by the main road by a strip of landscaping. A footpath would also run along the eastern boundary of the LEAP to the west of the sports fields providing surveillance, encouraging activity in the area, as required by the Design Code.

Green Space Code – GS01, GS02 and GS 03

- 5.2.26 Within the NHGS Strategic design codes it is stated that “*Green Infrastructure in the North Heybridge Garden Suburb needs to fulfil many important roles; it is essential for expressing the physical design principles of Garden Suburbs and providing new residents contact with nature. It will provide a buffer to residential areas and busy*

transport corridors, meet the majority of the recreational needs of new residents as well as providing opportunities for increased biodiversity, water management, amenity and shelter. In order to achieve these functions strategic green infrastructure corridors are identified in the North Heybridge SMF, set out in the Structuring Plan and approved within the parameter plans”.

- 5.2.27 For GS01 code the NGHS design code states that this greenway is to be a multi-functional green corridor with a minimum width of 25m, with shared streets to both sides. The greenway may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, SuDS and wildlife corridors. Planting is to incorporate existing trees and hedges and maintain and enhance biodiversity. Within Phases 3, 4 and 5 GS01 code relates to land southeast of Heybridge Wood, on the north-eastern part of parcel 9. A 15 metres gap would be maintained between the land that is adjacent to Heybridge Wood and the proposed footpath and landscaping. The overall width of this corridor would not be less than 25 metres. Trees and amenity grass are also proposed to be planted and a footpath would run along the boundary with parcel 9. Therefore, this corridor would be in compliance with the requirements of design code GS01
- 5.2.28 For the GS02 code the NHGS design code states that this green finger is to be a multi-functional green corridor with a minimum width of 16m (min. 13 where no SuDS / swale), with shared streets to both sides. The green finger may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, existing watercourses, SuDS and wildlife corridors. The green fingers provide a second tier to the linear multifunctional space. The landscape will provide ecological enhancements and contain a significant proportion of native planting.
- 5.2.29 There is one green corridor within phases 3, 4 and 5 that fall under GS02 design code; between parcels 3 and 4. This green corridor would involve widening the existing deep ditch. This would afford shallower sides to the ditch. The land to the south of the ditch would be landscaped with trees and amenity grass. A footpath would be formed along the boundary with parcel 4 to provide pedestrian access between the relief road and spine road and then further east to the woodland area. The native planting along the corridor would assist in the wildlife movement. It is therefore considered that this green corridor would be in compliance with the requirements of GS02 design code.
- 5.2.30 The green corridor between parcel 7 and the local centre would mainly be occupied by two landscaped attenuation basins to the north and south of the road, including footpaths on either side. This would be a small corridor between the two crescent shaped open spaces and would allow movement from the local centre to the eastern parcels and Heybridge Wood. SuDS can be multi-purpose areas, that could be used as green space but also as play space. Therefore, no objection is raised in terms of the landscape character of this corridor, which would still accord with the GS02 design code criteria.
- 5.2.31 The corridor that falls under GS03 is that to the south of parcel 5 and the Primary School. Similar to GS02 this green corridor is to be multi-functional green corridor with a minimum width of 16m (min. 13 where no SuDS / swale), with shared streets to both sides. The green finger may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space and SuDS. The landscape will provide ecological enhancements and contain a significant proportion of native planting.

5.2.32 This green corridor, in accordance with the requirements set out in the Design Codes, would include several SuDS features (attenuation basins), landscaping including trees and amenity grass, as well as footpaths connecting the largest site of the North Heybridge Garden Suburb with the S2(e). Therefore, it is considered that the proposal would be in compliance with this design code.

Built Edge Code – BE02

5.2.33 For BE02 code the NHGS design code states that this section runs along the east boundary of the site; residential development is located adjacent to existing housing that backs onto the site. The minimum back-to-back distances between existing rear elevations and proposed housing should be a minimum of 20m, with rear gardens located along the boundary to minimise overlooking and loss of privacy for both new and existing properties.

5.2.34 This corridor would allow an approximate 10 metres gap to be created between the housing development and the existing housing and Heywood Way. Although the details of the housing development are not part of this application, it is considered that the proposed gap would assist in meeting the required 20 metres back to back distance between houses. The corridor would be landscaped with trees, shrubs and amenity grass. Ecological features, such as hibernaculas and bee banks are also proposed. It is therefore, considered that the proposal would accord with the requirements of this code.

LEAPs - NEAP

5.2.35 In accordance with the Green Infrastructure Strategy the LEAP should accord with the following standards:

- *Five play types, including a safer surface;*
- *Fencing complete with two pedestrian gates;*
- *Minimum activity zone of 400m²;*
- *Seating, litter bins and notices.*

5.2.36 In accordance with the Green Infrastructure Strategy the NEAP should accord with the following standards:

- *Located within a walking time of 15 minutes from home;*
- *Eight play types, including safer surface;*
- *Provision of a Multi-Use Games Area / Skate Park;*
- *Fencing complete with two pedestrian gates;*
- *Minimum activity zone of 1,000sqm;*
- *Seating, litter bins and a notice should be provided.*

5.2.37 The proposed LEAP to the west of parcel 3 would measure around 425sqm, it would incorporate six different types of play areas. Natural play equipment would be used, as suggested in the DAS. The LEAP to the east of the neighbourhood centre would measure approximately 400sqm, incorporating five different types of playing equipment, all made of natural materials, as required.

5.2.38 The development also includes a combined LEAP / NEAP area, almost centrally to the wider application site, to the west of Heybridge Wood. This would include eleven different types of playing equipment and also a full-sized basketball pitch. The combined LEAP / NEAP would be larger than 1,500sqm in size and within walking distance from the wider application site.

- 5.2.39 No details in relation to litter bins or notices at the entrances of the LEAPs and NEAP have been provided or the types of fencing to be used to protect it. However, it is considered that the submission of these details would be able to be secured by the imposition of an appropriately worded condition.
- 5.2.40 In light of the above, it is considered the LEAPs and NEAP have been appropriately designed and they would create an accessible and usable focal point for the residents of North Heybridge Garden Suburb.
- 5.2.41 A pumping station will be located to the north of the playing fields and a sub-station to the northeast of the site reserved for the sports and youth facilities. Although it is not ideal that these structures will have to be located in close proximity to the area reserved for sports facilities, the pumping station will be enclosed by a high brick wall and sub-station will be within a small building. Furthermore, it should be acknowledged that the position of such structures is normally dictated by the position and capacity of existing infrastructure and therefore, on balance, no objection is considered reasonable to be raised in that respect.

Conclusion

- 5.2.42 In light of the above, it is considered that the landscape approach taken is reflective of the garden suburb character and approach that the Council envisaged when allocating this site as part of the NHGS. It is also considered that these 3rd, 4th and 5th phases of strategic landscaping and infrastructure proposal set out a well-designed framework of green spaces and linkages that will ensure the development as a whole delivers the high quality, vibrant and distinctive neighbourhoods that the site aims to achieve. The proposal accords with The North Heybridge Strategic Masterplan Framework, the NHGS Strategic Design Code, the approved Parameter Plan, and broadly with the Design and Access Statement submitted with the approved hybrid application (15/00419/OUT). The proposal also accords with the relevant LDP policies and guidance contained within the NPPF and the Green Infrastructure Strategy.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 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 and position, has, in principle been appraised and agreed as part of the approved hybrid application 15/00419/OUT.
- 5.3.3 The site is primarily centrally located within S2(d), abutting the dwellings along Heywood Way and Everest Way to the east and south, as well as S2(f) site to the north. Part of the site would also abut the S2(e) site to the south, part of it would be adjacent to S2(f) site to the east, as well as the residential properties along Heywood Way, Everest Way and Wood Lane.
- 5.3.4 Although the development would be immediately adjacent to several dwellings within the recently built schemes within the allocated sites, S2(e) and S2(f), together with the existing properties along Heywood Way, Everest Way and Wood Lane, it is noted

that the elements adjacent to these dwellings are mainly landscaping and SuDS features, public open space and sports fields. Given that no built form would be located near these properties, it is not expected that the development would result in a materially harmful impact on residential amenity, by way of loss of light or overbearing impact.

- 5.3.5 A minimum of a 17 metres landscaped buffer will intervene between the dwellings within the recently erected development at S2(f) allocated site and the application site. The proposal would involve the formation of sports fields in this location, including football and rugby pitches. Although noise levels and activity arising from these facilities is expected to be higher than other types of public open space, due to the nature of the facility, it is not considered that the proposed location of the playing fields would result in a detrimental impact on residential amenity. Most importantly, the position of the sports facilities was previously approved as part of the Green and Blue Infrastructure parameter plan. Therefore, it would have been unreasonable for an objection in relation to the position and impact of the sports facilities to be raised at this Reserved Matters stage.
- 5.3.6 With regards to the impact on the recently erected development at the S2(e) it is noted that only landscaping and SuDS features are proposed adjacent to this site and therefore, it is not considered that the development would give rise to any unacceptable impact on residential amenity.
- 5.3.7 The rest of the proposed development would be contained primarily within the application site and therefore, it will not result in a greater impact on residential amenity.
- 5.3.8 Three LEAPS and a NEAP are proposed within the application site, which will be located in close proximity to residential parcels within the application site. It is considered that the impact from increased noise and activity in those areas of play to future occupiers was previously assessed and found acceptable, given that their position was agreed as part of the approved parameter plans under the terms of hybrid application, 15/00419/OUT.
- 5.3.9 In light of the above, it is not considered that the development would have a detrimental impact on residential amenity of the neighbouring occupiers or the future occupants of the approved development within phase 2.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
- 5.4.3 It is noted that this Reserved Matters submission involves the design of the central part of the spine road. The submission also covers the pedestrian and cycleway linkages within these phases (3, 4 and 5) of the development. The development also

includes details of the parking spaces to be provided for the allotments on the south-eastern corner of the site.

- 5.4.4 The submitted plans show that the proposed spine road would have a 6.75 metres width which will link the previously approved section of the spine road, one connected to Broad Street Green Road and the other one of Maypole Road. This would accord with the details included in the NHGS Strategic Design Codes. It is noted that the alignment shown on the submitted plans accord with the approved parameter plans. Furthermore, the position of the vehicular access points onto the residential parcels have been shown on the submitted plans. The proposal also involves a small section of a secondary road between parcels 3 and 6 and that between the Sports facilities and parcel 9. This is a lesser width road than the spine road; however, this is in conformity with the details included in the NHGS Strategic Design Codes.
- 5.4.5 With regard to pedestrian and cycle routes, one side of the spine road would be served by a 2 metre wide footpath, whilst on the other side of the spine road the foot path would be wider over 3.5 metres providing a pedestrian / cycle route. Similar arrangement with two footpaths (one wider and one narrower) on either side of the road have been incorporated on the part of the development between parcels 3 and 6m, as well as between parcel 9 and the sports facilities. Therefore, the proposal would comply with the details included in the NHGS Strategic Design Codes. The proposed pedestrian and cycle network would also accord with the approved Access and Movement parameter plan and will create a good internal network of pedestrian and cycle paths. As noted above, pedestrian / cycle links would be created to the northeast of parcel 9 with the existing development within the S2(f) allocated site, another two to the south of parcel 5 and the primary school with the S2(e) allocated site and one connecting Wood Lane with the land to the rear of the dwellings along Everest Way. The proposal would therefore accord with the approved Access and Movement parameter plan.
- 5.4.6 The Highways Authority has been consulted and stated that from a highway and transportation perspective the Highways Authority has no comments to make on this proposal as it is not contrary to the Highways Authority's Development Management Policies.
- 5.4.7 In terms of parking and as noted above, the proposal would involve allotment provision with associated vehicle and cycle parking. The Vehicle Parking Standards SPD does not set specific minimum parking standards for allotments, 20 allotment plots are proposed to be provided within the site and two plots for community space planting beds, 17 parking spaces are proposed to be provided near the entrance of the site and 5 Sheffield cycle racks, which can provide cycle parking for 10 bicycles. Taking into account that it would be unlikely that all allotment owners / users would be visiting the allotments at the same time of the day and also considering that some of them would be cycling or walking to the allotment area, it is considered that the proposed parking provision would be sufficient to meet the needs of future owners / users of this element of the development, without resulting in parking on street. As a result, no objection is considered reasonable to be raised in relation to the parking provision for the allotments. With regards to cycle parking it is noted that in accordance with the Vehicle Parking Standards SPD, parking for cycles must be secure, weatherproof and accessible. The proposed cycle parking would be secured and accessible; however, no details of a structure to cover the cycle racks has been submitted with the application. A condition is therefore, considered reasonable to be imposed for those details to be agreed in writing with the Local Planning Authority (LPA), to ensure compliance with the requirements set out in the SPD.

5.5 Flood Risk and Sustainable Drainage

- 5.5.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.5.2 This submission relates to phases 3, 4 and 5 strategic landscaping and infrastructure and provides details of the size, location and gradients of the surface water attenuation basins and drainage network within this phase of the development. The submission complies with the approved parameter plans which set out the outline stage of the development as well as the overall agreed drainage strategy. The technical details of the surface water drainage scheme are to be dealt with through condition 9 of the original hybrid consent, and there is a current submission in relation to this condition (22/05075/DET), which is currently under consideration.
- 5.5.3 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 drive ways, swales, ponds and attenuation basins.
- 5.5.4 Water will be collected, treated and attenuated in a SuDS train prior to outfalling into the existing water courses at the 1 in 1 year Greenfield runoff rates up to and including the 1 in 100 plus 40% climate change rainfall storm event.
- 5.5.5 The Lead Local Flood Authority (LLFA) was consulted and having reviewed the Strategic Infrastructure Landscape plans the associated documents which accompanied the planning application, they do not object to the granting of this planning application.
- 5.5.6 It is therefore concluded that this submission is acceptable from a flood risk and drainage perspective. The key drainage features shown in the submitted plans accord with the approved drainage strategy and approved parameter plans. The technical detailed drainage design and approval process is being dealt with through assessment of details to discharge condition 9 imposed to 15/00419/OUT application.

5.6 Ecology and Biodiversity

- 5.6.1 The Paragraph 174 of the NPPF states that "*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*". Furthermore paragraph 180 of the NPPF states that "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".
- 5.6.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 Policy N2 of the LDP states that "*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could*

have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

- 5.6.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.5 The application is supported by an Ecological Conservation Management Plan for Reserved Matters 3, dated August 2022, a Badger Technical Note and a Bat Survey 2021 and 2022. These documents include mitigation and enhancement of ecological measures, a management strategy and monitoring during construction and annual and long terms reviews.
- 5.6.6 Mitigation actions would include:
- Protection of retained trees, woodland and hedgerow through installation of protective fencing.
 - Review of the detailed design to determine the requirement for removal / partial removal of trees and the need for further survey.
 - Felling of trees and/or works to trees with suitability for bats to be conducted under a safe working Method Statement to avoid harm or death to bats.
 - Bat sensitive lighting scheme.
 - Installation of protective, fencing around retained features of value to bats.
 - Pre-construction surveys to search for new or previously undetected badger setts.
 - A minimum 20m buffer will be provided around all retained badger setts.
 - No works will take place before dawn or after dusk during the summer and adequate lighting will be used to enable workers to spot any active Badgers.
 - All pits, excavations or tanks will be securely covered overnight.
 - Installation of badgers tunnels under new roads (if required).
 - Installation of wildlife tunnels to maintain connectivity.
 - Reptile translocation destructive search exercise to avoid harm or death to reptiles.
 - Natural England licence.
- 5.6.7 Enhancement measures would include:
- Landscaping will be introduced to retain existing habitats and to create new habitats.
 - The landscape scheme will include new planting across the Site (and details of natural regeneration and management immediately adjacent to Heybridge Wood). Green infrastructure will be created and will include new native tree and hedgerow planting, wildlife grassland and swales.
 - Bee banks will also be included in the green infrastructure areas, especially in that area around Heybridge Wood.
 - The tree species planted on the Site must be varied to ensure diversity and be suitable for the local climatic conditions and geology.
 - Native hedgerow will be planted within the Site, including an extensive native mixed species hedgerow to the north of the relief road.

- To provide habitat connectivity, a mixture of native plant species will be planted in scattered areas.
- Extensive areas of species-rich grassland / wildflower meadow will be created within the designated green infrastructure open space areas.
- New ponds will be created, which will not be part of the SuDS scheme. All the new ponds will be designed to provide habitat for amphibians, although other animals and plants will also benefit. The SuDS will provide additional basins and swales.
- Habitat creation within the green infrastructure open space areas, including hedgerows and buffer zones around Heybridge Wood, will have a positive impact on bats including Common Pipistrelle.
- The provision of planting, including fruit bearing trees, will provide new foraging and nesting resources for a wide variety of birds, including Song Thrush and Starling.
- Swift bricks will be provided in each of the land parcels, according to the approximate mix below:
 - Parcel 3: 25 Swift bricks across c. 56 units;
 - Parcel 4: 100 Swift bricks across c. 227 units;
 - Parcel 5: 50 Swift bricks across c.110 units;
 - Parcel 6: 35 Swift bricks across c.70 units
 - Parcel 7: 60 Swift bricks across c.120 units; and
 - Parcel 9: 55 Swift bricks across c.117 units.
- Cut logs and stems of any trees that are felled will be left to decay within suitable locations on the Site within the edge habitat that will provide beneficial improvements of the Site for invertebrates.

5.6.8 The Ecological Conservation Management Plan includes details in relation to the management of trees, hedgerows, grassland, ponds and ditches.

5.6.9 The Ecology Consultant supports the Ecological Management Plan (EPR, August 2022), highlighting the use of a Construction Environmental Management Plan which has already been secured by condition 7 of the outline permission (15/00419/OUT). The proposed reasonable biodiversity enhancements, which have been recommended by the EPR August 2022 to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021) are also supported.

5.6.10 In light of the above, it is considered that the necessary mitigation measures would be in place to ensure that the impact of the development on habitats and wildlife will be secured. Furthermore, the development would provide a number of enhanced ecological measures as discussed above. Recommendations are also included to ensure that protected species are protected and their habitats are enhanced.

5.7 Other Matters

Sports Facilities

5.7.1 Sports pitches are proposed as part of this Reserved Matters application on the south-eastern part of the application site in accordance with the approved parameter plans. The submitted plans show that the proposal would accommodate three 11-a-side football pitches, two rugby pitches overlapping with two of the football pitches and one mini soccer pitch. It is noted that concerns in relation to the types of pitches

were initially raised by Sport England, particularly in relation to the quantum and layout of provision of the playing fields and the lack of a cricket square and outlet.

5.7.2 The Section 106 (S106) agreed under the terms of the hybrid application 15/00419/OUT states that Sports Facilities mean:

- *Three eleven-a-side football pitches;*
- *Two rugby pitches;*
- *Two mini-soccer pitches.*

With associated facilities and changing rooms of a specification in accordance with the Sports Facilities Specification, or such other type or configuration or pitches as agreed between the Owners and the District Council to be provided on the Sports Facilities Site.

5.7.3 The definition specifies the types and number of pitches proposed; however, the wording below the three points states '*or such other type or configuration of pitches as agreed between the Owners and the District Council to be provided on the Sports Facilities Site*'. Hence, the proposed facilities should be provided within the site, which size was agreed within the S106 (as part of the definition for the Sports Facilities Site which means the area of land within the Site of 4.97 hectares forming the area for formal recreation as shown on the approved 'Green and Blue Infrastructure Parameter Plan' referred to in planning conditions) and its position as part of the approved parameter plans. Therefore, it would be unreasonable to ask for a larger site to provide all of the facilities referred to in the three points. Furthermore, it is considered that the wording (as drafted in the S106) offers flexibility to the type and configuration of the pitches and thus, different types of pitches from those stated above could be provided subject to agreement with the Council. The applicant has submitted plans showing that a different configuration can be achieved, if required in the future, including a cricket square and outlet. However, it is noted that the S106 did not make reference to the requirement for the provision of a cricket square, as it was not considered being a requirement at the time and therefore, it would be unreasonable for one to be requested to be provided at this Reserved Matters stage.

5.7.4 Following consultation with Sport England it has been confirmed that the indicative playing pitch layout shown on the submitted drawings would meet the definition of the S106. In relation to the cricket square, it is noted that the sports pitch feasibility study, that will be subsequently prepared to meet the requirements of condition 39 of the outline planning permission, should future proof the design and construction of the playing field to allow a cricket square to be installed at a later date. Furthermore, it is advised that the proposed basketball court in the combined NEAP / LEAP is welcomed as this would provide opportunities for informal sport to take place within the development. In light of the above, the originally registered objection has been withdrawn and there is no objection to the application being approved.

5.7.5 It is therefore considered that the proposed position, size, quantum and layout of proposed playing fields is acceptable and accords with the approved parameter plans and the requirement of the S106 agreement of the hybrid application 15/00419/OUT.

Impact on Trees and Hedgerows and Landscaping Scheme

5.7.6 The application is supported by an Arboricultural Impact Assessment, dated September 2022. This report provides details required for condition 18 for the outline consent (15/00419/OUT) for this part of the development (phases 3, 4 and 5). The report provides an update to the DFC AIA in relation to the trees. It is stated that no

changes to the tree impacts from those detailed in the report (SHA 1012 Heybridge North Cnd 17 Trees & services Rev C) submitted under the terms of application 22/05014/DET are proposed. The trees to be retained will be protected by tree protection fencing as shown on the tree protection plan. The tree protection fencing would be inspected before works commence.

- 5.7.7 The Council's tree consultant has raised no objection to the content of the arboricultural impact assessment report and comments that the types of landscaping are acceptable; however, details of the species, sizes and quantities would have to be agreed. It is noted that the details and specification of trees are to be assessed under Part 2 of condition 31.
- 5.7.8 In light of the above, no objection is raised to the impact of the development on existing vegetation and also the proposed landscaping scheme would be able to complement the existing landscape and provide ecological enhancement.

Archaeology

- 5.7.9 The submission of details in relation to the archaeological assessment have been secured through the imposition of condition 8 to the approved application (15/00419/OUT). These details were approved under the terms of applications 21/05054/DET, 21/05147/DET and 22/05061/DET. The Historic Environment Officer has advised that the archaeological fieldwork for this scheme has been completed and the post-excavation phase is underway. Therefore, no objections are raised to this application.

Waste

- 5.7.10 Although no response from the waste services has been received, the submitted refuse vehicle tracking plans show that large refuse vehicles would be able to access and drive in and out of each parcel. This application relates to the landscaping strategy and infrastructure for phases 3, 4 and 5 and not the residential development within the individual parcels. Any subsequent residential Reserved Matters submission would require consideration of waste management access to individual houses and/or communal collections points.

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.
- **22/00523/RESM** 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). Pending consideration.
- **21/00945/ADV** - Advertisement consent for 3No. freestanding pole mounted non-illuminated signs located on the site's frontage to Broad Street Green Road, Maypole Road and Langford Road in connection with the development of the site. Approved 17.11.2021.

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 is raised; however, the following comments are made: <ul style="list-style-type: none">Highlighted that absence of doctors and Dentists' surgeries in the area.	Noted. However, it should be raised that the current application only relates to the approval of the landscape strategy and infrastructure of phases 3, 4 and 5 of the approved application 15/00419/OUT. the proposal does not involve the provision of new housing. The mixed- use development was previously approved and the impact from the development on health care facilities had mitigated through planning obligation which are secured through a S106 agreement.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	From a highway and transportation perspective the Highways Authority has no comments to make on this proposal as it is not contrary to the Highways Authority's Development Management Policies.	Comments noted.
Archaeology	The archaeological fieldwork for this scheme has been completed and the post-excavation phase is underway. Therefore, no further recommendations are made with regard to this application.	Comments noted.
Tree Consultant	No objection raised. Based on the information provided, it is considered that the layout would be	Comments noted and addressed within section 5.7 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	acceptable. Further details of species, sizes and quantities would be required to be submitted.	
Ecology Consultant	The Ecology Consultant raised no objection and supports both proposed mitigation and enhancement measures the proposed through the Ecological Management Plan (EPR, August 2022).	Comments noted and addressed in section 5.6 of the report.
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Comments noted.
Essex Fire and Rescue Service	<p>Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations.</p> <p>The applicant is reminded that additional water supplies for firefighting may be necessary for this development.</p> <p>Essex County Fire and Rescue Service urge building owners and developers to consider the installation of Automatic Water Suppression Systems.</p>	Comments noted. It should be noted that these issues are addressed under separate regulation to planning.
Environment Agency	No objection.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority (LLFA)	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, no objection is raised to the granting of planning permission based on the submitted documents	Comments noted.

7.3 Internal Consultees

Name of internal Consultee	Comment	Officer Response
Environmental Health Specialist	No objection	Noted.
Conservation and Heritage Officer	The proposals will have no impact on the setting or significance of any nearby designated heritage assets.	Comments noted.

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 carried out in accordance with the following approved plans and documents:
DR-0071-S4-P3
DR-0070-S4-P3
DR-0072-S4-P3
DR-0073-S4-P4
DR-0074-S4-P3
DR-0075-S4-P4
DR-0076-S4-P3
DR-0077-S4-P3
DR-0078-S4-P4
DR-0079-S4-P2
1217 P2
1320 P1
1321 P2
1322 P3
1330 P2
1331 P2
1332 P3
1333 P2
1334 P1
1340 P1

1341 P1
 1342 P2
 F00134-RJL-NA-NA-DR-C-1360 P1
 F00134-RJL-NA-NA-DR-C-1361 P2
 F00134-RJL-NA-NA-DR-C-1362 P1
 1383 P1
 1384 P1
 1385 P1
 1387 P1
 1386 P1
 1720 P2
 1721 P1
 1722 P1
 1723 P1
 2580 P1
 1390 P1
 1391 P1
 1392 P2
 1618
 1716 P1
 1717 P1
 1717 P1
 1719 P1
 031A
 Beaulieu style bus shelter plan
 2841 DR-0077 Version - S4-P3
 2841-5-1 DR-0079 Version - S4-P4
 GTC-E-SS-0010_R2-1_1_of_1
 GTC-E-SS-0002_R3-4_1_of_1
 2841-5-2 DR-0074 Version S4-P4
 2841-5-2 DR-0075 Version S4-P5
 F00134-RJL-NA-NA-DRC-2577
 Arboricultural Impact Assessment Report – Sharon Hosegood Associates –
 SHA 1012, dated September 2022
 Ecological Conservation Management Plan– Reserved Matters 3, dated 08
 August 2022
 Technical Survey Note: Bat Survey 2021 and 2022 – EPR
 Badger Technical Note: Survey Results and Recommendations – EPR
REASON To ensure that the development is carried out in accordance with
 the details as approved.

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Conservation Management Plan– Reserved Matters 3, dated 08 August 2022, Technical Survey Note: Bat Survey 2021 and 2022 – EPR, Badger Technical Note: Survey Results and Recommendations – EPR as already submitted with the planning application and agreed in principle with the local planning authority.
REASON To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the guidance contained in the NPPF.
- 3 Prior to the installation of any lighting on site a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be

installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 4 Prior to the installation of the Local Areas of Play (LEAP) and Neighbourhood Area of Play (NEAP) hereby approved, details of the fencing surrounding the LEAP and litter bins to be installed within it shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

REASON To ensure that sufficient equipment is provided within the Local Area of Play (LEAP) as required by the Greenspace Standards in accordance with the Green Infrastructure Strategy for Maldon District.

- 5 Prior to the use of the allotments hereby approved, details of weather protected storage of bicycles shall have been submitted to and approved in writing by the local planning authority. 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.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 FEBRUARY 2022**

Application Number	22/01024/OUTM
Location	Land north of Mangapps Railway Museum, Southminster Road, Burnham-on-Crouch, Essex
Proposal	Outline planning application with all matters reserved except for layout and access for the Construction 250 No. Dwellings and 54No. Units of Keyworker/NHS Accommodation. Erect Shops, Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure including Swales and Detention Basins. Extend Footpath to South Along B1021 Southminster Road, Form Open Spaces and Lay Out Hard and Soft Landscaping.
Applicant	Caliber Homes Limited
Agent	The Planning and Design Bureau Ltd
Target Decision Date	20.02.2023
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application

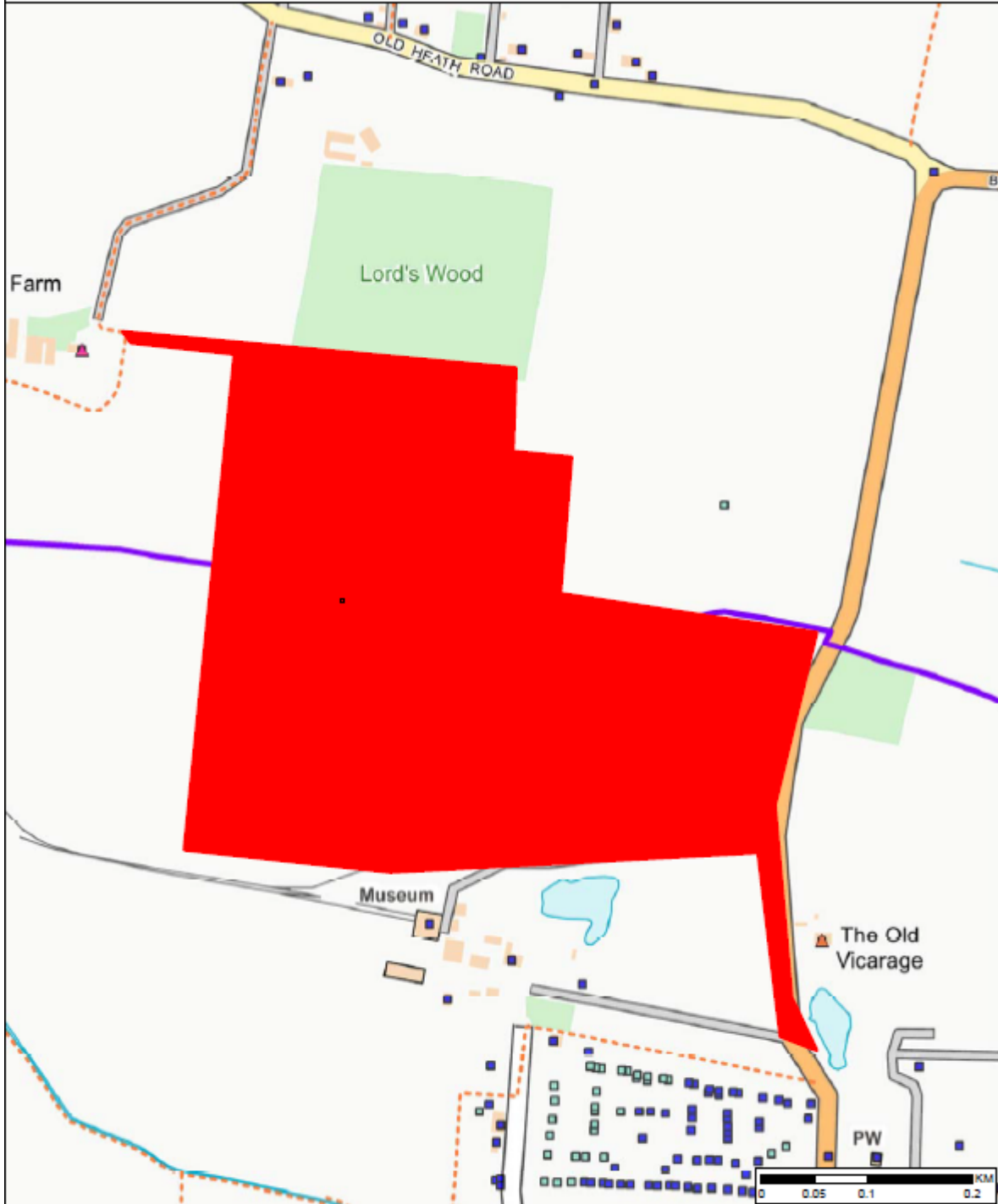
1. RECOMMENDATION


Delegate to the Director of Service Delivery to **APPROVE** planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8, subject to no objections being received.

2. SITE MAP

Please see below.

Land North Of Mangapps Railway Museum - Southminster Road - Burnham on Crouch
22/01024/OUTM



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:5,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Committee
	Date:	24/01/2023
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site (18.15ha) is located to the west of Southminster Road (B1021), to the north of the settlement boundary for Stoney Hills and is in open countryside. The settlement boundary for Stoney Hills is located approximately 200 metres south of the access to the site, and the settlement boundary for Burnham-on-Crouch is located approximately 500 metres to the south / southwest.
- 3.1.2 Mangapps Railway Museum is located to the south, and beyond the Museum, is Cemetery Chapel, a residential development of up to 80 dwellings, which is near completion (planning references 14/00845/OUT and 18/01077/RES). To the north is a historic field and Lords Woods. The site is bound to the west by open countryside, and Pannel's Brook runs from the west and south west of the site. To the south east of the site, beyond Southminster Road, is the grade II listed 'The Old Vicarage' (list UID: 1337647). The character of the site is rural.
- 3.1.3 There are multiple Public Rights of Way (PRoW) serving the wider landscape (including PRoW 259_54 and 242_2).
- 3.1.4 The site is of a rough 'L' shape and slopes from the northwest to the south and east and comprises of agricultural fields and hedgerow's are present at parts of the site's boundaries. The site is entirely within Flood Zone 1.
- 3.1.5 The application has been submitted in outline form with all matters of detail reserved for future determination, except for means of access to the site. The proposal is for a housing development for the Construction of 250no. dwellings and 54no. units of keyworker/National Health Service (NHS) accommodation dwellings. The proposal also seeks to erect shops, lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and attenuation basins. The proposal also seeks to extend the footpath to the south along the B1021 Southminster Road, and will form open spaces and lay out hard and soft landscaping.
- 3.1.6 The primary means of access to the site would be from the B1021 Southminster Road. However, the proposal also seeks to link to the PRoW to the north west of the site. The PRoW extends both south and north, and is uninterrupted, linking to the settlement of Burnham-on-Crouch.
- 3.1.7 In terms of layout, the indicative plans show the green infrastructure at both the centre and border of the site. The central green area seeks to demonstrate a permeable open space, with picnic areas and walks between the street grain, plus the wooded perimeter walk; which all provide public amenity space. The Design and Access Statement (DAS) submitted to support the proposal envisages that different housing types would be placed at each corner to ensure ease of navigation and a sense of place.
- 3.1.8 The development proposed would consist of 140no. market houses, 16no. market flats / maisonettes, 94no. social, affordable or intermediate rent houses and 54no. NHS / key worker homes. This would provide for 40.91% of affordable homes (37.6% excluding the NHS / key worker provision). The indicative accommodation schedule submitted is as follows:

Market housing type	No.	Market flats / maisonettes	No.		
1 bed	0	1 bed	10		
2 bed	20	2 bed	3		
3 bed	64	3 bed	3		
4+bed	56	4+ bed	0		
TOTAL	140	TOTAL	16	TOTAL MARKET	156

Housing type	Affordable housing no.	NHS / key worker homes no.
1 bed	10	54
2 bed	65	
3 bed	15	
4+bed	4	
TOTAL	94	54

- 3.1.9 The Design and Access Statement acknowledges that over 80% of the proposed units will be M4(2) compliant accessible and adaptable lifetime homes. Footpaths will link the site facilities and are designed to be accessible to all through the proposal of suitable widths, surface choices and dropped kerbs. This will allow for wheelchair access. Signposting would indicate key site features and recreational opportunities, such as walking routes. The site is to be designed with natural surveillance in mind, and an 'eyes on the street' perception of surveillance.
- 3.1.10 The Planning Statement submitted to support the proposal states that a net density of development of 18 dwellings per hectare is proposed, which falls to 14.6 dwellings per hectare when the public open space is included in the calculation.
- 3.1.11 The indicative plans indicate that parking is generally located to the side of dwellings, with private amenity space to the rear. Footpaths are buffered from primary roads through the inclusion of grass verges. Pedestrian spaces have been designed so that cars cannot pass directly in front of these spaces, aiming to create a safer and more environmentally friendly environment.
- 3.1.12 Dense hedgerow planting is proposed to the periphery of the site, and this will be made up of a number of different species. A woodland area is also proposed at the periphery. 2no. swales are proposed to reduce the risk of flooding and to provide habitat opportunities. The Statement confirms that every residential unit will be provided with access to an Electric Vehicle charging point and each home will be fitted with a Mechanical Ventilation Heat Recovery Unit and an Air Source Heat Pump. Solar panels are also proposed. All units will be fitted with water restriction taps, in an attempt to conserve water. 13no. dwellings will be built to Passivhaus standards, ensuring efficient natural heating.
- 3.1.13 Details of the scale of the development, the appearance of the buildings, layout and landscaping are matters which are reserved for future approval i.e. Reserved Matters.
- 3.1.14 Draft Heads of Terms have been submitted to support the proposal, and include obligations regarding private open space, public open space, affordable housing, health care contributions, education contributions, highways obligations and ecology.

3.1.15 The application is accompanied by a number of supporting documents:

- Planning Statement (The Planning & Design Bureau Ltd, July 2022)
- Design and Access and Sustainability Statement (SKA Architects Limited, June 2022)
- Transport Assessment (Cottee Transport Planning, August 2022)
- Framework Residential Travel Plan (Cottee Transport Planning, August 2022)
- Phase 1 Desk Study Report (Richard Jackson Engineering Consultants, August 2022)
- Archaeology and Heritage Statement (BWB Consulting Ltd)
- Site Specific Flood Risk Assessment ((Richard Jackson Engineering Consultants, August 2022)
- Landscape and Visual Appraisal (Wynne-Williams Associates Ltd, September 2022)
- Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates Ltd, September 2022)
- Ecological Impact Assessment (BWB Consulting Ltd, June 2022)
- Habitats Regulations Assessment (BWB Consulting Ltd, July 2022)
- Health Impact Assessment (Lichfields, July 2022)
- Air Quality Assessment (BWB Consulting Ltd, July 2022)
- Draft Heads of Terms – S106 Agreement,
- Topographical Survey, 6 drawings 8550-1 – 8550-6

3.1.16 In support of the proposal, the Planning Statement acknowledges the shortfall of affordable homes within the District. The proposal would provide for 94 affordable homes and 14 (equivalent) NHS / key worker homes. It is also to include dwellings constructed to M4(2) standards, which would provide housing suitable for elderly persons. The development has been designed with a focus on the environment and the dwellings proposed would enable residents to remain in their own homes for longer and live independently. Existing footpaths can be extended, to ensure the development is accessible by foot to the nearest settlements.

3.1.17 It is worth noting at the time of the original submission the application 'layout' was not a future consideration. However, layout is no longer a matter for consideration under this application.

3.2 Conclusion

3.2.1 Having taken all material planning considerations into account, it is considered that the development would significantly contribute towards the Council's identified need for both market and affordable housing provision. Although it is acknowledged that the development would be located outside any settlement boundary, there are a number of factors that weigh substantially in favour of the development. Most important of all, the proposed development would address the significant shortfall of affordable homes within the District, which is one of the main aims of the Local Development Plan (LDP), as set out in policies H1, H3, S8. In particular, the volume of affordable housing proposed (which would assist in meeting the under provision provided through the LDP) would weigh heavily in favour of the development. Going through the balance exercise, it is considered that in terms of the principle of the development, overall, the development is found to be acceptable, taking into account the substantial benefits of the proposal which would outweigh the harm the development would cause to the character and appearance of the area. There would also be notable economic benefits generated.

3.2.2 Although it is acknowledged that the development would alter the current character of the site and the surrounding area, it is considered that substantial attempts have

been made by the applicant to mitigate the impact of the development on the countryside and be sympathetic to the setting. It should also be taken into account the fact that the development would help to meet an identified need of affordable housing for the District that has not been met through the allocated sites within the LDP. Therefore, due to the identified shortfall in this type of accommodation, it is only likely to be able to be provided outside the settlement boundaries, particularly if an over provision is provided. In addition, the proposal would contribute towards the provision of much needed small sized family accommodation. Given the current shortfall of such type of accommodation and for all the reasons stated above, the development would bring benefits to the District that would outweigh any potential harm that the development would have on the character and beauty of the countryside and the locality more widely.

- 3.2.3 The development is not anticipated to cause material harm to the amenity of the occupiers of existing residents, highway safety or nature conservation. It is also anticipated that the development is likely to be satisfactory in terms of flood risk and drainage. Matters relating to land contamination and archaeology could be adequately addressed through the imposition of conditions. Provision for adequate levels of parking could be made.
- 3.2.4 The applicant has agreed to enter into a Section 106 Agreement to address matters arising in relation to off-site medical provision, road junction capacity issues and nature conservation impacts as well as other necessary obligations relating to affordable housing, phasing matters, public open space, employment and accessibility.
- 3.2.5 On the basis of all the above, it is considered that the benefits arising from the proposed development would materially outweigh any potential harm caused. Therefore, on the basis of the planning balance exercise, the development would accord with the sustainability aims as set out in the National Planning Policy Framework (NPPF) and the LDP.

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
- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change

- 174-188 Conserving and enhancing the natural environment.

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- S6 Burnham-on-Crouch Strategic Growth
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- 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
- I2 Health and Wellbeing

4.3 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP) (relevant even though the site lies outside the area covered by the BOCNP):

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.3 – Housing for Retired and Elderly Persons
- Policy HO.4 – Affordable Market Housing
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex coast recreation Disturbance Avoidance Mitigation Strategy (RAMS)

5. **MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of the application are the principle of the development, the impact of the development on the character and appearance of the area, the impact on the amenity of existing residents, highway safety/access /parking matters, the quality of life for the occupiers of the proposed residential units and flood risk/drainage. The impacts of the development on nature conservation, land contamination, air quality and archaeology would also need to be assessed.

5.2 **Principle of Development**

Housing

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.2.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy.
- 5.2.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP. Policy I2 states that suitable types of residential development which cater for the ageing population and support healthy and independent lives will be provided. Policy H3 also supports the provision of housing for 'specialist' needs.
- 5.2.4 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS with only 3.66 years of housing land supply.
- 5.2.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision taking this means:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

Footnote 7 - This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.2.6 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.2.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. Furthermore, where the development plan is '*absent, silent or relevant policies are out of date*', planning permission should be granted '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted*'.
- 5.2.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.2.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five-year supply of deliverable housing and on the basis that proposals outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.2.10 Paragraph 78 of the NPPF states that:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.*
- 5.2.11 The application site is located outside of the defined settlement boundary of Burnham-on-Crouch, a town that is classified as one of the three "main settlements" within the District, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.

- 5.2.12 Accessibility is a key component of the environmental dimension of sustainable development and also is the basis of criteria 2 and 5 of Policy H3. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.2.13 The application site is on the outskirts of Burnham-on-Crouch and currently is not connected to Burnham-on-Crouch via a footpath. This would result in the use of sustainable transport methods, including walking and cycling, being unattractive to the occupiers of the proposed development. However, as part of the application it is proposed to provide a footpath that would connect the site to the existing public footpaths. It is considered, taking in to account the limited length of the proposed footpath and the scale of the development, that the provision of the footpath would be proportionate to the development and something that can be reasonably required as part of the application and delivered through a S.106 agreement.
- 5.2.14 It is noted that the site is within a short distance of Burnham-on-Crouch which has a range of facilities with transport connections to wider facilities including banks, building societies and postal services, cafes, coffee shops, take-away food services and restaurants, pharmacies, supermarkets, golf club, parks and outdoor areas and a village hall. In terms of access to more local services and facilities for occupiers of the development proposed, the application includes the provision of a small number of on-site retail opportunities. These are considered to go towards supporting the sustainable nature of the site and to discourage the use of the private motor vehicle.
- 5.2.15 The railway station and a Co-op food store are located within walking distance of the site, along with a newsagent, post office, shops, pharmacy, public house, hot food takeaway etc. all located around the junction of the B1021 Church Road and Foundry Lane. Burnham-on-Crouch High Street is around 1km further from the site which is considered to be a reasonable distance for walking and cycling. As noted above, a footpath providing a safe and suitable cycle and walking route to Burnham-on-Crouch is proposed. It is therefore considered that the development, although not immediately adjacent to the town centre of Burnham-on-Crouch, would maximise the connectivity with the town centre and due to the provision of local shops, would provide access to everyday services.
- 5.2.16 Responses from the general public bring in to question the ability to deliver the footpath due to land ownership issues. However, it is an accepted point of planning law that landownership is not a material consideration in the determination of a planning application. More importantly though it is considered that a 'Grampian condition' (a negatively worded condition) could be imposed upon any grant of planning permission to ensure that the footpath is delivered prior to the occupation of the development. This is considered to be in line with best practice and case law and therefore, any concerns regarding the ability to deliver the footpath would not form a reasonable reason for refusal.
- 5.2.17 In terms of public transport infrastructure, a bus stop exists on both sides of the B1021 around a five minute walk to the south of the access to the proposed site. The bus stop's provide access to the following bus services:
- 31 (Burnham Chelmsford): commences 05:48 weekdays and varies between 25 minutes and hourly Monday to Friday with a more limited service on Saturdays and Sundays.
 - 331 (Burnham Chelmsford): one service in the mornings (09:00) and a number of services in the afternoon and evening (last bus 19:30) during term time Monday to Fridays. Hourly between 10:00 and 17:00 on Saturdays.

- 5.2.18 As part of the application, a public transport contribution of £25,000 has been offered, which can be secured as part of the Section 106 Agreement, to go towards highway improvements or to support improved public transport service provision. Furthermore, additional bus stops are to be provided, within the site, as part of the development approved.
- 5.2.19 Based on the above, although the application site is located within the rural area, the occupiers of the site would have access to a reasonable amount of services and facilities either within the application site itself or within the neighbouring town of Burnham-on-Crouch to meet the day to day needs of the future occupiers without there being an over-reliance on private means of transport. Paragraph 105 of the NPPF which states that *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”*. Therefore, it is considered that the site has a reasonable level of accessibility and the occupiers of the site would not be overly reliant on the use of private vehicles, which weighs in favour of the proposal.
- 5.2.20 It is also worth noting that whilst the development at ‘Land west of Cemetery Chapel’ (reference 14/00845/OUT) was allowed at appeal the Council considered that the site was sustainable. It is not considered that the relatively limited distance between the access to the two site, subject to the delivery of the footpath, would result in a different conclusion for this site.
- 5.2.21 It is noted that, previously three individual applications, of comparable size to this application, to deliver a retirement community, including phase two at appeal, were considered to comply with Policy S1 in that, development in this area (in general) is not inappropriate given its proximity to Burnham-on-Crouch. The material considerations, such as distance to facilities for day to day living in Burnham-on-Crouch, access to public transport and attractiveness for pedestrians are considered to be directly comparable and these decisions are considered to be a material consideration when determining this application. Particularly when considering that future occupiers of this site are likely to be more mobile and able to use sustainable transport options rather than the occupiers of the retirement community.
- 5.2.22 Furthermore, it is also noted that the Council has made several decisions recently to allow housing outside of defined settlement boundaries within the countryside. These decisions include 22/00482/OUT for 18 houses outside of the defined settlement of Woodham Mortimer and 21/00628/FUL for a dwelling outside of the defined settlement boundary of Mayland. In both of these instances, the sites were more remote from access to facilities than the application site in question and the Council considered the sites to be sustainable and acceptable for development.
- 5.2.23 Notwithstanding the above, it is acknowledged that the site is not adjacent to or within a settlement boundary or Garden Suburb. However, as discussed below the benefits of the development in terms of the contribution to the 5YHLS and affordable housing provision, significantly outweigh any minor harm in relation to the accessibility of the site and the character of the area.
- 5.2.24 In light of the above, when considering the sustainability credentials of the site, it is considered that the provision of residential housing within this location would be acceptable in principle.

Retail

- 5.2.25 The development would also involve a small retail element. Policy E2 states that *“retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of centre or out-of-centre sites be considered. To a limited extent, there is the potential to locate new retail space, in the form of Local Centres, to support that garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2”*. Therefore, given that the site is located outside the town centre areas and it is not a designated garden suburb, its need and impact on the existing retail areas and town centres of Burnham-on-Crouch should be assessed.
- 5.2.26 The proposed shops are intended to be operated solely as ancillary facilities to the residential development and their main purpose is to reduce out commuting from the site for day-to-day items. (i.e. bread and milk, newspaper etc.). It is noted that the intention is to provide a low level commercial element within the development to assist the proposal and not to create an out of town retail centre or to attract a significant number of customers from outside the site. It has been confirmed that the parade of shops would be a maximum of 990sqm, which is less than the 1,000sqm threshold for a local retail impact assessment.
- 5.2.27 Therefore, it is acknowledged that the proposed retail element would most likely be aimed at the residents of the new development rather than draw customers outside the site or the District. The aim is to provide day to day goods in support of the future occupiers and in order to reduce the need for traveling to the town centre. On that basis, it is considered that there is no other place sequentially that could better accommodate this element of the development, considering the need it is proposed to meet. Whilst it is noted that the number and size of the units has not been provided by the Applicant it is worth noting that the size proposed is comparable to that included within Phase 1 of the retirement community. As part of the Reserved Matters eight units were provided; this is considered to be an appropriate point of comparison and guide to the potential retail delivery as part of this application.
- 5.2.28 Taking also into account the scale and limited number of shops proposed, it is not considered that the proposed retail units would detrimentally impact on the vitality or viability of the existing town centre shopping area.

5.3 Housing Need and Supply

- 5.3.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning application. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.3.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.

- 5.3.3 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.3.4 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Market Housing

Dwelling size	LHNA requirement	Proposed
1 bedroom	Up to 10%	7%
2 bedrooms	25-35%	15%
3 bedrooms	40-50%	43%
4+ bedrooms	15-25%	35%

- 5.3.5 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District's housing stock provides for a wide range of housing needs and offers choice.
- 5.3.6 As part of the application an indicative housing mix has been provided, the mix suggested would not provide the number of 2 bedroom homes required through the LHNA and would provide a larger number of 4+ bedroom homes than required. Whilst it is accepted that the Council cannot demonstrate a 5YHLS it is a key component of the Planning system, including guidance contained within the NPPF, that the right type of housing is delivered for the community. It is therefore, considered reasonable to impose a condition on the granting of any planning permission that the housing mix delivered through any subsequent Reserved Matters application meets the housing mix required through the LHNA.
- 5.3.7 It is important that an appropriate mix of housing is delivered so that people at different stages of their life cycle and with differing physical abilities or living arrangements can find a home which meets their personal needs. Maldon has an ageing population and there is a need to ensure the right housing products for older residents. The Council acknowledges the importance that older people place on their independence. Therefore, the Council will primarily seek to assist local residents to remain in their homes. This includes through building accessible homes. The Council has unfortunately not delivered on the housing provision for older people required through the LDP. Whilst the Council has taken a proactive approach to resolving this shortfall through the granting of planning permission for two retirement communities in the District this has not met the level of older person housing required. Furthermore, it is considered that not all people 55+ will wish to live in retirement communities and it is therefore considered appropriate to impose conditions requiring that a number of properties are provided in for people 55 and over, that they are accessible and that some of these properties are in the form of bungalows. Furthermore, it is considered appropriate to require a number of 'bungalows' to be provided as part of the development, that are not age restricted, to ensure mixed communities. The provision of these properties are likely to be attractive to individuals with impaired physical mobility. This can be ensured through the imposition of a condition.

- 5.3.8 Over 80% of the proposed units will be M4(2) compliant lifetime homes standards. M4(2) requires reasonable provision to be made for people to gain access to a dwelling and to be able to use its facilities. The provision must be sufficient to *“meet the needs of occupiers with differing needs, including some older or disable people and to allow adaption of the dwellings to meet the changing needs of the occupants over time”*. This is considered to meet the needs of the residents of the District and to facilitate mixed communities; this weighs in favour of the development and can be secured by planning condition.

5.4 Affordable Housing

- 5.4.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site is located in an area identified in the approved LDP where 30% of the units would need to be affordable to comply with the requirements of Policy H1.
- 5.4.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day to day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.4.3 The NPPF Annex 2 defines Affordable Housing as *“housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”*. Historically, affordable housing used to include homes for ‘keyworkers’ and this included roles such as police, teachers, doctors and nurses. The definition has more recently been altered to essential local workers; this requires some form of evidence to show that there is a need for housing for certain workers. More recently the planning sector has interpreted this guidance more widely and there have been a number of approvals that have embraced this term to include roles like lorry drivers and supermarket workers.
- 5.4.4 The proposed development would provide a maximum of 304 dwellings. The site is located in an area where policy would require the provision of 91.2 affordable units (30%) as part of the application. However, the scheme would include the provision of 94 traditional affordable units (37.6%) and a number of units to house NHS staff, which would also fall within the definition of affordable housing. The scheme would result in a total provision of 40.91% affordable homes. This is a significant and demonstrable uplift in affordable housing units which is a material consideration of significant weight when determining this application.
- 5.4.5 As part of the application, it is proposed to include 54 units, of the affordable housing offer, specifically for NHS workers. This will be provided in the form of 6 no. 2 bedroom dwellings and eight blocks containing six bedrooms and shared facilities at ground floor. Each bedroom would have an en-suite.
- 5.4.6 The NHS have confirmed that a *“lack of suitable affordable housing for healthcare workers is an issue in the recruitment of healthcare workers in mid and south Essex.”* They have also stated that a separate and more detailed response to this element of the planning application will be provided in a standalone submission.

- 5.4.7 Whilst the comments from the NHS are noted and it is understood that there is a need across south Essex. At this time a current identified need for accommodation for NHS workers to be located specifically in the Maldon District has not been demonstrated. However, it is clear the NHS has identified a significant general demand across south Essex and the term 'essential local workers' does not necessarily require the workers to be required in the District. This approach would be consistent with the previous approach to 'keyworkers' where the accommodation was available to people that worked and/or lived outside of the District. Therefore, the requirements for an identified need for this type of accommodation would nevertheless amount to a significant wider public benefit in accordance with the NPPF requirements. Whilst not identical in nature this approach is similar to that evidence played to the Planning Inspector when determining the appeal at The Friary. The Inspector, when determining this appeal attributed weight to the delivery of independent living accommodation even though there was no identified need for specialist housing that cannot be addressed elsewhere in the district of Maldon even though that was a requirement of the Council's adopted policy.
- 5.4.8 The LDP acknowledges that there is *"a significant shortage in availability of affordable housing in the District"*. This has been reaffirmed by the LHNA. Policy H1 does not have a uniform basis for the percentage required in affordable housing units across the District due to the variations in viability e.g. land cost, site constraints and house prices. The Council predominately sought to deliver the housing needed for the District, over the lifetime of the Local Plan, through large scale allocated sites. Unfortunately, a number of these sites were granted planning permission before the current local plan was adopted, so provided a lower percentage of affordable units than would have been required through the current policy and expected to be delivered onsite. This has resulted in an evidenced shortfall of affordable housing units coming forward; this is an identified risk to the Council. More recently, the LHNA has identified an ongoing need to provide 174 affordable housing units per annum.
- 5.4.9 Considering that nearly all of the sites allocated through the LDP benefit from planning permission it is considered necessary for the Council to support development outside of the LDP allocated sites if it is to meet the shortfall in affordable housing provision across the lifetime of the plan. The provision of additional affordable housing within an application site, which is in close proximity to an existing settlement boundary at the top of the settlement hierarchy, would be preferable from other sites further encroaching onto the countryside or adjacent to smaller villages where the needs of the future occupiers would be unlikely to be able to be met. This further weighs in favour of the development.
- 5.4.10 The provision of 148 affordable housing units, over 50% higher than what policy would require, is considered to be a material consideration that weighs significantly in favour of the current application. The units would be secured through a S106 agreement and the Council's Allocations Policy would ensure that the houses would meet the need of the residents of the District.
- 5.4.11 It is considered appropriate, through the S106 agreement, to require that the NHS housing is to be used for general affordable housing provision if there is no longer a need for housing specifically for the NHS rather than allowing it to return to market housing, as the provision of the additional affordable housing is a material consideration that has supported the assessment of this application.
- 5.4.12 Policy H1 states that *"Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council's policies having*

regard to the SHMA, the Council's adopted Affordable Housing Guide, and the Council's Housing Strategy. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site."

- 5.4.13 The proposed affordable housing would be provided in full, on-site, therefore, complying with Policy H1 of the LDP. The Affordable Scheme detailing tenure, cost, allocation of units would be agreed by the LPA, in consultation with the Senior Specialist – Housing, as part of compliance with the S106 Agreement which would need to be completed prior to any planning permission being granted.
- 5.4.14 The proposed development would exceed the level of affordable housing required through the LDP; all of the affordable housing units would be provided on site in a sustainable location appropriate for this level of affordable housing. The development is therefore considered to be in accordance with Policy H1.

5.5 Design and Impact on the Character of the Area

- 5.5.1 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.

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

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

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

- 5.5.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.5.4 Policy H4, with respect to density, states that all development will be design-led and will seek to optimise the use of land having regard to a list of considerations including

the location and setting of the site (1), the existing character and density of the surrounding area (2) and the impacts upon the amenities of neighbouring properties (7).

- 5.5.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.5.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the Burnham-on-Crouch Neighbourhood Plan (BoCNP).
- 5.5.7 The proposed development would be erected on a green field site that is approximately 18 hectares and it would involve the erection of total of 304 dwellings and a small retail area. Other associated highway works, vehicular access, pedestrian accesses, drainage works, amenity areas and open communal space are also proposed.
- 5.5.8 As noted above, the site is located outside the defined settlement boundary and it is mainly surrounded by open countryside, with the exception of the existing residential development to the southeast.
- 5.5.9 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.5.10 A Landscape and Visual Impact Assessment (LVIA), Landscape Strategy, and Tree Survey have been submitted as part of the application.
- 5.5.11 With reference to the Essex Landscape Character Assessment (2006), the site falls within area E2 (Tillingham and Latchingdon Coastal Farmland) the key landscape characteristics of which are:
- Gently undulating arable farmland behind the coastal marshland, locally quite steep.
 - Heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay.
 - Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient planned enclosure.
 - Dutch elm disease has made elm loss noticeable in hedgerows.
 - Right-angled bends in lanes reflect ancient field pattern.
 - Settlement pattern follows underlying soils - sand and gravel formations on a ridge between Bradwell and Burnham-on-Crouch - elsewhere settlement on slopes in clay areas.
 - This is a landscape characterised by its rolling topography, by its visual links to the drained marshland and by its texture of its deciduous tree and shrubs in field boundaries.
 - Urban expansion is happening fast here, and as a consequence only certain pockets, well away from the B road network, have a moderate sense of tranquillity now.

- 5.5.12 This landscape is described as having a moderate sensitivity to change and identifies relevant key sensitivities within the study area to be:
- Distinctive long hedgerow boundaries (often containing deciduous trees and shrubs) running on parallel axes (which are sensitive to changes in land management).
 - The open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.
 - There is a strong sense of historic integrity, resulting from a historic settlement pattern of villages lining the top of the low north-south ridge between Bradwell and Burnham-on-Crouch and a distinctive historic co-axial field pattern.
- 5.5.13 The application is in outline form with matters of landscaping, scale and appearance being reserved for future determination. However, matters relating to site layout and access are to be assessed as part of the current application.
- 5.5.14 In terms of density, the proposal is to be developed on an average density of 16.7 dwellings per hectare. It is noted that this density would be lower than the density of the development to the south (reference OUT/MAL/14/00845), which was calculated at 21 dwellings per hectare. The site, although not an allocated site, it is relatively close to the settlement boundary and given the nature and amount of the development proposed it would have been unlikely that a proposal such as this would be able to be located within the boundaries of the settlement. The proposed density is considered to be appropriate for a semi-rural site that would act as a gradual buffer to the countryside beyond the site. Having acknowledged all the above, it is considered that the density of the proposed development, in comparison to each location and nearby developed area would be acceptable.
- 5.5.15 The development would extend over a significant area and would, inevitably, alter the rural character and appearance of the area. However, it must be noted that any development of a scale such as this within the District would have an impact and unfortunately, Government guidance is clear that the Council has a responsibility to meet the housing needs of the District and therefore, developments of a significant scale are required to come forward. The simple fact that a development materially alters the appearance of a site does not automatically demonstrate harm and there is a requirement to consider the benefits of the application against the harm of the development.
- 5.5.16 There would be views of the development from its surroundings and it would not be read as part of the existing urban area or built form. However, the development would be spacious in nature and appear as a semi-rural form of development that would offer some level of transition to the countryside beyond. In addition, landscaping would help to assimilate the development into its setting, particularly in the medium-longer term. Details of soft and hard landscaping as well as external lighting could be required by condition if planning permission were to be granted. External materials, is a consideration for the Reserved Matters stage.
- 5.5.17 It is considered that the level of development is significant and notwithstanding the proposed soft landscaping and the semi-rural appearance and nature of the development the proposed development would significantly alter the nature of the application site which is currently an agricultural field. This though must be considered alongside the Council's inability to demonstrate a 5YHLS and that the 'tilted balance' is engaged.

- 5.5.18 Whilst the proposal would demonstrably and irrevocably alter the landscape from agricultural open countryside, it is not considered that the site, in itself, is of any specific merit. The site is considered to be an unremarkable, but pleasant, area of typical arable countryside, typical of the landscape character area E2 Tillingham and Latchingdon Coastal Farmland'. The visual and landscape effects of the proposal would be localised to the application site and nearby surroundings and the proposal has minimised the effects as much as could reasonably be expected. It must be acknowledged that there will be similar or worse harm when allowing development of a field for housing.
- 5.5.19 Taking into account the Council's lack of a 5YHLS, the significant need for affordable housing and the need to deliver additional housing outside the sites allocated within the LDP, it is considered that the proposal would, in relation to design and impact on the character of the area, be acceptable. It can be concluded that the development would bring benefits to the District that would outweigh any potential harm that the development would have to the character and beauty of the countryside and the locality more widely.
- 5.5.20 The Applicant has proposed the provision of three storey high development in the centre of the site. Whilst this is not objected to in principle, depending on the specific design of the buildings, concern is raised to the idea of a development that provided traditional roof styles above three floors of accommodation. It is therefore, considered appropriate to impose a condition that would limit the overall height of the structures delivered onsite.
- 5.5.21 Although it is accepted that the area around the site is characterised by dispersed and sporadic development and the proposal would alter the character of the current character of the area, it is considered that the decision of whether the development is acceptable should be based on a planning balance exercise, where weight should be given to the fact that the proposed development would meet an identified need for both housing and also significantly, and importantly, affordable housing (above that required through LDP policy). Consideration should also be had to the fact that all possible attempts to minimise the impact of the development on the character and beauty of the countryside have been considered. Therefore, it is not considered that the harm to the character and appearance can reasonably be considered to significantly outweigh the benefits of the development.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policies D1 and H4 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.
- 5.6.2 The proposed development would increase the levels of activity at the site, when compared with its current use as arable land. Although it is accepted that the development would result in increased levels of activity and resultant increased noise levels, due to the location of the site, which mainly neighbours the open countryside, the proposal would have a limited impact on the residential amenity of neighbouring residential occupiers. Furthermore, due to the nature of the proposed development, which is predominantly residential, it is considered that it would result in uses that are compatible with existing residential properties in the wider area. Therefore, the proposed development would not cause harm to the amenity of existing residents by reason of noise or disturbance.

- 5.6.3 The proposed development would be substantial in terms of its extent. However, the application site boundary is located a significant distance from any residential properties and the buildings proposed would be even further away from the nearest existing residential property. Therefore, the proposed development would not cause harm to the amenity of existing residents by reason of overlooking, overshadowing or domination.
- 5.6.4 The development would also introduce some retail element to the area, the opening hours of which should be restricted by condition to minimise the impact of the development on future occupiers of the site. If any extract duct or other plant system would be required to be installed full details of that and noise mitigation measure would be required to be submitted and approved in writing by the LPA to ensure the impact on residential amenity is minimised. This is consistent with the consultation response received by the Council's Environmental Health Team.

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.

Parking Provision

- 5.7.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.7.3 In terms of parking provision for vehicles and bicycles, the standards as set out in the adopted Vehicle Parking Standards SPD for Maldon District Council relevant to the proposal are as follows:

Dwellinghouses (Class C3):

Minimum 1 parking space per dwelling; 1 space / 1 bed; 2 space / 2-3 bed; 3 space / 4+ bed; visitor parking - 1 per 4 dwellings; 1 per 2 dwellings where car parking is allocated

Off street parking: at least 1 home charging point per dwelling

Cycle parking: none if garages provided; otherwise, 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)

Individual dwellings designed for older people: secure, adaptable space with a suitable, conveniently located charging point (e.g. additional internal space within the home or within a garage) for a scooter.

Retail / food and drink units:

1 space per 14sqm for food and convenience shops, 1 space per 20sqm for all other A1 uses and 1 space per 5sqm for food and drink units outside the town centre.

- 5.7.4 The submitted Transport Assessment advised that the development would be policy compliant in terms of car parking provision, cycle parking and electric vehicles. Provision of visitor parking would be in excess of the minimum requirement (66 visitor parking spaces are proposed) and therefore, no objection is raised in terms of off-street parking provision or cycle and mobility scooter parking provision. This matter

would be further assessed at the reserved matters stage, when full details of the scale of the development would be submitted. The provision of adequate off-street parking provision would be secured through the imposition of a condition for the development to comply with the details submitted.

Highway Safety and Access

- 5.7.5 A new vehicular access would be formed onto Southminster Road the submission is supported by a Transport Assessment. At this time no comments have been received from the Highway Authority in relation to the proposed access and any impact on highway safety. The consultation response by the Highway Authority has not been received by the Council. It is considered that the application should be delegated to the Director of Service Delivery subject to no objection being received by the Highways Authority.

Highway improvement

- 5.7.6 In terms of highway improvements, it is noted that a £25,000 developer contribution has been made for off-site highways improvements to the B1010/B1021 junction/or for public transport improvements in the vicinity of the site. Furthermore, a footway is also proposed to be provided which will connect the site to the existing footpath. Two new bus stops are also proposed to be located within the site to serve the occupiers of the new dwellings. The abovementioned highway contributions would be secured by a S106 agreement The consultation response by the Highways Authority has not been received by the Council. It is considered that the application should be delegated to the Director of Service Delivery subject to no objection being received by the Highways Authority.

5.8 Quality of Life for the Occupiers of the Proposed Residential Units

- 5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.8.2 This would equate to the provision of at least 50sq.m. for the one and two-bedroom dwellings, 100sq.m. for the three-bedroom or larger dwellings. Details of the residential units and the amenity space provision would form part of any subsequent application seeking approval of reserved matters, but based on the site layout and documents submitted as part of the current application, it is anticipated that an adequate quality of life for the occupiers of the proposed residential units could be provided.
- 5.8.3 It is noted that the site is in close proximity to Mangapps Railway Museum which is a noise generating source that could have potential to impact negatively upon the occupiers of the adjoining residents. This was a concern of such weight to the Council when determining the planning permission for the site to the south of Mangapps Railway Museum (reference 14/00845/OUT) it formed a reason for refusal. The similarities between the two sites, in relation to Mangapps Railway Museum, means that the determination of planning application 14/00845/OUT and the subsequent appeal decision are a material consideration of substantial weight in determining this application.

- 5.8.4 Whilst the noise from the Railway Museum originally formed part of the first reason for refusal, in relation to noise and disturbance, it was a matter that the Council did not defend at the Public Inquiry. This was because the Council's expert witness considered noise generated by the Museum could be dealt with through a detailed design and layout of the site and habitable rooms to minimise exposure to noise below levels likely to affect human health. The planning system is heavily based on the need for consistency in the decision-making process, and it is considered that taking a different approach to what was taken at a very similar site would be unreasonable.

5.9 Flood Risk and Drainage

- 5.9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The application site is located within Flood Zone 1 (low probability). However, due to the site area being more than 1ha, a Flood Risk Assessment (FRA) has been submitted as part of the application.
- 5.9.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.9.3 A development such as this, due to the provision of built form and hard standing would result in issues in relation to flooding on and off the site if mitigation was not included. This is a standard matter and consideration for the planning process and an FRA has been submitted as part of the application process. The FRA includes consideration of matters such as Surface Water Management and Foul Water Drainage.
- 5.9.4 The Lead Flood Authority (ECC) has reviewed the submitted drainage details and raise no objection to the proposed development. Anglian Water has also been consulted and have raised no objection subject to conditions. It is therefore considered that the development would not pose a threat in terms of flooding to the future occupiers of the site or result in flooding elsewhere. No objection is therefore raised in terms of flood risk or similar matters subject to the imposition of appropriate conditions.

5.10 Nature Conservation

- 5.10.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.10.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.10.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development

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

- 5.10.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.10.5 The development has the potential to impact on both on-site and off-site nature conservation interests. In relation to on-site impacts, an Ecological Impact Assessment has been submitted as part of the application. The Report concludes that, subject to mitigation, there would be no demonstrable harm to any protected species. However, this matter is further assessed in the accompanied Habitat Regulations Assessment (HRA) report (prepared by the LPA, which is the competent authority).
- 5.10.6 The Council Ecology consultant has raised objection to the proposed development partially on the removal of several trees and a lack of clarity regarding whether a Preliminary Roost Assessment of these trees has been undertaken. Furthermore, it was opined that the layout did not provide sufficiently attractive walking loops and public open green space to discourage future occupiers from travelling to coastal habitat sites and the associated recreational impacts. However, more recently the Applicant has removed 'layout' from a consideration as part of this planning application. It is considered that these matters will now be assessed and considered as part of the subsequent Reserved Matters application these objections have therefore, fallen away.
- 5.10.7 Concerns have also been raised in relation to the level of information on Priority farmland bird species, such as Skylarks, within the submission. The development is proposed in an agricultural field and will result in the loss of this habitat. Therefore, any that farmland bird species, if present onsite, will be displaced. It is considered reasonable that a surveys to identify the farmland bird communities/species present within and around the site should be undertaken and if necessary that a bespoke Farmland Bird Mitigation Strategy should be produced and submitted prior to determination of this application to ensure that any impacts to farmland birds, such as Skylark, are fully mitigated and compensated. Whilst guidance contained with Circular 06/2005 regarding having ecology matters resolved prior to the granting of planning permission it is noted that the guidance does acknowledge in some instances a condition may be acceptable. Taking into account that the site is an agricultural field in a predominately agricultural area it is considered that, on the balance of probability, that whilst there are likely to be some use of the site by farmland bird species their presence will not result in the development not being able to come forward. Furthermore, as the application is outline in nature a condition can be imposed requiring the details to be submitted and agreed prior to the submission of any subsequent reserved matters applications.
- 5.10.8 It should also be noted that the planning system relies on a consistency in the decision making process. The imposition of a condition in respect of Farmland Bird Mitigation Strategy is relatively consistent with the approach taken by the Council when dealing with the three phases of development at 'Burnham Waters' which is in close proximity to the application site. Furthermore, it must be noted that the Planning Inspector, when allowing 'Phase 2' at appeal, considered this approach acceptable.

- 5.10.9 Notwithstanding the above, the Ecological Impact Assessment highlights the need for mitigation. It is considered that, subject to the imposition of a condition requiring the mitigation recommended, the development would not have an adverse impact on the site's ecological interests.
- 5.10.10 In terms of the impact of the development on habitats, it is noted that the proposed development of the site would be an opportunity to enhance the ecological value of the agricultural field.
- 5.10.11 With respect to off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a HRA to secure any necessary mitigation and record this decision within the planning documentation.
- 5.10.12 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.10.13 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.10.14 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.15 A HRA Report has been submitted by the applicant which concludes that the development, without mitigation, is likely to have a significant effect (either alone or in combination with other plans or projects) on the integrity of the International Sites (in this case, Crouch and Roach Estuaries SPA (UK9009244) and Ramsar (UK11058); Essex Estuaries SAC (UK0013960); and Blackwater Estuary SPA (UK9009245) and Ramsar (UK11007). Therefore, an Appropriate Assessment is required.
- 5.10.16 The applicant has submitted an Appropriate Assessment which concludes that no standalone or in-combination adverse effects are considered likely as a result of the development proposed.

- 5.10.17 As the proposal is for more than 100 houses (or equivalent), NE does provide bespoke advice. NE had not commented on the proposal at the time of writing this report. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £137.71 per dwelling.
- 5.10.18 To accord with NE's requirements, an Essex Coast RAMS HRA Record will need to be completed if planning permission is to be granted to assess if the development would constitute a 'Likely Significant Effect' to a European site in terms of increased recreational disturbance. This Assessment would need to conclude that, with mitigation, the development would not have a Likely Significant Effect on the European designated sites before planning permission was granted.
- 5.10.19 The applicant has agreed to enter into a S106 Agreement to secure the financial contribution towards RAMS required.
- 5.10.20 On the basis of the above, it is considered that the development would not have a materially adverse impact on nature conservation interests (either on- or off-site) subject to the imposition of conditions and the satisfactory completion of an Appropriate Assessment to include a financial contribution towards RAMS being secured.

5.11 Historic Environment

- 5.11.1 The proposed development has the potential to have an impact on the setting of Old Heath Farm which is included in the List of Local Heritage Assets in Southminster (2019) and is therefore, a non-designated heritage asset for the purposes of paragraph 203 of the NPPF.
- 5.11.2 The Council's Conservation and Heritage Specialist concluded that "*bearing in mind the position of the proposed development, its distance from the locally listed building and the intervening vegetation, the degree of harm caused to the heritage asset's significance would be limited.... a low level of public benefit would be sufficient to outweigh the limited harm identified.*" Taking into account the delivery of housing at a time that the Council is unable to demonstrate a 5YHLS and the over provision of affordable housing it is considered that the benefits of the development outweigh the harm to Old Heath Farm.

5.12 Developer Contribution

- 5.12.1 A document with the Draft Heads of Terms accompanies the application, which include the suggested developer obligation.
- 5.12.2 The obligation that the applicant is willing to enter into includes:
- the provision of a public open space as discussed above in the relevant section
 - the provision of a future management and maintenance of the open space and landscaping
 - the creation of a Management Company with responsibility for future management and maintenance of the open spaces, footways, related lighting, street furniture, signage and all landscaping.

- Health care contributions in accordance with the NHS request. To provide developer contributions for education, including for secondary school transport.
- Highways obligations would include an agreed scheme of works to footpath and public transport infrastructure, contribution towards the off-site highway improvements and the implementation of a Travel Plan.

5.12.3 The developer contribution in relation to affordable housing is discussed above in the relevant section of the report

5.12.4 The mitigation of the impact of the development on the Essex Coast is assessed above in the relevant section of the report.

5.12.5 The abovementioned developer contributions and obligations shall be secured through a S106 agreement. Should Members approve this application, this shall only be subject to a S106 agreement, which shall first be discussed and finalised with the Council.

5.13 Other Material Considerations

Archaeology

5.13.1 ECC Archaeology has advised that the site is within an area of archaeological potential. Therefore, if planning permission were to be granted it would be necessary to impose conditions as recommended by ECC Archaeology (Policy D3).

Contaminated land

5.13.2 A Phase One desktop study has been submitted as part of the application. The Council's Environmental Health Service has considered the report alongside the supporting documentation and consider the proposal acceptable subject to the imposition of conditions.

5.13.3 In terms of the impact of the development on air quality, an Air Quality Assessment has been submitted as part of the application. The Specialist – Environmental Health has not raised concerns in relation to the impact of the development on air quality. Based on the above, the site is considered suitable for the proposed use with regard to air quality.

5.13.4 Loss of agricultural land: the development would result in the loss of the site for agricultural use. It is understood that the land is classified as Grade 3 – good to moderate and, therefore, the development would not result in the loss of the best or most versatile agricultural land (Policy D2). Furthermore, the amount of land to be lost, in the context of the District as a whole, would not be significant.

Local Area for Play

5.13.5 It is noted that the proposed development would provide a Local Area for Play (LAP). The location of the LAP has not been identified in the submitted plans. However, the provision of a LEP is included in the submitted Draft Heads of Terms, which will constitute the basis for the discussion of the S106 legal agreement. The details of the proposed LEP would be agreed through a legal agreement and should be part of a future reserve matters application.

Trees

- 5.13.6 The site is mainly arable land. The site contains a number of hedgerows and trees including a dense mixed-species woodland. The majority of the trees on site are located in relatively close proximity to the boundaries of the site. The application is supported by an arboricultural assessment. An arboricultural method statement has been submitted as part of the arboricultural assessment,
- 5.13.7 The proposed indicative plan would support the retention of the majority of the boundary trees and hedges alongside a wide buffer of landscape planting. The proposed access will require the removal of part of the existing hedgerow and tree group along Southminster Road. With regard to protection measures of the existing trees, details of tree protection barriers have been included in the Arboricultural Report. The Council's Tree Consultant has provided a response and has suggested a condition requiring a soft landscaping scheme to be submitted, It should be ensured that the species are indicative of the surrounding landscape, provide seasonal amenity and habitat for wildlife. It is important that thought is given to ensure that tree species have sufficient space to develop into landscape features without potentially impacting on the properties in the future. This condition is considered to meet the six tests and has been imposed.
- 5.13.8 However, the arboricultural report states that a good quality group will need to be removed to facilitate the temporary road construction. The removal of the trees close to the road will have a notable impact on the character of the area. The Council's Tree Consultant states that *"because removal is likely to have a significant, detrimental impact on landscape amenity, as well as likely ecological implications. The tree survey should be carried out prior to a scheme being designed and then the constraints of the significant trees worked around"*. Whilst it is noted that the Council's Tree Consultant does not support the application at this stage it must be noted that the application is outline in nature. It is considered that a condition can be imposed requiring details to be agreed that would mitigate the harm highlighted by the Council's Tree Consultant.
- 5.13.9 Furthermore, the Council's Tree Consultant has confirmed that subject to conditions relating to the submission of an arboricultural impact assessment and tree protection method statement no objection is raised to the development.

Employment – skills, training and education

- 5.13.10 The development would create a relatively small number of new jobs the proposed retail element. In accordance with the guidance of the NPPF which aims to support sustainable economic growth, Policy E1 of the LDP clearly sets out its needs for employment generating development, defining that an additional 2,000 net additional jobs should be created in the District by 2029. Therefore, the proposed development although not a formal form of employment that would be derived from a use falling within Class B of the use Class Order, would provide a small level of employment opportunities requiring a variety of level of skills. Although it is proposed that the jobs are first advertised at local level whenever vacancies arise, so that the development would support towards meeting the local employment need, this has not been secured through the S106 agreement and is not considered necessarily, by Officers, to make the development acceptable. However, should Members be minded to approve the application giving some weight to this matter, this requirement could be required through the S106 agreement. The development would therefore contribute towards the Council's need for employment generating development and the provision of employment opportunities.

- 5.13.11 It is also proposed to create training and skilling opportunities to support the career progression of the potential retail staff. The applicant is willing to enter into an agreement with the Local Planning Authority in order to provide the proposed training. Policy E6 states that *“the Council will work with its partners to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. In particular the Council will (2) support a range of programmes and initiatives and identify funding requirements accordingly”*. On that basis and subject to securing the proposed trainings through a S106 agreement, the development would also accord with the aims of policy E6.

Mangapps Railway Museum

- 5.13.12 A number of responses have been received in relation to the Mangapps Railway Museum and the impact of the development. It must be noted that there is no right of a view across someone else's land and it is not considered that a reason for refusal based on the impact on the Mangapps Railway Museum could be successfully defended at appeal particularly taking in to account the relatively recent development to the south of the Railway Museum.

5.14 Planning Balance

- 5.14.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5-year housing land supply. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.14.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.14.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land, which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.14.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.14.5 The main benefits of the proposal are considered to be as follows:
- Social benefits from providing market homes in a variety of sizes and types including specifically designed for elderly persons;
 - Social benefits of providing affordable homes in a variety of sizes and types.
 - Social benefits of providing affordable homes above the policy requirement.
 - Social and economic benefits by encouraging churn of existing housing in the District;

- Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials;
- Social and economic benefits of additional custom for services and facilities in Burnham-on-Crouch;
- Economic benefits through creating new jobs opportunities in the District at the retail element of the proposal;
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.14.6 With regard to the 3 tests of sustainability, in economic terms, there would be some support for local trade at the time of construction; this benefit would be similar for any development of this scale. Whilst the occupiers of the proposed dwellings would bring ongoing local expenditure by new residents, which may provide some support to existing services in Burnham on Crouch and the wider area. There are some economic benefits to the area but these are not considered to be a particularly large material consideration in favour of the development.

5.14.7 In relation to environmental sustainability, as stated within preceding sections of this report, the site is considered to be in a sustainable location, which would weigh in favour of the scheme. It is considered that the development would have some harmful impact on the character and appearance of the area due to the provision of built form on an agricultural field. This would weigh against the proposed development.

5.14.8 In social terms, development should assist in supporting a strong, vibrant and healthy community. The proposal would result in the provision of a significant number of dwellings, including an overprovision of affordable housing (47%) . Due to the fact that the Council cannot demonstrate a 5YHLS, and that there is a high need for affordable housing, it is considered that the provision of this quantum of development and the over provision of affordable housing, would be a significant benefit in terms of the housing supply and meeting the identified shortfall in affordable housing units. The development would also make a positive contribution to the national objective to boost the supply of homes. This weighs in favour of the development, particularly given the significant shortfall in the Council's housing land supply. The proposed new homes would vary in their size, including a mix of 1, 2 and 3 bedroom units, as well as accommodation solely for older people for which the Council has an identified need and which would meet the objectives of the Framework to deliver housing for different groups of the community. The homes would be in a reasonably sustainable location, as a bus service operates in close proximity to the application site and the site is within an appropriate distance to use sustainable transport to reach the settlement of Burnham-on-Crouch.

5.14.9 The most important policies are deemed to be out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

5.14.10 The only harm identified from the proposed development (subject to relevant details being approved at reserved matters stage, the imposition of conditions and/or relevant obligations being secured through the Section 106 Agreement) relates to the character and appearance of the area. However, whilst the proposed development will have a significant impact on the character and appearance of the application site the harm would be relatively localised, and it not considered that the harm significantly outweighs the benefits of granting planning permission. As such the presumption in favour of sustainable development applies and paragraph 11d) of the

Framework states that planning permission should be granted. This is a material consideration of sufficient weight that planning permission should be granted notwithstanding the conflict with the development plan.

- 5.14.11 Therefore, it is considered that the development proposed would be sustainable in the 'tilted balance', and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

6. **ANY RELEVANT SITE HISTORY**

- No relevant planning history.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Outside the development area, No safe means of access. Contrary to Policy S8 – Countryside should be protected. Contrary to Policy S1 and D1 and also 7 and 11 from NPPF. Concerns regarding traffic, infrastructure and education. It is unsustainable.	Noted. Discussed in assessment of the application.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority	Not received at the time of writing the report.	
Environment Agency	Not received at the time of writing the report.	
Natural England	It has been identified that this development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the recreational impacts	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.</p> <p>We therefore advise that you consider whether this proposal falls within scope of the Essex Coast RAMS. Where it does, you must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation and record this decision within your planning documentation. We have previously provided you with a suggested HRA Record template and associated guidance to help with this process where recreational disturbance to European sites is the sole HRA issue as appears to be the case in this instance (our ref: 244199, dated 16th August 2018, template and guidance shown within APPENDIX 1 of this letter); the use of this template is not mandatory but we provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>“Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.</p>	
ECC SuDS Team	<p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.</p>	<p>Noted. Conditions proposed as part of the recommendation</p>
Anglian Water Services	<p>The foul drainage from this development is in the catchment of Burnham On Crouch Thames Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.</p> <p>Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.</p> <p>We therefore request a condition requiring an on-site drainage strategy.</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is</p>	<p>Noted. Conditions proposed as part of the recommendation</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.</p> <p>We have no objection subject to conditions.</p>	
Essex and Suffolk Water	Not received at the time of writing the report.	
ECC Archaeology	<p>The proposed development site has the potential to impact on archaeological remains. An archaeological desk-based assessment has been submitted with the planning application. The archaeological DBA assesses the archaeological potential as moderate for the prehistoric and Roman periods. The medieval period has been assessed as being of low potential and the post medieval as high for field-boundaries.</p> <p>Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent. This is in line with advice given in the National Planning Policy Framework.</p>	Noted and discussed in section 5.14 above.
ECC Ecology	<p>The Proposed Site Layout - Drawing No. 736-P02 (Skarchitechts) as well as, the Tree Survey and AIA (Wynne-williams Associates, September 2022) indicates the removal of several trees along the eastern, boundary where the access road is proposed, and alongside the Southminster Road. However, it is unclear whether the Ecological Impact Assessment (BWB, July 2022) has undertaken a Preliminary Roost Assessment of these trees to be removed.</p> <p>However, it is unclear whether the Ecological Impact Assessment (BWB, July 2022) has undertaken a Preliminary Roost Assessment of these trees to be removed. We that the Ecological Impact Assessment (BWB, July 2022) describes that a “<i>a number of semi-mature and mature trees were present around the Site boundaries, which could provide features suitable for roosting bats</i>”, but it is</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>unclear as to what level of roosting potential they represent (“negligible”, “low”, “moderate”, or “High”) and their exact location. Therefore, the LPA does not have certainty of the likely impacts to bats, European Protected Species. Further information therefore should be submitted prior to determination outlining the level of roosting potential along with the results of any appropriate survey effort, where necessary.</p>	
NHS Property Services	<p>The health and wellbeing section of the planning statement and the health impact assessment, explains that the proposed site design - in particular public open space, walking and cycling routes, play and picnic areas - encourages physical activity and that the buildings proposed are well designed and will meet M4(2) and M4(3) standards. Development layouts that encourage physical activity and social interaction and housing designs that are accessible and adaptable are welcomed.</p> <p>The planning statement also confirms that the applicant will make developer contributions to address health care matters as required. It is important that the impacts of developments on healthcare capacity is mitigated and so this commitment is welcomed.</p> <p>The proposed development includes 54no. units of keyworker housing/NHS accommodation and the planning statement explains that these units will be transferred to a Registered Provider and will be retained as affordable housing for key workers in perpetuity. A lack of suitable affordable housing for healthcare workers is an issue in the recruitment of healthcare workers in mid and south Essex. A response to this element of the planning application will be provided in a separate letter.</p> <p>The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 730 new residents and subsequently increase demand upon existing constrained services.</p> <p>Additional population growth in the area resulting from new development would add to</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>the deficit and so would be unsustainable if unmitigated.</p> <p>The population likely to be generated from the proposed development, the primary care floorspace needed to support this additional population and the costs of doing so. Using the accepted standards set out below the table, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £150,800.</p> <p>The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.</p> <p>The ICS therefore requests that the sum of £150,800 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Burnham Surgery.</p>	
ECC Education	Not received at the time of writing the report.	
Essex Police Designing Out Crime	<p>Maldon's Core Strategy, states that a high priority is placed on doing all they can to reduce crime. It further states that one of Maldon's key objectives is to reduce the fear of crime. The NPPF also supports the need to create safe and secure environments. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security.</p> <p>Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.</p>	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. A SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Strategic Housing Services	<p>The Application 22/01024/OUT is proposing an Outline Application with all matters reserved except for layout and access for the construction 250 No. dwellings and 54 No units of Keyworker/NHS accommodation. Erect shops, layout estate roads, footpaths, vehicle parking and surface drainage infrastructure including swales and detention basins. Extend footpath to south along B1021 Southminster Road, form open spaces and layout hard and soft landscaping. The Local Development Plan 2014 – 2029 identifies and Affordable Housing requirement of 30%.</p> <p>The Local Housing Needs Assessment 2021 (LHNA) identifies a tenure mix of 75% Affordable/Social Rented and 25% Intermediate Affordable Housing (First Homes). The breakdown of sizes of Market and Affordable units is as follows –</p> <p>"Market 1 bed - Up to 10% 2 bed - 25-35% 3 bed - 40-50% 4 bed+ - 15-25% Affordable Ownership 1 bed - 15-25% 2 bed - 35-45% 3 bed - 25-35% 4 bed+ - 5-15% Affordable Rented 1 bed - 30-40% 2 bed - 30-40% 3 bed - 20-30% 4 bed+ - Up to 10%"</p>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>Also stipulated = "The Council should consider requiring all dwellings in all tenures to meet the M4(2) standards as a starting point - which are similar to the Lifetime Homes Standards - and at least 10% of homes meeting Part M4(3) – wheelchair user dwellings (with a higher percentage for affordable housing)." and with regards to sizes of units .</p> <p>The Local Housing Needs Assessment 2021 (LHNA) identifies the need for older persons housing. The projected shortfall for age-restricted housing, housing with support and housing with care including the current shortfall would be 1,428 by 2040. Applying this against the demographic projections for general housing, which is 6,160 in the period to 2040, the need for older people housing equates to 23.2% of all housing need. The need for older persons affordable rented accommodation is 260 units by 2040. The LHNA states the high demand for affordable rented bungalows. Strategic Housing Services would welcome further discussion with the Applicant regarding the requirements of older persons housing to meet this identified need.</p> <p>The Affordable units would need to be developed to Nationally Designed Space Standards.</p> <p>The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy/Local Housing Allowance level and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.</p> <p>The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.</p> <p>The Applicant has stated in the Planning Statement that "The Keyworker units will be offered solely at affordable rent and will be transferred to a Registered Provider and retained as affordable housing for Keyworkers in perpetuity". This will be detailed in and confirmed as part of the Section 106 with the additional clause that in the possible future</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>event of reduced demand for the accommodation by Keyworkers, this will revert to Affordable Rented accommodation. The 94 Affordable rented homes not including the Keyworker accommodation is 37.% of the 250 traditional residential units proposed which exceeds the 30% Policy H1 minimum requirements identified in the Local Development Plan.</p> <p>Strategic Housing supports the principle of the Keyworker accommodation which meets the definition criteria of Affordable Housing in the National Planning Policy Framework subject to further appropriate evidence of need.</p> <p>Strategic Housing would welcome further discussion with the Applicant regarding the tenure/size of the Affordable properties proposed.</p> <p>Strategic Housing Services fully supports the Application which exceeds Policy H1 Affordable Housing requirements identified in the Local Development Plan 2014 -2029 which will provide additional affordable housing to meet the housing needs of the district.</p>	
Specialist – Environmental Health	<p>Air Quality An air quality impact assessment has been carried out by BWB which concludes that impacts from operation on both existing receptors and receptors of the proposed development will be negligible.</p> <p>The construction dust assessment suggests potential impacts that can be mitigated through implementation of a dust management plan which forms part of a wider construction environmental management plan and can be secured by condition.</p> <p>Contaminated Land A phase one desktop study was carried out. The preliminary conceptual site model concludes that risk from asbestos, TPH, PAH & heavy metals are low or very low and that the risk from ground gas is moderate and recommends intrusive site investigation to confirm ground conditions.</p> <p>Noise No noise impact assessment is included with the application. There are unlikely to be significant adverse impacts from existing</p>	Noted. Conditions proposed as part of the recommendation.

Name of Internal Consultee	Comment	Officer Response
	<p>traffic, commercial or industrial sources on the proposed development and the development itself is unlikely to give rise to adverse impacts on existing noise sensitive receptors.</p> <p>Until the final proposed uses are known, and detailed designs submitted, the likelihood of adverse impacts from noise and vibration cannot realistically be considered. I would therefore recommend a condition which requires assessment of plant and machinery noise prior to occupation of the units.</p>	
Tree Consultant	<p>Response 1</p> <p>The arboricultural report states to facilitate the development of the site at least 40m of G12, a good quality group will need to be removed to facilitate the temporary road construction, it goes onto to say at stage 4 95m will need to be cleared. It also says that to facilitate a new footpath T12 - T14 and groups G14 - G17 will be lost. with the removal of individual trees. The report identifies most of the larger trees protected on the edges, but these are set back from the public highway and wider public views, it is the trees positioned on the edges close to the road shown to be removed that will have a notable impact of the setting of the area.</p> <p>As this is outline, I think the design and construction process needs to be reviewed to work around these trees and groups, because removal is likely to have a significant, detrimental impact on landscape amenity, as well as likely ecological implications.</p> <p>New landscaping will need to be carefully considered to provide suitable tree and shrub species to provide seasonal amenity as well as benefit for wildlife, but also ensure they have the space to develop in relation to their growth potential, especially trees. The use of trees that have a growth potential to become large, landscape features should be included in the scheme, not just small ornamental species.</p> <p>Response 2</p> <p>I do not object to you conditioning an arboricultural impact assessment and tree protection method statement on this site. I would like to see them consider properly how they will work around trees and not just look to remove features such as hedgerows for</p>	<p>Noted. Conditions proposed as part of the recommendation.</p>

Name of Internal Consultee	Comment	Officer Response
	temporary access or permanent features. The amenity and constraints need to be suitably assessed and designed around. I think this is achievable and complemented with suitable soft landscaping can help compensate for any vegetation removal required.	
Heritage and Conservation	The scheme would have an indirect affect upon Old Heath Farm, Southminster by eroding its wider rural setting. This non-designated heritage asset is one of considerable local architectural and historic interest, and is included on the <i>List of Local Heritage Assets in Southminster</i> (2019). Bearing in mind the position of the proposed development, its distance from the locally listed building and the intervening vegetation, the degree of harm caused to the heritage asset's significance would be limited. While such harm must be taken into account, the conservation of non-designated heritage assets does not carry 'great weight' in the planning process. The decision maker must give the harm I have identified to heritage assets appropriate weight in the planning balance, in accordance with paragraph 203 of the NPPF. It is not for me to undertake that planning balance, but a low level of public benefit would be sufficient to outweigh the limited harm identified.	Noted.

7.4 Representations received from Interested Parties

7.4.1 **48** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
The view from the historic train ride would be ruined	Discussed in section 5.14 above.
The development would overshadow the quaint railway museum and could result in the loss of the railway and museum	Discussed in section 5.14 above.
The loss of countryside being concreted over	Discussed in section 5.5 above.
Increase of vandalism on the railway	It is not considered that this is a material consideration to the determination of this planning application.
No safe access (located on a 60mph road)	The proposed development would provide a footpath which would connect to the existing footpath.
No footpaths/cycle paths	The proposed development would provide a footpath which would connect to the existing

Objecting Comment	Officer Response
	footpath.
Insufficient infrastructure improvements to cope the increased traffic	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Increase in traffic delays	Subject to appropriate infrastructure improvements it is considered that there would be no demonstrable harm.
Increased pollution/poor air quality	The Council's Environmental Health Service considered that there is no demonstrable harm in respect to this.
No employment opportunities so commuting will be necessary	Site is considered to be in a sustainable location.
Loss of agricultural land	Not considered to be of agricultural land of high standard and therefore, not a material consideration of demonstrable weight.
Negative effect on tourism	Discussed in section 5.14 above.
Loss of greenfield site	Discussed in section 5.5 above.
No sewage connection	Conditions suggested below.
There is a provision for key NHS workers, but the closest hospital is Maldon.	Noted.
Lack of public transport	The site is considered to be a sustainable site.
Local schools are oversubscribed	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Limited leisure facilities	Noted.
Effect on local wildlife	This is considered to be acceptable and the harm can be mitigated through the imposition of appropriate conditions.
No attempt to offset the carbon footprint	Not required as part of the planning process at this time.
Doctors surgeries are over subscribed	A S.106 is required to mitigate the harm from the development in relation to infrastructure.
Outside the residential development of Burnham	Discussed in section 5.2 above.
Closing the gap between Burnham and Southminster	Discussed in section 5.5 above.
Detrimental affect on the rural character of north Burnham	Discussed in section 5.5 above.
Increased noise levels	Discussed in section 5.14 above.
Loss of trees/hedgerows will have a detrimental affect on the landscape as stated by the tree officer	Discussed in section 5.14 above.
Dramatically change the character of the area	Discussed in section 5.5 above.
Loss of local amenity for dog walkers/ramblers/horse riders	The application is not public land and therefore, this is not a protected use.
The size of the development would create an urban spawl	Discussed in section 5.5 above.
Limited emergency services in close proximity	Noted.

Objecting Comment	Officer Response
The existing rail service from Burnham struggles to cope and is non-existent at times	Noted.
<p>There are a number of errors in the supporting documents</p> <ul style="list-style-type: none"> • The TA says there is an existing footway – this is not true • It also states Southminster Road has sufficiently low traffic flows for on street cycling – not true this is a dangerous road to cycle on • It states the there is train every 40 mins – this is usually 1 an hour Mon-Fri • There is no PRow to the west of the site 	This is not considered to prejudice the determination of the application.
Contrary to policies D1, H4, N2, S1, S2, S3, S6, S8, T1 & T2 of the LDP	Discussed in the main assessment of the application.
Contrary to the NPPF	Discussed in the main assessment of the application.
The applicant argues that the LDP can be discarded in favor of the 'tilted balance' as the LPA cannot demonstrate a 5YHLS	Discussed in the main assessment of the application.
Burnham & Southminster have been subject to overdevelopment since 2017	Discussed in the main assessment of the application.
No access to public transport	
Against the Burnham Neighbourhood Plan	Discussed in the main assessment of the application.
The site is in a remote location away from the main town of Burnham	Discussed in section 5.2 above.
Old Heath Road & Green Lane will have more usage and they are insufficient roads to have increased usage	Noted.
False information on the access to and over land belonging to Mangapps Railway Museum	A Grampian condition can ensure that access is provided.
The retail unit of 3 storeys is out of character and would only be able to provide day to day necessities	Discussed in section 5.5 above. A condition limiting the scale to two stories is suggested below.
Where will the drainage drain to?	A condition has been recommended regarding
Enhancement of the fencing adjacent will need to be upgraded to prevent trespass	Not a material consideration in the determination of the application.
Lack of biodiversity net gain	Dealt with via condition.
The retail space is described as being use class A1 but this ceases to exist (2 years before the application was submitted)	Dealt with via condition.

Objecting Comment	Officer Response
Insufficient information on the proposed EV charging stations for each dwelling and if UK Power Networks can cope with this	Not a material consideration for the determination of the application.
Proposed footpath is on 3 rd party land not in the ownership of the applicant	The delivery can be ensured through a Grampian condition.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- General Obligations
 - Provide and retain in perpetuity private community open spaces and strategic landscaping in accordance with agreed phasing and details;
 - Create/nominate a Management Company with responsibility for future management and maintenance of all private open spaces, non-adopted footways, related lighting, street furniture, signage etc and all private landscaping.
 - Identify the extent of, provide, and landscape the public open spaces to an agreed specification: to include picnic benches, seating, dog waste and litter bins, information boards, and children's play spaces, before occupation of the 225th dwelling (including NHS keyworker equivalent - see below) or in accordance with an agreed phasing plan;
 - Offer the public open space and children's play space/s to the District Council for adoption;
 - In the event that the LPA does not intend to adopt the public open space, to transfer it to the Management Company, maintain it to a specification to be agreed, and retain it for use as public open space in perpetuity.
- Affordable Housing Obligations
 - The total number of affordable housing units shall be not less than 40% of the total number of dwellings approved by the Planning Permission;
 - The NHS accommodation shall be maintained in perpetuity as 'affordable housing for rent' as defined in the National Planning Policy Framework;
 - The NHS keyworker accommodation shall not be occupied other than by staff employed by the National Health Service or any of its subsidiary organisations or healthcare providers;
 - Affordable housing (including NHS keyworker 'self-contained dwelling equivalents') to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location and design standards; Non-NHS keyworker affordable housing tenure split shall be 75% affordable rent / 25% intermediate housing or as close as possible thereto unless otherwise agreed in an AHS;
All affordable housing to be constructed and transferred to Registered Provider/s prior to occupation of the 200th market dwelling;

In the event that the NHS or its constituent bodies or advisors decline to purchase or lease the keyworker accommodation, it shall instead be provided, in the same amount, as general needs affordable housing.

- Health Care Contributions
 - To make developer contributions in the circumstances set out in the NHS consultation response.
- Highways Obligations
 - To agree and implement a scheme of works to footpath and public transport infrastructure within the vicinity of the site;
 - To pay the agreed developer contribution for off-site highways improvements;
 - To provide a minibuss service to an agreed schedule to the town of Burnham-on-Crouch for a period of not less than three years,;
 - To provide an agreed number of electric cycles, together with charging stations within the site and electric changing points to each bungalow;
 - To submit, agree and implement a Travel Plan at Reserved Matters stage;
- Highways Obligations
 - Pay a £25,000 developer contribution for off-site highways improvements to the B1010/B1021 junction/or for public transport improvements in the vicinity of the site;
 - Submit, agree and implement a Residential Travel Plan;
 - Provide two bus stops within the site in locations and to a specification to be agreed;
 - Provide minibuss service between NHS accommodation and health care facilities in perpetuity in accordance with timetable and details to be submitted;
 - The implement the new site access in accordance with the details so agreed, and to include formation of a new public footway and ditch alongside the B1021 south of the development to connect to the existing footway to Burnham-on-Crouch.
- Ecology
 - To provide a developer contribution in accordance with the Council's adopted RAMS scheme;
 - Provide signage and interpretation boards within the development along walking routes and open spaces to explain and support RAMS and encourage recreation away from the sensitive estuarine habitats - all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.
- Training/Education Obligations
 - Provide developer contributions for education, including for secondary school transport, in the circumstances set out in the Essex County Council Education Department consultation response;
 - To offer employment opportunities generated from within the site to local persons first in accordance with an agreed mechanism.

PROPOSED CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

- 3 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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, 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.

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of

- the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).
- 5 The height of the buildings submitted as part of the Reserved Matters shall not be in excess of 9m.
REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 6 The dwelling mix for the development hereby approved shall accord with the housing mix requirement set out within the Maldon District Local Housing Needs Assessment 2021.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 7 A minimum of ten of the proposed market dwellings hereby approved shall be single storey in height. These properties will be M4(2) compliant lifetime homes.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 8 The scheme to be submitted pursuant to the reserved matters shall include a minimum provision of 5% of the market dwellings to be occupied only by persons over 55 year of age.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 9 A minimum of four of the units required under condition 8 shall be dwellinghouses and be single storey in height.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.
- 10 The internal floor area of the proposed retail element, including storage and welfare areas, shall not exceed 1,000sqm in total.
REASON: To ensure that the development would not adversely impact upon existing retail uses and it would not exceed the Local Impact Threshold for new retail uses in accordance with policy E2 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 11 Prior to the occupation of the 200th dwelling hereby approved the retail provision shall be fully implemented and available for use in accordance with the plans submitted as part of the reserved matters application(s).

REASON: To ensure the development is sustainable and in accordance with Policy S1 of the Maldon District Local Development Plan and guidance contained within the NPPF.

- 12 Details of the pedestrian footway proposed to connect the site to the existing pedestrian footway along Southminster Road to the south shall be submitted to the Local Planning Authority for agreement. The pedestrian footways shall be constructed in accordance with the approved details prior to the occupation or first use of the development hereby approved.

REASON: To provide safe access for pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Vehicle Parking Standards SPD (2018) and the Maldon District Design Guide SPD.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

- 14 A scheme in accordance with Maldon District Council's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.

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

- 15 Prior to the commencement of the development hereby approved, a sound insulation assessment shall be undertaken and a scheme detailing the insulation of the building elements that separate the proposed first floor residential dwelling and ground floor commercial units shall be submitted and approved by the Local Planning Authority. The scheme shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 55dB (i.e. an enhancement of the minimum levels stated in Approved Document E of 10dB). Any works which form part of the scheme shall be completed before the permitted dwellings are occupied and retained thereafter.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan.

- 16 Where any external plant is proposed as part of the commercial units, it shall not have combined emissions of noise that exceed a rated level (determined in accordance with BS4142:2014 methodology) of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

Where mitigation is required to meet the noise criteria above, it must be installed prior to first occupancy of the dwelling AND the applicant must also

provide the Planning Authority with a validation report from a competent person that confirms that the noise impact arising from the plant. Where it does not demonstrate this, additional mitigation measures shall be proposed, agreed with the Planning Authority and implemented prior to first occupancy. Any mitigation installed must be retained and maintained thereafter.

All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan.

- 17 No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers.

- 18 Where identified as necessary in accordance with the requirements of condition 17 no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the Local Planning Authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to

commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

- 19 Prior to the commencement of development a Biodiversity Net Gain Strategy setting out how the development shall result in a minimum biodiversity net gain of 10% shall be submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Net Gain Strategy shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the strategy, and shall be retained in that manner thereafter.

- 20 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). Prior to commencement of the development hereby approved a scheme, for delivering the mitigation and enhancement measures in accordance with the details contained in the Ecological Impact Appraisal (BWB) shall be submitted to the Local Planning Authority for agreement. The mitigation and enhancement measures shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the scheme, and shall be retained in that manner thereafter.

- 21 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). Prior to the submission of any Reserved Matters applications a bespoke Farmland Bird Mitigation Strategy shall be submitted to the Local Planning Authority for agreement. The Farmland Bird Mitigation Strategy shall include mitigation and enhancement methods for any impacts to farmland birds, such as Skylark. The mitigation and enhancement measures shall be implemented in accordance with the approved details, and in accordance with a timetable agreed as part of the scheme, and shall be retained in that manner thereafter. All compensation measures need to be provided off-site, in appropriate nearby land, will be provided prior to commencement of the development hereby approved.

- 22 REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). The development hereby approved shall be undertaken in accordance with the 'Air Quality Assessment' (produced by BWB).

- REASON: To avoid, mitigate and minimize adverse impacts on air quality in accordance with Policy D1 of the Maldon District Approved Local Development Plan.

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in
- accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 23.59l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation and retained in perpetuity.

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

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

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

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

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

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

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

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

- 27 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.
- 28 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.
- 29 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.
- 30 Arboricultural Impact Assessment shall be submitted as part of the Reserved Matters application. The Arboricultural Impact Assessment shall include a tree survey and an explanation as to how the layout of the development has been designed to limit the impact on the existing vegetation features found on site.
- REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 31 Prior to the commencement of development a detailed Arboricultural Tree Protection Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- REASON: To ensure that appropriate tree protection and management is in place in the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 32 The temporary access and road as shown within the application is not hereby approved. Details of the proposed temporary access will be submitted as part of any subsequent Reserved Matters application.
- REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan 2014.
- 33 A Waste Management Plan shall be submitted to as part of the reserved matters application(s).
- REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.
- 34 The development hereby approved shall be carried out in a manner to ensure that a minimum of 80% of the dwellings, in all tenures, should meet the M4(2) 'accessible and adaptable dwellings' standards.

REASON: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the needs of an aging population in accordance with policy H3 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework and the Maldon District Specialist Needs Housing SPD (2018).

- 35 Prior to the commencement of development details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, 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 Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.

- 36 A strategy to facilitate superfast broadband for future occupants of the residential buildings shall be submitted to and approved in writing by the Local Planning Authority.

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

The development of the site shall be carried out in accordance with the approved strategy and retained in perpetuity.

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